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Applicants' Response to Deadline 4 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

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

**APPLICANTS' RESPONSE TO DEADLINE 4
SUBMISSIONS**

(DOCUMENT DCO 7.17 / MCO 7.17)

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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 Deadline 4. This document is submitted at Deadline 5 of the Examination.

2 Applicants' Response

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

Interested Party	Appendix
Local and Highway Authorities	
North West Leicestershire District Council (NWLDC)	1
Leicestershire County Council (LCC)	2
National Highways (NH)	3
Statutory and public bodies	
Environment Agency (EA)	4
Natural England (NE)	5
East Midlands Freeport Company Ltd (EMF)	6
Parish Councils	
Kegworth Parish Council	7
Landowners and persons with an interest in land	
Prologis UK Limited and Prologis UK 121 Limited (Prologis)	8
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Local interest groups, members of the community and other interested parties	
Protect Diseworth	10
Amanda Hack MP	11
Andrew Priestley	12
John Raymond Sutton	13
Mervyn Johnson	14
Nathan Alton	15

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 Deadline 4. 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 4		
No.	Matter	Applicants' Response
EMG2 and EMG1 MCO Compulsory Acquisition Hearing 2 - Action Points [REP4-063D]		
1.	<p>The applicants have yet to approach NWLDC in relation to the acquisition of Plot 2/18 following CAH2. NWLDC notes that the compulsory acquisition of land should be sought as a last resort and that reasonable efforts should be made to negotiate the purchase of land by agreement in the first instance. NWLDC would welcome a dialogue being opened in relation to Plot 2/18.</p> <p>In the meantime, NWLDC is reviewing its position in relation to the proposed acquisition of Plot 2/18. Colleagues in NWLDC's Property Services and Housing teams have been consulted in order to evaluate the implications of such proposals.</p>	<p>The Applicants first contacted NWLDC regarding Plot 2/18 several years ago in the context of seeking to deliver the upgrades to L57 that had been funded by the Applicants pursuant to the EMG1 development, but LCC had not delivered.</p> <p>The Applicants have more recently contacted NWLDC again to progress matters. Previous discussions have not been contentious, and the Applicants believe that the upgrade to Footpath L57 is welcomed by all parties.</p>
2.	<p>In general, across the District, it is NWLDC's position not to sell land. However, in view of the proposals to acquire Plot 2/18 compulsorily, NWLDC would be willing to progress them through its internal process for land sales. This process involves the submission of a written request to purchase the land, possibly including a price, which is sent into Property Services. A valuation would then be obtained. From there, a decision on whether to dispose of the land would be taken by NWLDC's Capital Strategy team, with NWLDC's Cabinet asked to approve the disposal (or not).</p>	<p>The Applicants note the response.</p>
3.	<p>At this time, if Plot 2/18 were to be acquired, NWLDC anticipates that there would be a need to maintain:</p>	<p>The Applicants note the response.</p>

	<p>(a) Vehicular and pedestrian access associated with the NWLDC–owned terraced property at 73 Moira Dale (to allow access to the rear garden);</p> <p>(b) Vehicular and pedestrian access for Castle Donington Parish Council (‘CDPC’) (to allow access to the land-locked play park for maintenance and users); and</p> <p>(c) Restriction on use of the land to that of a cycleway.</p>	
4.	<p>NWLDC trusts that CDPC and the owners of 75 and 77 Moira Dale will also be afforded the opportunity to make representations in relation to the acquisition of Plot 2/18 as it is understood that they too have access rights that would need to remain.</p> <p>NWLDC further notes that Leicestershire County Council (‘LCC’), as an occupier of the land and the local highway authority, has made representations in relation to the implications of the applicants’ proposals on public footpath (L57), which will bear on the applicants’ case for the acquisition of Plot 2/18.</p>	The Applicants are in discussions with CDPC and private landowners of Moria Dale.
Examining Panel - Second Written Questions [REP4-061D]		
Q2.0.1	<p>NWLDC notes that East Midlands Gateway 1 (‘EMG1’) was not subject to a design review, nor does NWLDC carry out design reviews of employment schemes delivered within the District that are the subject of planning applications (such as Mercia Park at Junction 11 of the A42, which represents a strategic scale employment development).</p> <p>NWLDC acknowledges that employment development is functional and utilitarian in nature, which limits opportunities to deliver development of architectural significance or merit. In that way, it differs from residential development and new settlements where there is greater scope to influence the design process.</p>	The Applicants note and welcome the response by NWLDC to Q2.0.1 which aligns with its own view regarding both the important and relevant role of the Design Approach Document and associated Design Code, and also the questionable additional value added by a design review process.

	<p>NWLDC is continuing to work with the applicants on the Design Approach Document ('DAD'), and in particular the Design Codes of the DAD, so that it aligns with the design aspirations of the District as outlined in the newly adopted North West Leicestershire Good Design Guide ('GDG') Supplementary Planning Document ('SPD') which was supplied with NWLDC's LIR at Examination Deadline 1 [REP1-105]. Further information on the adoption of the GDG SPD is being provided as part of NWLDC's response to the action points from Issue Specific Hearing 3 ('ISH3'). NWLDC considers that securing the DAD and its alignment with the GDG SPD as part of the DCO will enable an appropriately designed form of employment development to be delivered at the EMG2 DCO main site.</p> <p>On this basis, NWLDC does not consider that a design review should be a mandatory requirement within the design process.</p>	
Q5.0.2	<p>The only comment made by NWLDC that has not been addressed in the applicants' updated Landscape and Ecological Management Plan ('LEMP') is that, in the bullet points following paragraph 4.36 of the LEMP, Glyphosate is referred to as a contact herbicide when it is not. If the applicants mean to refer to a contact herbicide (i.e. one that kills off the leaves), then the example should be changed (e.g. Glufosinate or similar approved herbicide). If the applicants mean to refer to Glyphosate, then it should be referred to as a non-residential translocated or systemic herbicide (i.e. one that travels through the plant to the roots). These herbicides work in different ways. If the applicants did not want to be prescriptive, then NWLDC considers that the LEMP could instead refer to the following: "<i>Spot treatment with a herbicide such as Glyphosate, or similar approved herbicide.</i>"</p> <p>LCC, as the ecological advisors to NWLDC, has explained that they are also largely satisfied with the management regimes within the LEMP. The only concern that LCC has raised is in respect of the use of herbicides within and adjacent to the ponds, bioswale / Sustainable Drainage System ('SuDS') and ditches. In this respect, NWLDC notes</p>	<p>The Applicants note the points raised by NWLDC and LCC. The Applicants propose to update the LEMP (Document DCO 6.9J) by amending paragraph 4.36 to remove the incorrect description of Glyphosate as a contact herbicide. The bullet will be revised to read:</p> <p><i>"Spot treatment with a herbicide such as Glyphosate, or similar approved herbicide."</i></p> <p>In addition, a statement controlling the use of herbicides within and adjacent to ponds, bioswales, SuDS features and ditches will be added to the relevant management sections. This mirrors the existing wording at paragraph 4.78, which already addresses herbicide controls in relation to the stream. The updated LEMP will be submitted for NWLDC's review and into the examination at the next deadline.</p>

	<p>that Section 4.78 specifically mentions controlling the use of herbicides within and adjacent to the stream to prevent pollution and / or adverse ecological effects A similar statement is not made in relation to the ponds, bioswale / SuDS and ditches, but should be included in order to avoid any potential adverse effects NWLDC considers that the applicants' updated LEMP is otherwise acceptable as other comments and concerns have now been appropriately addressed. NWLDC will review any further LEMP should the above amendments be made.</p>	
Q8.3.3	<p>NWLDC would agree with the ExP that there ought to be consistency between the provisions of the DCO and that Requirement 26 should therefore be re-worded to include reference to the representatives being from a unitary authority as and when this is finalised as part of local government reorganisation.</p>	<p>The Applicants confirmed in its response to the same ExQ2 question [REP4-036] that it has amended the wording in the dDCO submitted at Deadline 5.</p>
Q18.0.8	<p>The collectable rates for NWLDC as per the National Non-Domestic Rates Return ('NNDR') was £113,546,599.00.</p> <p>NWLDC's share of this is £45,418,640.00, however NWLDC does not get to keep all of this. NWLDC's tariff is £44,053,866.00, then there are other adjustments for the levy paid to the government and Section 31 income NWLDC receives and designated areas allowance. The total of this as per the pixel model was £11,171,735.00. However, a lot of the designated areas £5.65 million will be paid over to the Freeport, Leicestershire County Council and Leicestershire Fire and Rescue, with some of the Section 31 income also paid over to the Freeport.</p> <p>Based on the above, £288 million would be a large proportion of the business rates collected in the administrative area of NWLDC.</p>	<p>The Applicants note the response and welcome the recognition of the significant contribution the scheme would make to local business rate retention.</p>
Q19.0.12	<p>From NWLDC's perspective, the various packages of works for the area along the M1 shown on [REP1-054] have no planning status and remain the private ambition of the referenced development consortium which continues to consider and develop these.</p>	<p>The Applicants note the response and accept this view of the current status of the ongoing work by the consortium of developers to bring forward complementary and significant packages of</p>

		infrastructure improvements at and around Junction 24.
Q19.0.13	<p>Q19.0.14 of the 2nd Written Questions of the ExP requires the applicants to submit into the examination the NH 'Lorry Parking Demand Assessment' ('NH LPDA'). It is the NH LPDA which NWLDC had relied upon in producing its LIR [REP1-103] as evidencing the 'flyparking' of HGVs not only within the vicinity of the EMG2 DCO main site but within the District as a whole.</p> <p>In particular, Table 6.1 of the NH LPDA, and the subsequent bullet point on page 33, specify that:</p> <p><i>"North West Leicestershire: North West Leicestershire achieved the highest score of 19.1 in the analysis. North West Leicestershire is in the golden triangle and has a well-connected SRN, including the M1, which converges with the A42, A453 and A50, linking Birmingham, Nottingham and Derby, leading to substantial freight movement and activity. During the survey, Moto Donington Park was 155% utilised, resulting in extensive offsite parking on the A42 and local major road network (MRN), notably along the A511 near Bardon Hill and Coalville.</i></p> <p><u>Summary: reason for lorry parking issues:</u></p> <ul style="list-style-type: none"> - <i>Transitory SRN routes (responsibility of National Highways)</i> - <i>Operating centre (responsibility of the LPA)."</i> <p>It is clear from the survey undertaken by AECOM on behalf of NH for the purposes of the LPDA that there has been extensive offsite parking within the vicinity of the Moto Donington Park service area which lies to the immediate east of the EMG2 DCO main site.</p> <p>In addition, the emerging Local Plan, and in particular the Proposed Policies document provided by NWLDC at Examination Deadline 1 [REP1-103], specifies at Paragraph 9.59 that there "are three broad</p>	See the Applicants' response to ExQ2 Q19.0.14 [REP4-036].

	<p><i>reasons why off site freight vehicle parking is needed: a) to enable drivers to take rest breaks; b) to wait for allocated delivery / collection time slots; and c) for drivers' welfare e.g. refreshments, washing facilities etc. Dedicated lorry parking is needed for the successful operation of the road freight industry and is also important in terms of road safety and preserving local amenities."</i></p> <p>At Paragraph 9.60, it is indicated that a specific piece of work would be required to quantify the scale of the need for HGV parking in Leicester and Leicestershire, but that NWLDC expects that such facilities will be needed.</p> <p>Policy IF8 (Parking and New Development) of the emerging Local Plan is associated with Paragraphs 9.59 and 9.60 and outlines in Part (4) the circumstances in which lorry parking facilities, including for over-night stays, will be supported.</p> <p>NWLDC notes that the ExP has invited the applicants to confirm the lorry park proposals and the arrangements to be put in place which would allow drivers to park on the EMG2 DCO main site. NWLDC will reserve their position on such proposals and arrangements until such time as the applicants have provided a response to this question.</p>	
EMG2 and EMG1 MCO Issue Specific Hearing Three - Action Points [REP4-064D]		
AP No. 45	<p>NWLDC understands from Leicestershire County Council ('LCC') that LCC met with the applicants on 29th May 2026 and advised that the free bus tickets should be secured by an obligation that is separate to the bus fund, as well as that the Travel Plan and / or the Sustainable Transport Strategy ('STS') should commit to the provision of one six-month bus pass per eligible employee.</p> <p>NWLDC further understands that the applicants have committed to updating the proposals and providing a further breakdown of the costs and commitments to support the funding proposed. The applicants have also agreed to consider further using a Section 106 agreement (DCO</p>	<p>The Applicants confirm that the agreed post-meeting actions from the meeting between LCC and the Applicants on the 29 May 2026 identify that the provision of bus passes forms part of the wider package of measures delivered through the Framework Travel Plan, and associated Travel Plan Fund, and a separate, ring-fenced fund is not required.</p> <p>Accordingly, the Applicants have prepared a technical note setting out the purpose of the Travel Plan Fund</p>

	<p>Obligation) to secure the necessary obligations. LCC await this further submission which has not yet been received.</p>	<p>and Bus Fund, how the fund values have been calculated and verified, how the funds would be used to fund bus passes for employees and how the funds will be secured and managed. The note was shared with LCC and National Highways on 25 June 2026 and constitutes the further information referenced by NWLDC. It confirms that:</p> <ul style="list-style-type: none"> • Six-month bus passes will be promoted to all employees, with passes provided to those who meet the defined eligibility criteria, e.g. working at EMG2, living within proximity of a suitable bus route. • The Travel Plan Fund will be uplifted to account for the provision of six-month bus passes and the cost of officer attendance at the EMG2 Sustainable Transport Working Group. • That the bus pass offer will be secured through DCO requirements governing the Framework Travel Plan and associated funding, rather than through a separate Section 106 agreement. This approach ensures the provision is enforceable while retaining flexibility to manage the Travel Plan Fund as a comprehensive package of measures, consistent with the established EMG1 approach. • The FTP will be updated and resubmitted to reflect the above changes. <p>The Applicants consider that this information addresses the matters raised by LCC in respect of</p>
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		<p>both the level of commitment and the mechanism for securing the provision.</p> <p>National Highways confirmed via email on 26 June 2026 that they are content with the proposals, and the Applicants are currently awaiting a response from LCC.</p>
<p>AP No. 51</p>	<p>The only comment made by NWLDC that has not been addressed in the applicants' updated Landscape and Ecological Management Plan ('LEMP') is that, in the bullet points following paragraph 4.36 of the LEMP, Glyphosate is referred to as a contact herbicide when it is not. If the applicants mean to refer to a contact herbicide (i.e. one that kills off the leaves), then the example should be changed (e.g. Glufosinate or similar approved herbicide). If the applicants mean to refer to Glyphosate, then it should be referred to as a non-residential translocated or systemic herbicide (i.e. one that travels through the plant to the roots). These herbicides work in different ways. If the applicants did not want to be prescriptive, then NWLDC considers that the LEMP could instead refer to the following: "Spot treatment with a herbicide such as Glyphosate, or similar approved herbicide."</p> <p>LCC, as the ecological advisors to NWLDC, has explained that they are also largely satisfied with the management regimes within the LEMP. The only concern that LCC has raised is in respect of the use of herbicides within and adjacent to the ponds, bioswale / Sustainable Drainage System ('SuDS') and ditches. In this respect, NWLDC notes that Section 4.78 specifically mentions controlling the use of herbicides within and adjacent to the stream to prevent pollution and / or adverse ecological effects. A similar statement is not made in relation to the ponds, bioswale / SuDS and ditches, but should be included in order to avoid any potential adverse effects.</p> <p>NWLDC considers that the applicants' updated LEMP is otherwise acceptable as other comments and concerns have now been</p>	<p>The Applicants note the points raised by NWLDC and LCC. The Applicants will update the LEMP (DCO 6.9J) at paragraph 4.36 to remove the incorrect description of Glyphosate as a contact herbicide. The bullet will be revised to read:</p> <p><i>"Spot treatment with a herbicide such as Glyphosate, or similar approved herbicide."</i></p> <p>In addition, a statement controlling the use of herbicides within and adjacent to ponds, bioswales, SuDS features and ditches will be added to the relevant management sections. This mirrors the existing wording at paragraph 4.78, which already addresses herbicide controls in relation to the stream.</p> <p>The updated LEMP will be submitted for NWLDC's review and into the examination at the next deadline.</p>

	<p>appropriately addressed. NWLDC will review any further LEMP should the above amendments be made.</p>	
<p>AP No. 57</p>	<p>NWLDC would refer the ExP to the response provided to Q1.3.3 of the 1st Written Questions of the ExP [REP1-106] in which it was explained that there is currently no timescale for determination of the Isley Woodhouse application.</p> <p>At this time, there are matters that need to be addressed in consultation with technical consultees, as well as wider highway modelling work which would need to be finalised, before such time as NWLDC can comment on potential conditions / trigger points for the delivery of any highway mitigation, as well as a timescale for determination.</p> <p>The application is also in outline form and therefore, should outline planning permission be granted, there would be a requirement for any reserved matters application(s) to be submitted and approved before any development can be undertaken on the Isley Woodhouse site. Although the planning statement associated with the Isley Woodhouse application suggested that work could commence in 2027 (with the first dwellings occupied in 2029), this timeframe would now appear optimistic to NWLDC given the matters still to be addressed as part of the outline planning application.</p> <p>Supposing that the Isley Woodhouse application and the DCO are consented, it is conceivable to NWLDC that works could commence on the EMG2 DCO site in the later stages of 2027, subject to the discharge of relevant Requirements. If development were also to commence on the Isley Woodhouse site in 2027, then there would be an overlap between the construction phases of each development. Alternatively, if Isley Woodhouse were not to commence development until 2028, which NWLDC considers to be more realistic for the reasons set out above, then there is still likely to be overlap with the construction phase of EMG2 given the significance of the project and the time that it will take to be constructed. Moreover, once construction has been completed for</p>	<p>The Applicants note this response which suggests a pragmatic way forward to a scenario where EMG2 is determined (approved) before conclusion of the ongoing Isley Woodhouse application.</p>

	<p>each development, there would be an overlap between the operation of the two developments at the point in time they both come 'online'.</p> <p>Should development consent be granted for EMG2 prior to a decision being made on the Isley Woodhouse application, then the Environmental Statement associated with Isley Woodhouse would need to be updated in order to assess its cumulative impact with EMG2 given that EMG2 would become a committed development.</p>	
AP No. 32	<p>NWLDC notes the ExP's observations that the s35 direction refers to the proposal for a "substantial carbon neutral campus / headquarters including co-located head office functions" and that this raises further questions relating to the nature of that use and whether it is appropriately secured in the dDCO. The ExP has made particular reference to an apparent inconsistency between article 5 and requirement 32 of the dDCO.</p> <p>NWLDC understands from the responses provided in CAH2 that the applicants had also identified an inconsistency between article 5 and requirement 32 of the dDCO and will be proposing alternative wording for those provisions. The applicants have not approached NWLDC with alternative wording to consider. NWLDC will therefore need to review the response from the applicants (and others) to action point no. 65 from ISH3 and action point no. 32 from CAH2 before it can comment.</p>	<p>The Applicants understand this response is provide in relation to Action Points 30 and 65.</p> <p>The Applicants provided its responses in [REP4-035] and confirm it has amended the wording in the dDCO submitted at Deadline 5.</p>
AP No. 66 1.	<p>Schedule 1 – Authorised Development – Part 3 Associated Development – Further Works</p> <p>Q8.2.1 of the 1st Written Questions of the ExP commented on Part 3 of Schedule 1 and required NWLDC to comment on whether prior approval should be granted by NWLDC for any further works which result in materially new or materially different significant effects. Comments were provided by NWLDC in its response to the 1st Written Questions of the ExP [REP1-106]. The applicants also provided their own response to this question [REP1-054].</p>	<p>The Applicants note and welcome NWLDC's response.</p>

	<p>NWLDC notes that the applicants have stated in their response that the carrying out of any further works would be regulated by the DCO and would need to adhere to the other terms set out in the DCO. For example, the applicants have commented that:</p> <p>“Any further works must be within the parameters approved and any deviation outside of those parameters which might give rise to any materially new or materially different significant effects on the environment must be approved by the local planning authority pursuant to article 4 of the DCO and</p> <p>The detailed design of any further works would still need to be approved by the local planning authority pursuant to requirement 7 of Schedule 2 of the DCO. The local planning authority is entitled to request further information pursuant to Part 2 of Schedule 2 of the DCO if it does not agree with the undertaker that the further works do not give rise to any materially new or materially different significant effects on the environment.”</p> <p>NWLDC notes that Article 4(2) (Parameters of authorised development) of the dDCO specifies that:</p> <p>“The maximum limits described in paragraph (1)(a) to (f) do not apply to constrain the authorised development when it is demonstrated by the undertaker, on application, to the local planning authority’s satisfaction, and the local planning authority certifies accordingly, that a deviation in excess of these limits would not be likely to give rise to any materially new or materially different significant effects on the environment that have not been assessed in the environmental statement.”</p> <p>Having considered this matter further, NWLDC is content that Article 4(2) of the dDCO, along with Requirement 7, provide an appropriate mechanism for NWLDC to consider any further works that the applicants may undertake to assess whether they may result in any materially new or different significant effects to those assessed within the Environmental</p>	
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	Statement.	
AP No. 66 2.	<p>Schedule 2 – Requirements – Part 1 Requirements</p> <p>Requirement 10 – Landscape and Ecological Management Plan</p> <p>Part (3) of the Requirement 10 needs to be altered so that approval of the final LEMP is given by NWLDC (as ‘the local planning authority’). NWLDC would suggest amending the Requirement as follows (with additional wording in bold):</p> <p>Prior to the occupation of the final warehouse within the authorised development, a final landscape and ecological management plan which shall include an update on any landscape and ecological management plan(s) previously agreed with the local planning authority pursuant to sub paragraph (2) and the landscape and ecological management plan for the overall authorised development must be agreed with the local planning authority. The agreed final landscape and ecological management plan shall be implemented and adhered to for the life of the authorised development.</p>	<p>The Applicants have amended the wording in the dDCO submitted at Deadline 5. The updated wording incorporates the ExP's comments made at ExQ2 Q5.0.1 which were acknowledged in the Applicant's response [REP4-036].</p>
AP No. 66 3.	<p>Requirement 11 – Construction Environmental Management Plan</p> <p>Paragraphs 8.117 and 8.118 of NWLDC's LIR [REP1-103] indicated that it was unclear why any Construction Environmental Management Plan ('CEMP') associated with the highway works, as outlined within Part (3) of Requirement 11, would not be subject to the same level of control as those associated with any other phase of the development. In this respect, Section 13.0 of the overarching CEMP [REP2-026D] refers to the fact that temporary lighting would likely be required in connection with the highway works (which have the potential to be undertaken in the hours of darkness), but as drafted Part (3) of Requirement 11 does not specify that temporary construction lighting would be subject to control by any phase specific CEMP for the highway works.</p>	<p>The Applicants are content to amend the CEMP to ensure consistency with regard to the use of temporary or task lighting across both the Main Site and Highways Works. Requirement 11(3) of the dDCO has further been updated at Deadline 5.</p>

	NWLDC considers that the applicants should amend the dDCO accordingly to include such a control.	
AP No. 66 4.	<p>Requirement 20 – Construction Noise</p> <p>Part (2) of Requirement 20 needs to be amended so that there is a requirement for appropriate remedial measures to be agreed with NWLDC (as ‘the local planning authority’) and then implemented. NWLDC would suggest amending the Requirement as follows (with additional wording in bold):</p> <p>In the event that justified complaints regarding alleged noise nuisance are received by the local planning authority during the construction phase(s), the undertaker must, unless otherwise agreed with the local planning authority, at its own expense, employ a consultant approved by the local planning authority to carry out an assessment of the noise which is the subject of the complaint. The assessment must be carried out according to an appropriate methodology agreed with the local planning authority and the results of the assessment must be submitted to the local planning authority within 28 days of the assessment being completed. If it is found that the effect of noise from the authorised development is greater than was anticipated and assessed in the environmental statement, recommendations for appropriate remedial measures (including an implementation programme) must be made and agreed with the local planning authority. The appropriate remedial measures agreed shall subsequently be implemented in accordance with the approved details and implementation programme.</p>	The Applicants have amended the wording in the dDCO submitted at Deadline 5.
AP No. 66 5.	<p>Requirement 21 – Operational Noise</p> <p>Part (5) of Requirement 21 needs to be altered so that there is a requirement for appropriate remedial measures to be agreed with NWLDC (as ‘the local planning authority’) and then implemented. NWLDC would suggest amending the Requirement as follows (with</p>	The Applicants have amended the wording in the dDCO submitted at Deadline 5.

	<p>additional wording in bold):</p> <p>In the event that justified complaints regarding alleged noise nuisance are received by the local planning authority during the operational phase(s), the undertaker must, unless otherwise agreed with the local planning authority, at its own expense, employ a consultant approved by the local planning authority to carry out an assessment of the noise which is the subject of the complaint. The assessment must be carried out according to an appropriate methodology agreed with the local planning authority and the results of the assessment must be submitted to the local planning authority within 28 days of the assessment being completed. If it found that the effect of noise from the authorised development is greater than was anticipated and assessed in the environmental statement, recommendations for appropriate remedial measures (including an implementation programme) must be made and agreed with the local planning authority. The appropriate remedial measures agreed shall subsequently be implemented in accordance with the approved details and implementation programme.</p>	
<p>AP No. 66 6.</p>	<p>Requirement 22 refers to the Land Contamination Risk Management ('LCRM') as the guidance that should be used for assessing risk. However, the LCRM is not a technical document: it is only guidance on how a risk assessment should be carried out. Indeed, the LCRM states (with emphasis):</p> <p>"Local authorities are the lead regulators for the planning system and the contaminated land Part 2A regime. These regimes underpin most use of LCRM. They may decide to use or direct you to use LCRM. Where the word 'regulator' is used it can also mean local authorities or other regulators such as Natural England. You must always check with the local authority and other regulators that the use of this guidance is acceptable. Local authorities and other regulators may also provide additional guidance."</p> <p>The applicants have stated in their response to NWLDC's LIR [REP2-031] that:</p>	<p>The Applicants have amended the wording in the dDCO submitted at Deadline 5.</p>

	<p>“Many of the proposed documents listed by NWLDC effectively sit alongside LCRM. Therefore, if all are expressly embedded into the requirement, then there is a risk of duplication and overlapping obligations which may result in complication and inconsistencies, particularly where there are guidance updates with the passage of time.”</p> <p>NWLDC considers that this statement equally applies to the LCRM, which itself replaced the Model Procedures for the Management of Land Contamination (‘CLR11’).</p> <p>NWLDC requires the inclusion of additional guidance within the Requirement to further specify the level of detail and standards required. Requirement 22(2) should therefore include:</p> <ul style="list-style-type: none">(i) British Standard (BS) 10175:2011+A2:2017 – ‘Investigation of Potentially Contaminated Sites Code of Practice’; and(ii) BS: 8576:2013 – ‘Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs)’ <p>Requirement 22(3) should in turn include:</p> <ul style="list-style-type: none">(i) BS 8485:2015+A1:2019 – ‘Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings’; and(ii) Construction Industry Research and Information Association (‘CIRIA’) C735 – ‘Good Practice on the Testing and Verification of Protection Systems for Buildings and against Hazardous Ground Gases’ Construction CIRIA 2014. <p>The inclusion of these additional technical documents is justified in order to clarify the standards that need to be met in the submissions. For example, consultants often refer to CIRIA C685 when designing gas protection measures, but the level of detail in CIRIA C685 does not meet the detail required by BS 8485.</p>	
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<p>AP No. 66</p> <p>7.</p>	<p>As drafted, Requirements 22 and 23 also require consultation with the Environment Agency ('EA'), even though land contamination is not a matter for the EA except insofar as it relates to the protection of 'controlled waters' (being ground water and major surface water features). No other regulators are mentioned.</p> <p>NWLDC would highlight that the LCRM states clearly that the local authority is the lead regulator in relation to planning and contaminated land, not the EA. Other regulators which may also have a regulatory function or interest in the event of land contamination include:</p> <ul style="list-style-type: none"> • Severn Trent Water ('STW'), which may have an interest where contamination affects the selection of water pipes in order to protect the water supply to buildings; and • The appointed building inspector, who may need to be consulted given that contamination can affect decisions on the type of concrete used in building foundations. <p>Given the nature of the site and the findings of the Geotechnical Preliminary Risk Assessment for EMG2 [APP-153] and [APP-154], NWLDC considers that a requirement for continuous consultation with the EA is unreasonable and disproportionate and should be removed. If any significant risks to controlled waters are identified, then the EA would be consulted as a matter of course, as would NE if risks to any protected environment(s) / species are identified.</p>	<p>The Applicants note NWLDC's comments and recognise that NWLDC will be the lead regulator. Reference to the EA was introduced at the EA's request and they will only be consulted in relation to matters relating to their function.</p> <p>The dDCO [REP2-008D] already includes protective provisions in favour of STW (Schedule 13, Part 4) which would protect its assets such as the water supply to buildings.</p> <p>The Applicants expect that any remediation scheme submitted to and approved by NWLDC as the lead regulator pursuant to Requirement 22 would include appropriate stipulations regarding building foundations which would be approved by an NWLDC or independent building inspector.</p>
<p>AP No. 66</p> <p>8.</p>	<p>Requirement 25 – Employment</p> <p>Paragraph 8.167 of NWLDC's LIR [REP1-103] proposed alternative wording for Part (2) of Requirement 25. Whilst the amended dDCO has largely responded to that proposal, NWLDC considers that the following wording (in bold) should also be included:</p> <p>Prior to any warehouse or other buildings (excluding ancillary buildings) within the main site first being brought into use, and any subsequent</p>	<p>The Applicant has made this change in the dDCO submitted at Deadline 5.</p>

	change in the use of any warehouse or other building , an employment scheme in respect of employees to be employed in that warehouse or other building, must be submitted to and approved by the local planning authority.	
AP No. 66 9.	<p>Requirement 27 – Mezzanines</p> <p>The applicants are yet to approach NWLDC with alternative wording for Requirement 27. NWLDC remain of the view that Requirement 27, as currently drafted, is unenforceable.</p>	<p>The Applicants have amended the wording in the dDCO submitted at Deadline 5. However, following further engagement with National Highways (NH), is it anticipated that the requirement may not be required. The Applicants propose to consult NWLDC once an agreed position is reached with NH.</p>
	<p>Requirement 30 – Electric Hook Up Facilities</p> <p>NWLDC consider that a timeframe for the delivery of the electric hook up facilities and a requirement that they are retained for the lifetime of the development following installation should be included within Requirement 30. NWLDC would suggest amending the Requirement as follows (with additional wording in bold):</p> <p>Any warehouse provided as part of the authorised development which will be served by HGVs with chiller units must provide electric hook up facilities for use by those vehicles. The electric hook up facilities shall be provided before the relevant warehouse is first occupied and shall thereafter be retained for the lifetime of the development.</p>	<p>The Applicants have amended the wording in the dDCO submitted at Deadline 5 to reflect NWLDC's comments and comments made by the ExP.</p>
AP No. 66 10.	<p>20% Advanced Manufacturing Floorspace</p> <p>In NWLDC's LIR [REP1-103], NWLDC observed in Paragraph 8.170 that 'advanced manufacturing' is identified as being part of the proposed mix of uses and is understood to be one of the requirements for development on the East Midlands Airport and Gateway Industrial Cluster ('EMAGIC') freepoint site. Presently, the dDCO does not include a Requirement which secures the delivery of a specific quantum of advanced manufacturing floorspace.</p>	<p>The Applicants note the response and refer to their response to ExQ2 Q18.0.3 [REP4-036].</p>

	<p>The applicants' response to Q1.2.8 of the 1st Written Questions of the ExP [REP1-054] simply stated that the dDCO does not require the delivery of advanced manufacturing at all.</p> <p>NWLDC notes that Q18.0.3 of the 2nd Written Questions of the ExP requires the applicants to provide wording for a Requirement, on a without prejudice basis, which seeks to address the delivery of 20% advanced manufacturing floorspace as part of EMG2.</p> <p>NWLDC welcomes this request from the ExP and will review any wording supplied by the applicants at Examination Deadline 4.</p> <p>For reference, in Paragraph 8.172 of NWLDC's LIR, NWLDC proposed the following wording for such a Requirement:</p> <p>"A minimum of 20% of the 300,000 square metres of floorspace to be erected shall be used for advanced manufacturing purposes."</p> <p>Additional wording could be added to the above to specify that such floorspace should be retained in perpetuity, as recommended by the ExP.</p>	
<p>AP No. 66 11.</p>	<p>Schedule 2 – Requirements – Part 2 – Procedure for Approvals Etc. Under Requirements</p> <p>Q8.3.6 of the 1st Written Questions of the ExP focused on Part 2 of Schedule 2 and asked NWLDC to comment on the procedure for approvals. Comments were provided by NWLDC in its response to the 1st Written Questions of the ExP [REP1-106]. The applicants also provided their own response to this question [REP1-054].</p> <p>The applicants' Response to Deadline 1 Submissions [REP2-032] submitted at Examination Deadline 2 indicated that the comments of NWLDC were noted, and that the "wording of the dDCO [PDA-004D] has been updated and will be submitted at Deadline 2."</p>	<p>The Applicants note the response and have updated the dDCO at Deadline 5.</p>

	<p>In fact, the dDCO has not been amended to address NWLDC's comments, nor has any clarification been provided by the applicants in relation to Paragraph 2(2).</p>	
<p>REP2-022 1.</p>	<p>On 9th June 2026, NWLDC provided the applicants with the following comments on the revised DAD:</p> <p><i>“The DAD does make some positive changes to the wording, replacing a lot of ‘should’ to ‘will’ to offer greater certainty. This is not throughout, however, and there are areas where the change has not been made and where it should be. This needs to be reviewed in the round. For example, on Page 79 the Design Principle states: “Consideration should be given to the layout of the development to ensure personal safety.”</i></p> <p><i>The Bus Interchange and HGV Facilities Building pages could refer in more detail to the scale of the materials proposed. There will be a need, recognised in the narrative on pages 63 / 64 for the pedestrian nature of this building to be different and to have a more human scale. This needs to also be represented in the unit size of the materials and how they will be put together, which needs to reflect the fact that they will be viewed close up at walking pace.</i></p> <p><i>On page 72 KDO4 is referred to twice. It does not appear that the KDO being referred to is correct. The additional text here in the Design Principle reads ‘should’ instead of ‘must’ or ‘will’.</i></p> <p><i>More description, detail and narrative in the images that are used within the DAD should be provided, along with how they ‘marry’ with the expectation of what is intended. There could be some useful cross correlation, for example, between the text and the images, so that they reinforce one another.”</i></p> <p><i>The ‘Frontage: car parking & office wellbeing’ section does not specify within the text how landscaping within hard surfacing, and</i></p>	<p>The Applicants have previously updated the Design Approach Document (DAD) in the context of comments and requests from NWLDC. The Applicants have discussed NWLDC's most recent comments with NWLDC, and during that dialogue, NWLDC offered to set out detailed tracked changes which capture the further specific changes to text and wording which it is seeking. Those specific comments are considered likely to help expedite the process of addressing NWLDC's main points.</p>

	<p><i>particularly within the car parking areas, would be protected. Information in this respect should be provided along with image examples to support the text. This request is as specified within the LIR by NWLDC at paragraph 8.181.</i></p> <p><i>In addition, it is not clear whether ‘communal space’ would be delivered within the boundary of each plot, or whether this is specific to a separate area outside the plots which would be dedicated for these purposes. NWLDC is of the view that communal space should be delivered within the plots themselves as a means of providing convenient space for employees to gather if their period break is not sufficient to enable access to any wider communal space. Precedent images of how such communal space would appear should also be provided given that page 69 of the DAD does not provide clarity in this respect.</i></p> <p><i>Roof top gardens to office / warehouse office space could be considered an appropriate means of delivering communal space within the plots, notwithstanding the provision of separate soft landscaped areas with seating / canopies.”</i></p>	
<p>REP2-022 2.</p>	<p>NWLDC further notes that the applicants’ response to NWLDC’s LIR [REP2-031] indicated, in relation to Paragraph 8.186 [REP1-103], that additional details of the approach to wayfinding, including a plan, are provided within the revised DAD. Upon review, there does not appear to be any such plan.</p> <p>In addition, the DAD will now need to demonstrate how it is compliant with NWLDC’s newly adopted Good Design Guide (‘GDG’) Supplementary Planning Document (‘SPD’) by reference to relevant paragraphs.</p> <p>NWLDC will continue to work with the applicants to agree the format and contents of the DAD before the end of the Examination.</p>	<p>The Applicants note that discussions about the Design Approach Document (DAD) remain ongoing with NWLDC.</p>

ISH3 1.	In ISH3, the ExP asked NWLDC for an update on the progress of the East Midlands Freeport ('EMF') Strategic Infrastructure & Contributions SPD. So that the ExP has this update in writing, NWLDC can confirm that the EMF SPD is to be reported to NWLDC's Cabinet on 23 rd June 2026 and NWLDC's Local Plan Committee ('LPC') on 29 th June 2026. NWLDC will provide a further update on the progress of the EMF SPD at Examination Deadline 5 (30 th June 2026).	The Applicants note the response.
ISH3 2.	It was explained at IHS3 that NWLDC had recently adopted the new North West Leicestershire Good Design Guide ('GDG') SPD. For the ExP's information, NWLDC includes in Appendix 1 to this response the minutes of the LPC meeting of 22nd April 2026 which confirms the adoption of the GDG SPD as well as the adopted version.	The Applicants note the response.
ISH3 3.	<p>In ISH3, the ExP asked NWLDC for its view on Prologis' indication that the joint application could be determined in summer 2026. By way of update, NWLDC can confirm that:</p> <ul style="list-style-type: none"> a) An amended Environmental Statement was submitted to NWLDC on 21st May 2026 which incorporated an amended transport assessment, an amended framework travel plan, an amended sustainable transport strategy and amended air quality, noise and vibration and greenhouse gas emissions technical notes. b) A response to comments provided by NWLDC's Planning Policy team was also submitted to NWLDC on 21st May 2026. c) The amended documents are currently undergoing further consultation, with the consultation period expiring on 3rd July 2026. d) The applicants remain in discussion with LCC (as the highways authority) and National Highways ('NH') in relation to the highway impacts of the development, with NH providing further comments on the 10th June 2026 which were subsequently replaced by comments of the 16th June 2026. 	<p>The Applicants note NWLDC's update regarding the anticipated determination of the Joint Application in late summer 2026. However, it is considered that this timetable appears hopeful at best as set out in the Applicants' response to submissions made by Prologis at Appendix 6 No. 5.1 – 5.7 of the Applicants' Response to Deadline 2 and 3 Submissions [REP4-033].</p> <p>Whilst amended information has been submitted and consultation is ongoing, NWLDC's response confirms that key matters remain unresolved. In particular, discussions continue with both Leicestershire County Council (as local highway authority) and National Highways in respect of the highway impacts and mitigation arising from the development. It is noted that National Highways has maintained an objection as of 16 June 2026 which requires Prologis to submit further technical information and recommends that this application not be determined for a period of three months from the date of this letter. It is noted that at the time of writing the local highway authority has</p>

	<p>e) Comments on landscaping have now been resolved.</p> <p>Subject to a resolution being reached with LCC and NH in relation to the highway impacts and mitigation, NWLDC anticipates that the joint application could be reported to NWLDC's Planning Committee in late summer.</p>	<p>provided a holding response to the application (dated 24 June 2026) which requests that NWLDC do not determine the application before the local highway authority has had the opportunity to reviewed the amended submission package and establish whether the residual cumulative impact of development can be mitigated.</p> <p>Until these matters have been satisfactorily resolved, there can be no certainty that the application is capable of being reported to Planning Committee within the anticipated timeframe. The need to resolve outstanding technical issues, agree appropriate mitigation and, if necessary, secure these through planning obligations or conditions, introduces a degree of uncertainty which should be recognised.</p> <p>Accordingly, whilst Prologis' intention to achieve a determination in late summer 2026 is acknowledged, there remains a realistic prospect that the programme could extend beyond this timeframe. Limited weight should therefore be afforded to the suggested determination date and the status of the application in that regard.</p>
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APPENDIX 2

RESPONSE TO SUBMISSIONS MADE BY LCC

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
Responses to ExQ2 - Second Questions and actions CAH2, ISH3 [REP4-060D]		
Q8.01	LCC has reviewed REP2-009D. Whilst minor drafting changes have been made by the Applicant, many of LCC's concerns are yet to be addressed. The list of outstanding matters is set out in the table below.	The Applicants note the response.
Q8.3.3	LCC would welcome this suggested change.	The Applicants note the response.
Q19.0.2	Technical Note 04 East Midlands Airport – EMG2 DCO Highways and Transport Review produced by SCP on behalf of EMIA is included within the Examination Library at [REP3-059] . The Technical Note provides a technical appraisal of the assessment work undertaken and focuses on both the development impact on the operation of the Local Road Network and with respect to the operation of the airport. With regard to the LRN the note presents concerns over the operation and capacity of LRN junctions such as A453/The Green, Diseworth priority junction in the modelled forecast year. An important point of note when considering these findings is that the cumulative growth assessed as part of the agreed forecast scenarios includes the demand from a number of emerging allocation sites but no associated mitigation strategies since these remain unknown and not yet secured. LCC have therefore adopted a pragmatic approach to considering the residual impact of the development proposals tested as part of the EMG2 assessment scenarios focusing on the impacts and mitigation requirements necessary for this proposal. The interventions proposed seek to draw traffic away from the LRN and onto the Strategic Road Network (SRN), an approach LCC is supportive of given the commercial	The Applicants note the response.

	<p>and logistics development proposed and the displaced traffic impacts that were brought about in the development (without mitigation) scenarios. The approach is also considered consistent with the distribution of development traffic which correctly places a heavy emphasis on the use of the SRN. LCC recognises that the EMG2 development proposals seek to come forward ahead of a wider strategic delivery mechanism and therefore whilst wider mitigation and infrastructure proposals are anticipated to be required locally on the LRN and SRN, these are as yet undeveloped and unsecured and the EMG2 proposals must be considered in isolation. Where opportunities and risks exist of prejudice to future emerging growth, LCC has sought to take a proactive approach to managing this.</p>	
Q19.0.10	<p>LCC defer to National Highways with regard to advising on the probable timescales for construction activities especially those that predominate on the SRN. Notwithstanding this, whilst the exact extent of LRN mitigation remains unknown it is likely not to be of a scale that would impact the timescales and programme that SEGRO have indicated.</p> <p>LCC would however comment that it is not known to what degree the EMG2 construction programme presented has been developed with the wider emerging growth in mind and the probable impacts this might have on managing access to the network, road space booking and managing the impacts of construction activities. In addition, it remains unclear to what extent the Applicant has assessed diversion routes for highways works which could be required over an extensive period, and in themselves require interim mitigation.</p> <p>Appendix 3 of [REP1-053] presents a convincing case in support of the development and implementation of a comprehensive package of mitigation and strategic infrastructure but concludes that the EMG2's 'green package' could come forward in advance of that. Any wider strategic, or isolated, improvement package or scheme will of course be subject to the determination timescales and progress of third-party applicants however it is appropriate to consider that these could</p>	<p>The Applicants notes the response.</p> <p>The Applicants confirm that the "Green Package" is further advanced than the other elements comprising the Growth Point scheme and will be the first section to be delivered. The diversion routes and construction vehicle routes are provided in the Construction Traffic Management Plan (CTMP) submitted with the DCO Application [REP4-018D].</p>

	potentially be of relevance to the delivery timescales and technical approval requirements of National Highways assumed as part of this programming work. In short, it is likely to be a sensitive and complex part of the network given the wider development ambitions presented, and this may negatively impact the programme assumptions.	
Q19.0.12	<p>From an LCC perspective the various packages of works shown for the area along the M1 shown on [REP1-054] hold no planning status and remain the private ambition of the referenced development consortium which continues to consider and develop these.</p> <p>With regard to other projects, live planning application 25/00865/OUTM – Isley Woodhouse presents some findings and commentary from the East Midlands Growth Point scheme and a commitment to '15.15 <i>The ongoing testing of the East Midlands Growth Point scheme will include consideration of the requirement to upgrade the A453 to dual carriageway along the frontage of the EMG Phase 2 site.</i>' (ADC Infrastructure, Transport Assessment Isley Woodhouse April 2025) [REP1-179]. LCC understands the strategic assessment of this continues and awaits further submissions in due course. Likewise for other emerging allocations that have not yet been submitted formally.</p>	The Applicants note the response.
Q21.0.1	<p>LCC as the Lead Local Flood Authority (LLFA) requires the Applicant to re-visit the drainage modelling of the Kegworth bypass and the wider drainage network give the flooding issues that have occurred since its construction.</p> <p>LCC requests that this is done in collaboration with LCC in its capacities as LLFA and Local Highway Authority. Modelling shall be verified by an appropriately qualified third-party consultant. LCC would welcome the strengthening of the dDCO/MCO to ensure that this work and any associated mitigation is delivered.</p>	<p>The Applicants do not agree that the bypass has exacerbated flooding within Kegworth. Further information on this matter is set out in the response to Nathan Alton below.</p> <p>The Applicants note that the drainage design for the bypass was reviewed and approved by LCC under the EMG1 DCO protective provisions for the bypass and therefore LCC will hold a record of this work along with as built records and drawings provided at handover.</p>

		<p>LCC will also hold records of maintenance undertaken to the drainage since handover.</p> <p>As previously set out, none of the EMG2 DCO works (including EMG2 highway works) or the EMG1 MCO works will drain into the drainage network east of the M1 into which the Kegworth Bypass drains. As such the Applicants do not agree that this matter should in any way be connected to either the EMG2 DCO or EMG1 MCO and cannot see how a requirement for such would meet relevant tests.</p>
AP No. 38	<p>LCC have liaised with the Prologis team with respect to the "Trent Barton letter". The team have advised that they can find no reference to a letter but have provided LCC with a position statement which we understand will be submitted to the Examination by Prologis at Deadline 4. This position statement details the engagement between Prologis and Trent Barton over a period of time. LCC welcome's this engagement, and its planned continuation.</p>	<p>The Applicants note the response.</p>
AP No. 41	<p>LCC have agreed a proposed methodology with the Applicant to assess the additional areas of Personal Injury Collision (PIC) analysis required following the additional transport analysis [REP1-058] undertaken by the Applicant to understand the additional impact of the 100,000sqm 'mezzanine' floorspace applied for on the Local Road Network (LRN). LCC understands that the Applicant is preparing an updated LRN note for submission at Deadline 4.</p>	<p>The Applicants have obtained and reviewed Personal Injury Collision (PIC) records within Castle Donington and Kegworth as part of assessing the residual impacts of the EMG2 development. This information is being summarised in a note which will be formally submitted at Deadline 6 (informally to LCC prior) which concludes that there is no evidence of any existing safety problems within these two villages that would require mitigation as part of EMG2.</p>
AP No.45	<p>LCC understands that the Applicant is continuing to consider its position in regard to this matter.</p> <p>LCC met with the Applicant on the 29/05/2026 and explained that this should be a separate obligation to the bus fund. The Travel Plan and/or</p>	<p>The Applicants met with LCC on 29 May 2026. The Applicants' understanding, as reflected in the agreed post-meeting actions, is that the provision of bus passes forms part of the wider package of measures delivered through the Framework Travel Plan and will</p>

	<p>STS should commit to the provision of 1 x six-month bus pass per eligible employee. The Applicant team appear to have misunderstood that all eligible employees should be provided with the opportunity to apply for a bus pass. It is noted that not all applications will be taken up.</p> <p>The Applicant has committed to update proposals and provide further breakdown of costs and commitments to support the funding amounts proposed. The Applicant has also agreed to consider further using a s106 agreement to secure the necessary obligations. LCC await this further assessment and submissions which have not yet been received.</p>	<p>therefore be funded through the Travel Plan Fund, rather than secured via the Bus Fund or a separate, ring-fenced obligation.</p> <p>The Applicants have agreed that employees will be given the opportunity to apply for a six-month bus pass, with passes provided to those who meet defined eligibility criteria, e.g. working at EMG2, living within proximity of a suitable bus route. This reflects the practical delivery of such measures, recognising that not all eligible employees will choose to take up the offer.</p> <p>In response to LCC's requests, the Applicants have submitted a technical note to LCC and National Highways which provides further detail on those requests, in particular:</p> <ul style="list-style-type: none"> • The duration for bus passes that will be provided to eligible employees. • Details on how the two funds have been calculated and the verification process to ensure this will be sufficient to deliver the measures set out in the Sustainable Travel Strategy and Framework Travel Plan over the 10-year delivery period. • Details of the bus service currently receiving funding support form the EMG1 Bus Fund and whether the EMG2 Bus Fund value would be sufficient to continue providing financial support for
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		<p>supported services, if approved by the EMG2 Sustainable Transport Working Group.</p> <ul style="list-style-type: none"> • How the EMG2 Travel Plan Fund and Bus Fund will be secured. <p>This technical note was shared with LCC and National Highways on 25 June 2026 and constitutes the further assessment and submissions referenced by LCC.</p> <p>The note confirms that the Travel Plan Fund will be uplifted to account for the provision of six-month bus passes and the cost of officer attendance at the EMG2 Sustainable Transport Working Group.</p> <p>National Highways confirmed on 26 June 2026 that they are content with the technical note, and the Applicant is currently awaiting a response from LCC.</p> <p>Regarding the mechanism for securing the funds, the Applicants' position remains that the provisions can and should be secured through the Development Consent Order requirement governing the Framework Travel Plan. This approach ensures the measures are enforceable, whilst allowing the flexibility necessary to manage the Travel Plan Fund as a comprehensive package, consistent with the successful implementation at EMG1.</p> <p>The Applicants consider that the technical note and proposed updates to the Framework Travel Plan address LCC's requests in respect of both the commitment to provide six-month bus passes and</p>
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		providing further information on the approach to securing and funding these measures.
AP No. 64	<p>Miscellaneous controls - Schedule 14 – Paragraph 2 [REP2-009D] LCC does not agree with the disapplication of Section 141 of the Highways Act 1980. LCC may require this power to implement works for the dualling of the A453.</p> <p>Schedule 14 – Paragraph 3 LCC does not agree with the disapplication of Section 56(1) and 1(A) of the New Roads and Street Works Act 1991 to remove requirements for road space booking approvals. LCC has a role to co-ordinate access to the Local Road Network. Removal of this power would result in a loss of co-ordination, and potential for clashes where other developers/statutory undertakers/LCC have legitimately and in good faith followed an established legal process to secure road space booking.</p> <p>In addition, this process is in place to ensure that road works on this sensitive part of the highway network do not clash with significant events at the Donington Park Race Circuit, and peak operational times for passenger and freight movements associated with East Midlands Airport.</p> <p>Furthermore, the road space booking process also takes account of scenarios where the A453 may act as a diversion route for works on other parts of both the Local and Strategic Road Networks. Loss of control of co-ordination could lead to significant network co-ordination issues with fundamental highway safety concerns.</p> <p>Schedule 14 – Paragraph 3 LCC does not agree with the disapplication of Section 58(1) of the New Roads and Street Works Act 1991 to restrict works in 12 months following substantial completion of works. This could fetter delivery of works brought forward by LCC or third parties (including</p>	The Applicants note the response and refer to their response to Action Point 64 [REP4-035].

	<p>statutory undertakers) including works necessary for the safe operation of the public highway. This is also the case for Section 73A(1).</p> <p>Schedule 14 – Paragraph 3 LCC does not agree with the disapplication of section 74 and 74A of the New Roads and Street Works Act 1991. Charges will be made for LCC Officer time to cover the cost of road space booking process and procedures in line with those charges incurred by all developers/statutory undertakers/LCC for the same service.</p> <p>LCC contacted the Applicant team again following ISH3 and unfortunately still awaits engagement on this matter and those relating to the dDCO and dMCO as outlined below.</p>	
AP No. 65	LCC contacted the Applicant team again following ISH3 and unfortunately still awaits engagement on this matter and those relating to the dDCO and dMCO as outlined below.	The Applicants note the response and refer to their response to Action Point 65 [REP4-035] .
AP No. 66	As set out in REP1-087 LCC has raised a number of concerns with the Applicant team regarding the drafting of the dDCO and dMCO. It is unfortunate that despite LCC efforts to contact the Applicant team, offering availability to meet, and ExP requests for parties to work together to resolve matters where possible, that LCC awaits contact and engagement. Matters that remain outstanding are set out in the table below.	The Applicants have and continue to engage with LCC regarding the many issues relating to the DCO Application and the MCO Application. Progress has been made on the draft protective provisions in favour of LCC. The Applicants understand that all of the comments made by LCC have now been considered and addressed where appropriate.
REP2-009D 1.	<p>Requirements LCC consider to be missing from the DCO:</p> <ul style="list-style-type: none"> • Public Rights of Way – LCC raised concerns with the Applicant about the absence of a requirement for the implementation of works to Public Rights of Way. The Applicant is reliant on Schedule 5 of the DCO. LCC in its capacity as Local Highway Authority consider the 	<p>The Applicants confirm as follows:</p> <ul style="list-style-type: none"> • Public Rights of Way – The Applicants confirm that the works are secured in article 12 of the draft DCO [REP2-008D]. It is necessary to deliver the

	<p>commitment should be explicit in the Order and not implicit. This remains a matter of disagreement between LCC and the Applicant</p> <ul style="list-style-type: none"> • Construction Traffic Management Plan (CTMP) - LCC raised concerns with the Applicant about the absence of a requirement to implement the CTMP. The Applicant had previously advised that they were considering amendments to Requirement 11 to address this matter. However, this is yet to be addressed. • HGV Route Management - LCC raised concerns with the Applicant about the absence of a requirement to control HGV routing to and from the site. The Applicant had previously advised that they were considering inclusion of such a requirement. However, this is yet to be addressed. • Safeguarded land – LCC welcomes the inclusion of Requirement no. 31 to safeguard land along the EMG2 main site frontage with the A453 for future dualling. However, as raised by LCC at Deadline 2 [REP2-046] the submitted plan [REP1-024D] does not go far enough in securing land across the entire site frontage. 	<p>works to the rights of way as part of the DCO Scheme.</p> <ul style="list-style-type: none"> • Construction Traffic Management Plan (CTMP) – The CTMP will be implemented as part of the P-CEMPs. See requirement 11(3) and (6) of the dDCO [REP2-008D]. • HGV Route Management – The Applicants confirm that route management is not required as set out in the Transport Assessment submitted with the DCO Application and MCO Application. • Safeguarded land – The Applicants note the response and refer to their earlier response on the extent of the land proposed to be safeguarded.
<p>REP2-009D 2.</p>	<p>Requirement 4 - Sustainable transport – LCC raised concerns with the Applicant that this requirement as drafted is overly complicated and would cause issues for monitoring and enforcement. LCC have requested that the Applicant separates out this requirement and includes separate requirements that cover sustainable transport/public transport provision and Travel Plans. However, this is yet to be addressed.</p>	<p>The Applicants confirm that the form of wording in requirement 4 is in accordance with wording adopted on other made DCOs. The Applicants do not agree that it is overly complicated or could cause issues for monitoring and enforcement.</p>
<p>REP2-009D 3.</p>	<p>Requirement 7 - Detailed Design Approval – LCC raised concerns with the Applicant that reference to provision of a quantum of vehicle charging points has been omitted from the dDCO. However, this is yet to be addressed.</p>	<p>The Applicants confirm that the draft DCO has been updated at Deadline 5 to secure the provision of vehicle charging points.</p>

4.	REP2-009D Requirement 17 - Flood Risk and Surface Water Drainage – LCC has consistently raised concerns with the Applicant regarding the wording of this requirement as reflected in [RR-002 and REP1-087]. Whilst LCC welcomes the amendments it does not consider that the wording goes far enough. This should be amended to state <i>"Each phase of the authorised development must be carried out and maintained in accordance with the surface water drainage scheme approved for that phase."</i>	The Applicants have updated the dDCO at Deadline 5 to include the wording.
5.	REP2-009D Requirement 27 - Mezzanine LCC and NWLDC have raised concerns with the Applicant that this requirement cannot be monitored or enforced, and on this basis have suggested assessment of the full quantum of development to understand impacts and suitability of the proposed mitigation strategy.	A separate VISSIM Additional Mezzanine Sensitivity Test Modelling Report is being produced by the Applicants, in liaison with National Highways, which considers this matter in greater detail. It is hoped that the outcome of this exercise will enable the requirement to be deleted.
7.	REP2-009D Article 13 - Accesses - LCC understands that the Applicant is considering whether temporary construction access will be required to the LRN. LCC are yet to receive confirmation from the Applicant and therefore reserves the right to respond to this matter in detail once this information has been received.	The Applicants confirm that this matter is addressed in the Construction Traffic Management Plan (CTMP) which is appended to the CEMP [REP4-018D].
8.	REP2-009D Article 19 - Discharge of water -LCC is not aware of any proposed surface water discharge to combined systems. LCC awaits confirmation from the Applicant.	The Applicants confirm that there is no proposed surface water discharge to a combined system.
9.	REP2-009D Consultee in requirements - LCC in its statutory capacity as Local Highway Authority would expect to be named as a consultee in all requirements relating to highways and transport. LCC have requested that the Applicant revisit the wording of requirements on this basis. However, this does not appear to have been addressed.	The Applicants have included LCC in its capacity as local highway authority where appropriate. If there are instances where LCC wish to be consulted but this is not yet secured in the dDCO, the Applicants would request LCC to set them out in writing.
10.	REP2-009D Schedule 5 Part 1 Public Rights of Way LCC have requested that the Applicant consider if L45/L57 can be granted cycle track designation in addition to PRow designation i.e. if	The Applicants have made these changes in the dDCO submitted at Deadline 5.

	<p>cycle track designation is granted, will these rights of way be lost from the definitive map. LCC remains concerned about the potential loss of PRoW from the definitive map. LCC understands that the Applicant may have a proposed way forward on this matter and awaits submission of further information.</p>	
REP2-009D 11.	<p>Schedule 5 Part 2 New Public Rights of Way to be created</p> <p>LCC have advised the Applicant that the proposed Public Right of Way between points 16 to 6 on Access and Rights of Way Plan sheet 1 of 2 [APP-037D] offers no wider public benefit and should be designated as a permissive path to be maintained by the Applicant in perpetuity. LCC understands that the Applicant now accepts this position and LCC awaits submission of amended drawings and a revised dDCO at Deadline 5.</p>	<p>The Applicants note that the ExP has not yet accepted this change. The Applicants have however made the changes to dDCO submitted at Deadline 5.</p>
REP2-009D 12.	<p>Schedule 13 Part 2 Protective Provisions</p> <p>LCC has raised the following concerns with the Applicant:</p> <ul style="list-style-type: none"> • Drafting is overly complex and will be difficult to manage/implement • Drafting does not replicate LCC standard s278 provisions • Drafting does not reflect LCC bond requirements as set out at: <ul style="list-style-type: none"> https://www.leicestershirehighwaydesignguide.uk/fees-and-charges • LCC fees shall be set at 10% as is the LCC standard approach (and the standard approach of numerous Highway Authorities across the Country). LCC does not have the back-office systems or support to calculate and re-charge fees on a cost basis. 	<p>The Applicants and LCC have agreed the wording of the protective provisions in favour of LCC save for one outstanding point with regard to winter maintenance. The updated draft protective provisions as agreed have been inserted in the dDCO submitted at Deadline 5.</p>

	<ul style="list-style-type: none"> • No reference is made to the adopted LCC Highway Design Guide available at: https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide • Definition of "as built drawings" is missing reference to: <ul style="list-style-type: none"> ○ Landscape drawings ○ Highway drainage drawings • Commuted sums should be payable <u>prior</u> to the issue of a Final Certificate • No provision is included for the dedication of public highway <p>LCC has received revised suggested wording from the Applicant for review ahead of Deadline 5.</p>	
<p>REP2-009D 12.</p>	<p>Miscellaneous controls - Schedule 14 – Paragraph 2 LCC does not agree with the disapplication of Section 141 of the Highways Act 1980. LCC may require this power to implement works for the dualling of the A453.</p> <p>Schedule 14 – Paragraph 3 LCC does not agree with the disapplication of Section 56(1) and 1(A) of the New Roads and Street Works Act 1991 to remove requirements for road space booking approvals. LCC has a role to co-ordinate access to the Local Road Network. Removal of this power would result in a loss of co-ordination, and potential for clashes where other developers/statutory undertakers/LCC have legitimately and</p>	<p>The Applicants note the response and refer to their response to Action Point 64 [REP4-035].</p>

	<p>in good faith followed an established legal process to secure road space booking.</p> <p>In addition, this process is in place to ensure that road works on this sensitive part of the highway network do not clash with significant events at the Donington Park Race Circuit, and peak operational times for passenger and freight movements associated with East Midlands Airport.</p> <p>Furthermore, the road space booking process also takes account of scenarios where the A453 may act as a diversion route for works on other parts of both the Local and Strategic Road Networks. Loss of control of co-ordination could lead to significant network co-ordination issues with fundamental highway safety concerns.</p> <p>Schedule 14 – Paragraph 3 LCC does not agree with the disapplication of Section 58(1) of the New Roads and Street Works Act 1991 to restrict works in 12 months following substantial completion of works. This could fetter delivery of works brought forward by LCC or third parties (including statutory undertakers) including works necessary for the safe operation of the public highway. This is also the case for Section 73A(1).</p> <p>Schedule 14 – Paragraph 3 LCC does not agree with the disapplication of section 74 and 74A of the New Roads and Street Works Act 1991. Charges will be made for LCC Officer time to cover the cost of road space booking process and procedures in line with those charges incurred by all developers/statutory undertakers/LCC for the same service.</p>	
<p>REP2-009D</p> <p>13.</p>	<p>Rule 6 letter - R6D19</p> <p>Signage – LCC awaits confirmation from the Applicant of what existing signage on the Local Road Network is proposed to be amended.</p>	<p>The Applicants have undertaken further assessment of the potential impacts in Castle Donington and Kegworth. Following this work, the Applicants have proposed changes to two signs on the northbound approach to the Castle Donington Relief Road (which is the signage to which the original Rule 6 question</p>

		relates) and details are set out in the PRTM 2023 sensitivity: Kegworth & Castle Donington note which, subject to feedback from LCC, will be formally submitted at Deadline 6 (and informally to LCC prior) along with a proposed draft requirement to require this work to be undertaken.
REP2-011M 1.	LCC maintains that all proposed works at the existing EMG1 access should be captured in the MCO and not split between the MCO and the DCO. LCC awaits a response from the Applicant on this matter	Additional information sought by LCC was sent to them on 28 May 2026 and the Applicants have not received a response to date. This additional information is by means of an update to the Transport Technical Note with further assessment of Plot 16 impact [REP1-283M] and the revised version of this document is submitted at Deadline 5.
REP2-009D 2.	<p>Requirement 31 – Safeguarded Land [REP2-009D] – Leicestershire County Council justification for inclusion, including reference to policy tests within the National Planning Policy Framework 2024 as requested by the ExP at ISH3</p> <p>Leicestershire County Council has worked proactively with developers and stakeholders to seek to support the delivery of growth and realise the benefits of the East Midlands Freeport (EMF) designation in the absence of a plan led and/or holistic delivery strategy for the wider EMF and emerging Local Plan growth. LCC is engaged proactively in a number of workstreams and projects with EMF, relevant developers and stakeholders to ascertain the extent of transport impact and necessary mitigation and delivery strategy required to unlock cumulative growth. National Highways remain a key stakeholder and participant in these discussions and both parties have worked closely and collaboratively given the interrelatedness of proposals on the Local and Strategic Road Networks (SRN). LCC and NH continue to work with colleagues at Nottinghamshire County Council, Derbyshire County Council, and the East Midlands Combined County Authority. However, not all information from these workstreams is publicly available, and to assist the ExP, the</p>	<p>The transport modelling undertaken for the EMG2 DCO confirms that the A453/Beverley Road (Hunter Road) roundabout will operate within capacity at a 2038 forecast year under the Stage 1A scenario, which includes traffic from other committed developments and draft Local Plan allocations, and the A453 between the East Midlands Airport (EMA) junction and A453/A42 Finger Farm roundabout will operate within link capacity. However, it only includes a proportion of development on Isley Woodhouse that is expected to be built by 2038.</p> <p>The Applicants, as set out in the Applicants' response to hearing action points for ISH1 ([REP1-053] Appendix 3), have been working with a consortium of developers so that a strategic approach to highway mitigation is provided along the M1/A453J23A-24 corridor. The consortium's work is known as the East Midlands Growth Point (EMGP). The EMGP workstream has considered it likely that dualling of the</p>

	<p>Applicant and Interested Parties may wish to consider what information they are willing to share in the public domain.</p> <p>Transport work from a number of sources points to the requirement for significant strategic interventions including link capacity improvements along the A453 to provide capacity for the anticipated growth coming forward in this area. Relevant planning applications and supporting assessments on behalf of Manchester Airport Group (MAG), SEGRO and promoters of the Isley Woodhouse new settlement acknowledge this position, and this is reflected in their relevant submissions [REP1-053, REP1-179]. LCC note that the land available to provide the opportunity to widen the existing A453 carriageway in proximity to East Midlands Airport and Finger Farm roundabout is understood to be currently under the ownership of MAG. Although proposed widening of the A453 is on the local road network, National Highways have confirmed the importance of the safeguarding of land because of the potential impacts on the operation of Finger Farm Roundabout (SRN) if the dualling cannot be implemented in the future and the strategic importance that the A453 plays in the operation and connectivity of the M1 and M42.</p>	<p>A453 is required between the A453/Beverley Road (Hunter Road) roundabout and A453/A42 Finger Farm roundabout, and this is shown as the 'pink package' on the "M1 J23A & J24 Improvements Packages 1 to 4" drawing ([REP4-035] Appendix 11). This forms the basis for the Applicants' proposal for safeguarding land between these two junctions as shown on the A453 Safeguarded Land Plan [REP1-024D]. In relation to LCC's comment that "<i>the Isley Woodhouse planning submission (25/00865/OUTM) [REP1-179] commits to the anticipated inclusion of the A453 dualling</i>", this is not a correct interpretation. The Isley Woodhouse Transport Assessment [REP1-179] states at para 15.15 "<i>The ongoing testing of the East Midlands Growth Point scheme will include consideration of the requirement to upgrade the A453 to dual carriageway along the frontage of the EMG Phase 2 site.</i>" i.e. they have only committed to investigating the potential need for dualling as part of EMGP.</p> <p>In relation to any potential need for dualling the A453 between the East Midlands Airport (EMA) junction and A453/Beverley Road (Hunter Road) roundabout, the Applicant notes that whilst LCC have set out the potential significant growth in the area, they have not put forward any modelling evidence in support of dualling of this section. Furthermore, the Applicant understands that the draft NWLDC local plan policy EMP90 was added at the request of LCC and is subject to consultation and examination. The Applicant is not aware that LCC have submitted modelling evidence that supports this policy. For</p>
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		<p>these reasons draft policy EMP90 should be given little weight.</p> <p>EMGP has undertaken modelling using PRTM 2023. This modelling is not currently within the EMG2 examination, but LCC have invited the Applicants to make relevant information from this work available. As such,</p> <p>the Applicants have consulted with the other consortium members and can provide the information set out below.</p> <p>As well as general growth the 2041 modelling for the EMGP work assumes <u>100% build out</u> of all sites in the consortium, including Isley Woodhouse and Land West of Castle Donington, even though Isley Woodhouse is expected to be fully built out beyond the 2041 date.</p> <p>The latest EMGP modelling data is set out below for the A453 link between the East Midlands Airport (EMA) junction and A453/Beverley Road (Hunter Road) roundabout. Values in the table represent Passenger Car Units (PCUs). WoD is without development and Wmit is with development and mitigation.</p> <table border="1" data-bbox="1317 1129 2038 1375"> <thead> <tr> <th data-bbox="1317 1129 1518 1268">Link</th> <th data-bbox="1518 1129 1637 1268">2041 AM WoD</th> <th data-bbox="1637 1129 1756 1268">2041 PM WoD</th> <th data-bbox="1756 1129 1892 1268">2041 AM WD Wmit</th> <th data-bbox="1892 1129 2038 1268">2041 PM WD Wmit</th> </tr> </thead> <tbody> <tr> <td data-bbox="1317 1268 1518 1375">A453 Eastbound: EMA</td> <td data-bbox="1518 1268 1637 1375">1033</td> <td data-bbox="1637 1268 1756 1375">928</td> <td data-bbox="1756 1268 1892 1375">1543</td> <td data-bbox="1892 1268 2038 1375">1604</td> </tr> </tbody> </table>	Link	2041 AM WoD	2041 PM WoD	2041 AM WD Wmit	2041 PM WD Wmit	A453 Eastbound: EMA	1033	928	1543	1604
Link	2041 AM WoD	2041 PM WoD	2041 AM WD Wmit	2041 PM WD Wmit								
A453 Eastbound: EMA	1033	928	1543	1604								

		junction to Beverley Road roundabout				
		A453 Westbound: Beverley Road roundabout to EMA junction	757	749	1210	1178
		<p>The data confirms that with all planned development accounted for in the 2041 model, the highest flow on the A453 is expected to be 1,604 PCUs in the eastbound direction and 1,178 PCUs in the westbound direction. This is within the maximum modelled link capacity in PRTM 2023 (1,700 PCUs in each direction) of the A453 and confirms that future traffic levels can be accommodated by a single lane in either direction. Therefore, the Applicant does not consider there to be any justification for dualling this section of the A453 within the next local plan period up to 2041 and beyond given this modelling allows for 100% build out of Isley Woodhouse and Land West of Castle Donington.</p> <p>The latest EMGP modelling does show that queues are expected to occur on the A453 eastbound approach to the A453 / Beverley Road roundabout, due to right turning vehicles exiting EMG2 heading east along the A453. Therefore, the most appropriate</p>				

		form of mitigation is likely to be signalling the roundabout rather than dualling.
REP2-009D 3.	<p>The spatial strategy of the emerging North West Leicestershire District Council (NWLDC) Reg19 Local Plan looks to allocate significant commercial and residential development in the Castle Donington, A453/M1 J24 area; a mix of new housing and employment in relatively close proximity to one another should help to promote people living and working in the same area in the interests of sustainable development. Whilst the full quantum of this growth may inevitably extend beyond this emerging local plan period for example only 1,950 homes are assumed from Isley Woodhouse up to 2042, the adopted spatial strategy would concentrate transport impacts in and around this geographical area which will inevitably lead to significant strategic impacts on the local and strategic road networks. LCC understands transport work supporting the emerging NWLDC local plan continues. However, LCC also notes that the NWLDC Consultation draft Reg19, which was agreed at NWLDC Local Plan Committee¹ on the 4th June 2026 and Cabinet² and Council³ on 11th June 2026, includes relevant plan policy to safeguard land for dualling of the A453.</p>	<p>The Applicants welcome the continued progress of the emerging revised NWLDC Local Plan, and the continued, clear indications that the EMP90 site (which essentially represents the EMG2 Main Site) is to be included as a draft allocation to contribute towards meeting the significant strategic employment land needs in the Regulation 19 Draft Plan.</p> <p>The requirement for, and status of, any potential safeguarding of land for the A453 dualling remains an issue which the Applicants (and it is understood some 3rd parties) continue to discuss, including via representations to the Regulation 19 Plan in due course and will be a matter for resolution through the Local Plan examination. The precise wording has not yet been consulted on and therefore carries limited weight at this stage.</p>
REP2-009D 4.	<p>Draft Policy EMP90 – Land South of East Midlands Airport includes:</p> <p><i>"(f) Ensure the site layout incorporates a corridor of land along the entirety of the site's A453 frontage sufficient to accommodate the additional land required for the dualling of A453 between the Finger Farm roundabout and the entrance to East Midlands Airport."</i></p> <p>The position taken by LCC through the EMG2 DCO examination seeks to best align with the emerging NWLDC Local Plan policy for the</p>	<p>The requirement for, and status of, any potential safeguarding of land for the A453 dualling remains an issue which the Applicants (and it is understood some third parties) continue to discuss, including via representations to the Regulation 19 Plan in due course. The need for, and timing of, any such dualling remains unclear based on evidence to date.</p>

¹ <https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=344&MId=2858>

² <https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=126&MId=2916>

³ <https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=129&MId=2921>

	proposed development site which would rely upon this emerging Plan Policy for its spatial allocation.	
REP2-009D 5.	<p>Leicestershire County Council has worked proactively with developers and stakeholders to seek to support the delivery of growth and realise the benefits of the East Midlands Freeport (EMF) designation in the absence of a plan led and/or holistic delivery strategy for the wider EMF and emerging Local Plan growth. LCC is engaged proactively in a number of workstreams and projects with EMF, relevant developers and stakeholders to ascertain the extent of transport impact and necessary mitigation and delivery strategy required to unlock cumulative growth. National Highways remain a key stakeholder and participant in these discussions and both parties have worked closely and collaboratively given the interrelatedness of proposals on the Local and Strategic Road Networks (SRN). LCC and NH continue to work with colleagues at Nottinghamshire County Council, Derbyshire County Council, and the East Midlands Combined County Authority. However, not all information from these workstreams is publicly available, and to assist the ExP, the Applicant and Interested Parties may wish to consider what information they are willing to share in the public domain.</p> <p>Transport work from a number of sources points to the requirement for significant strategic interventions including link capacity improvements along the A453 to provide capacity for the anticipated growth coming forward in this area. Relevant planning applications and supporting assessments on behalf of Manchester Airport Group (MAG), SEGRO and promoters of the Isley Woodhouse new settlement acknowledge this position, and this is reflected in their relevant submissions [REP1-053, REP1-179]. LCC note that the land available to provide the opportunity to widen the existing A453 carriageway in proximity to East Midlands Airport and Finger Farm roundabout is understood to be currently under the ownership of MAG. Although proposed widening of the A453 is on the local road network, National Highways have confirmed the importance of the safeguarding of land because of the potential impacts</p>	See response at point 2 above.

	<p>on the operation of Finger Farm Roundabout (SRN) if the dualling cannot be implemented in the future and the strategic importance that the A453 plays in the operation and connectivity of the M1 and M42.</p> <p>The spatial strategy of the emerging North West Leicestershire District Council (NWLDC) Reg19 Local Plan looks to allocate significant commercial and residential development in the Castle Donington, A453/M1 J24 area; a mix of new housing and employment in relatively close proximity to one another should help to promote people living and working in the same area in the interests of sustainable development. Whilst the full quantum of this growth may inevitably extend beyond this emerging local plan period for example only 1,950 homes are assumed from Isley Woodhouse up to 2042, the adopted spatial strategy would concentrate transport impacts in and around this geographical area which will inevitably lead to significant strategic impacts on the local and strategic road networks. LCC understands transport work supporting the emerging NWLDC local plan continues. However, LCC also notes that the NWLDC Consultation draft Reg19, which was agreed at NWLDC Local Plan Committee⁴ on the 4th June 2026 and Cabinet⁵ and Council⁶ on 11th June 2026, includes relevant plan policy to safeguard land for dualling of the A453.</p> <p><i>"(f) Ensure the site layout incorporates a corridor of land along the entirety of the site's A453 frontage sufficient to accommodate the additional land required for the dualling of A453 between the Finger Farm roundabout and the entrance to East Midlands Airport."</i></p> <p>The position taken by LCC through the EMG2 DCO examination seeks to best align with the emerging NWLDC Local Plan policy for the proposed development site which would rely upon this emerging Plan Policy for its spatial allocation.</p>	
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⁴ <https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=344&MId=2858>

⁵ <https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=126&MId=2916>

⁶ <https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=129&MId=2921>

	<p>As discussed through the Issue Specific Hearings for EMG2, LCC understands the basis for the strategic infrastructure proposals for EMG2 stems from a more comprehensive package of measures intended to support a consortium of developers and growth aspirations in the local area. This has been referred to as the Growth Point Consortium, and it is noted that dualling of the A453 and associated Finger Farm improvements forms part of a more comprehensive package of mitigation on the LRN and SRN [REP1-053]. Whilst the current Growth Point proposals hold no current policy weight or backing, it does signify commitment to a range of transport infrastructure measures that extends beyond the proposals included as part of the EMG2 DCO submission and deemed necessary infrastructure to support the delivery of cumulative development.</p> <p>Again, the Isley Woodhouse planning submission (25/00865/OUTM) [REP1-179] commits to the anticipated inclusion of the A453 dualling amongst other strategic initiatives though it is noted such an aspiration appears to be on land outside of the applicant's control. Importantly, the live application for Isley Woodhouse must consider the total quantum of residential growth for this development which is understood to extend beyond the emerging Local Plan period and for which a comprehensive delivery strategy is hoped still can be developed. Notably the emerging East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document (SPD)⁷ for this area was discussed at ISH3 which, whilst not currently benefitting from any planning status, shows the public authority commitment to pursue a comprehensive funding and delivery strategy to support the development of significant employment and housing. LCC note this is to be considered by North West Leicestershire District Council's Cabinet⁸ on the 23rd June 2026.</p> <p>LCC in its capacity as Local Highway Authority has been presented with plans showing land to be safeguarded alongside the A453 as part of</p>	
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⁷ <https://minutes1.nwleics.gov.uk/documents/s51478/EAST%20MIDLANDS%20FREEPORT%20CONTRIBUTIONS%20SPD%20Cabinet%20Report.pdf>

⁸ <https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=126&Mid=2751>

	<p>relevant planning applications which is important given the policy requirements of the EMP90 emerging commercial EMF allocation. LCC places a very high priority on ensuring this land is safeguarded through any grant of planning permission to ensure future link capacity improvements as indicated to be required can be delivered. Evidence, including that which is submitted in support of the EMG2 proposals [APP-080], demonstrates significant link and junction capacity challenges in forecast scenarios. LCC acknowledge that the cumulative growth assessed in forecast modelling for EMG2 contains residential and commercial development growth which does not yet have established mitigation strategies which have therefore not been coded into the referenced PRTM forecast modelling [APP-082]. LCC and National Highways positions on EMG2 therefore have sought to find a pragmatic balance between supporting the delivery of growth in advance of a plan or strategic delivery strategy but remaining vigilant to the risk of premature delivery or planning approvals that could stymie future sustainable growth.</p> <p>It is highly likely that the residual cumulative impact of wider forecast growth will be demonstrated to be severe in accordance with the National Planning Policy Framework 2024 and would therefore prejudice the delivery of wider sustainable growth in accordance with emerging Plan policies. Therefore, LCC welcomes the developer's intentions to provide this safeguarded land to enable future growth and link capacity enhancements to come forward through emerging growth, but this must include land across the entire site frontage. LCC have advised that this land being dedicated as public highway would remain the most appropriate mechanism to support this approach and would welcome the opportunity to work with the applicant to develop the DCO drafting to ensure the agreed mechanism is appropriate and enforceable with certainty over the delivery and timing of its dedication.</p>	
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APPENDIX 3

RESPONSE TO SUBMISSIONS MADE BY NH

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
EMG2 Deadline 4 response ExQ2 FINAL [REP4-092D]		
Q2.0.1	<p>The SRN works have been designed in accordance with the Design Manual for Roads and Bridges (DMRB), which mandates in standard GG 103 that “The principles of good road design shall inform the design of motorway and all-purpose trunk roads.” Further, NH has confirmed it is satisfied that the design is compliant with the DMRB.</p> <p>The detailed design will also need to be compliant with the DMRB as set out in NH’s Protective Provisions. In relation to the design of the bridge specifically, DMRB standard CD 351 “The design and appearance of highway structures” ensures that good design is considered within the detailed bridge design.</p> <p>NH’s assurance process at the detailed design stage includes a comprehensive review of the design and will be mindful of NH’s Good Design Guide. In this, “National Highways emphasises that good road design should be safe, inclusive, environmentally sustainable, and context-sensitive, while also enhancing the user experience and local communities.”</p> <p>Therefore, NH is satisfied that a further Design Review is not required.</p>	The Applicants note the response.
Q8.4.1	<p>The key points currently in dispute between NH and the Applicant as are follows:</p> <ul style="list-style-type: none"> – Commuted sum: NH policy requires a commuted sum where it takes over responsibility for new highway assets. The Applicant is 	The Applicants note the response and confirm that discussions are ongoing with NH.

	<p>negotiating the principle of a commuted sum and the parties are engaged in discussion on this matter.</p> <ul style="list-style-type: none"> – Bond sum: NH requires a sum of 200% the value of the specified works. This is in line with the figure agreed on several other schemes. The Applicant is seeking a 120% bond sum. – Insurance: NH requires public liability insurance of £50 million for works, whereas the Applicant is seeking a £10 million sum. <p>These remaining issues relate to financial matters. NH considers its position reasonable, given the significant highways NSIP within the scheme. If the Applicant's terms were to prevail, the costs would be passed on to NH and ultimately, the taxpayer, which would be an unreasonable burden arising as a result of a third party scheme.</p> <p>NH's preferred form of protective provisions is as enclosed in its relevant representation [RR-022]. If an agreement is not reached with the Applicant, NH will submit its preferred protective provisions at the penultimate deadline.</p>	
Q19.0.2	<p>NH's overall view is that the matters raised by EMIA in REP3-058 do not alter NH's position, as these issues have already been considered as part of our assessment. NH remains satisfied that the traffic impacts of the development have been appropriately established and mitigated. In particular, there are two key topics which we would like to expand upon:</p> <ul style="list-style-type: none"> • The use and interpretation of PRTM 2019 and PRTM 2023 models • Impact assessment and mitigation <p><u>The use of PRTM 23 and PRTM 19</u></p>	The Applicant notes the response.

REP3-058 raises concerns regarding differences between PRTM 2019 and PRTM 2023 outputs and queries the reliance on earlier modelling. Paragraph 3.6 of the note also seeks confirmation as to why the PRTM 2023 model is not being used, given that it has been validated by Leicestershire County Council (LCC) and NH.

NH confirms:

- The Applicant has undertaken assessments using both PRTM 2019 and PRTM 2023 demand inputs
- Both PRTM 2019 and 2023 models have been validated by NH and accepted for use in assessing impacts on the SRN
- The PRTM 2019 and 2023-based VISSIM modelling has been independently audited by NH and found to be acceptable, with model outputs considered reliable

It is expected that two models will lead to some variation, particularly in a highly sensitive location such as M1 Junction 24. Consideration of these differences has been undertaken by NH as part of our appraisal of the submitted traffic models and both models lead to the same overarching conclusions:

- There is significant congestion at M1 Junction 24, which would act as a constraint
- The overall need for mitigation and its effectiveness is consistent.
- Both models confirm that the proposed mitigation resolves this key safety issue, containing queues within the slip road. This is particularly evident in the mainline queue on the M1 northbound off-slip

	<ul style="list-style-type: none"> • There is also consistent evidence of queueing at key approaches and movements at other locations including the EMG1 Gyratory, Finger Farm roundabout and the A453 • The journey time results indicate consistent improvements in network conditions across most routes, particularly those originating from the southern part of the modelled network using the northbound off-slips at M1 J23a and M1 J24, or those benefiting from the reduced A42/M1 to A453 movement at Finger Farm Roundabout <p>This provides NH increased confidence in the robustness of the mitigation, as it performs satisfactorily under both model assessments.</p> <p><u>Impact assessment and mitigation</u></p> <p>Paragraph 2.3 of the note explains that the assessment identifies where junctions are expected to exceed capacity due to development traffic and indicates where mitigation measures have been proposed.</p> <p>NH's modelling assessment considers the implications on both links and junctions of the SRN, rather than whether a junction exceeds its theoretical capacity. The key consideration for NH is the scale and consequence of the impact, specifically how it affects operation and safety and how this informs the need, timing, and scale of mitigation measures.</p> <p>REP3-058 raises concerns regarding increased queueing on the southbound off-slip/ A50 approach to M1J24. NH acknowledges that some redistribution of delay occurs as a result of the proposed mitigation. This redistribution is largely driven by cumulative background growth. This is less pronounced in the PRTM 23 assessment than PRTM 19.</p>	
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	<p>The logic behind the increased queuing on the A50/M1 approach as a result of the mitigation, observed in Scenario A but not in Scenario B is questioned.</p> <p>While the proposed mitigation strategy significantly reduces queuing on the M1 northbound by allowing more traffic to enter the circulatory section of Junction 24, it may inadvertently create new operational challenges. NH's assessment indicates that the increased queue on the southbound off-slip is likely caused by higher opposing flows and signal rebalancing (with MOVA prioritising circulatory flow). This aligns with the redistribution of traffic away from the A453 and Finger Farm, which encourages more vehicles to remain on the M1 and use J24.</p> <p>There is therefore potential for increased opposing traffic movements on the M1 southbound/A50 arm at J24, particularly where lanes have been reconfigured to include three ahead lanes on the A453. While the operation is clearly sensitive to variation, the evidence satisfactorily explains the observed impacts and effects.</p> <p>It is acknowledged that there are residual impacts associated with forecast growth. These arise in the context of forecast traffic growth. However, the distribution of development traffic has been appropriately modelled, with trips assigned predominantly towards routes on the SRN. Reasonably our primary consideration is to seek satisfactory resolution to addressing safety and operational performance on the SRN but not to eliminate all delay.</p>	
Q19.0.10	<p>The Applicant's estimated duration for the construction of the SRN works is estimated to be approximately 1 year and 9 months.</p> <p>Similar, though slightly more complex, construction projects delivered by NH in recent years, suggest that this is in the range of what would be expected.</p> <p>For example, the A19 Testos Interchange Improvement, which involved a new flyover across a complex roundabout, completed in 2021 and took</p>	The Applicant notes the response.

	<p>2 years and 4 months to construct. The M6 Junction 19 Improvement, which involved the construction of two new structures within the junction gyratory, above the motorway, was built in 2 years and 1 month.</p> <p>The EMG2 works are less complex than these projects and the comparison with the construction of the EMG1 highway works provided by the Applicant is considered reasonable. Further, Segro's experience and successful track record of delivering similar infrastructure on the SRN, and good relationships with the NH team in the Midlands, suggest that an efficient programme is achievable.</p> <p>Whilst a programme of 1 year and 9 months is considered by NH to be the minimum time in which the project can be constructed, the window provided by the Applicant in REP1-05 of Q4 2027 to Q2 2029 is expected to be comfortable and contain sufficient contingency to allow for programme delays.</p>	
Q19.0.11	<p>In the 2028 assessment scenarios, the modelling demonstrates that mainline congestion is forecast on the M1 northbound approach to Junction 24. This occurs without the inclusion of the proposed development traffic.</p> <p>The phrase "without the planned growth / development" refers to the scenario without the wider growth in the area as explained in paragraph 2.2 of the joint statement. The terms "planned growth" and "development" are, in effect, synonymous and, on reflection, this is not as clear as it could be. We have therefore amended the Joint Statement on Strategic Highways works to remove any ambiguity. This will be appended to the Statement of Common Ground and submitted by the Applicant at Deadline 4.</p>	The Applicant notes the response.
Q19.0.18	<p>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, has been working on a strategic solution to address the</p>	The Applicant notes the response.

forecast congestion at the junction] to enable further growth to come forwards. The proposal consists of 4 packages of works which NH understands have been assigned to act as mitigation for each member of the Consortium's developments; EMG2, Isley Woodhouse, the Coaker Lands and Ratcliffe Power Station.

Each development will need to demonstrate its impact on the SRN and that appropriate and effective mitigation has been identified. Only in the case of EMG2, has this been achieved so far.

Timescales for agreement to, and consent of, the other work packages are currently unknown:

- A planning application has been submitted for Isley Woodhouse, but further modelling is required before the impact can be understood fully and the required mitigation agreed with NH
- NH has not yet seen any modelling for the Coaker Lands development and a planning application has not been submitted
- The Ratcliffe Power Station development has a consented LDO but is constrained to previous employment levels until a planning condition for SRN mitigation is discharged. At the present time, no modelling work has been undertaken to determine the impact of the development on the SRN and the mitigation required

National Highways is actively engaged in discussions with the Consortium. which is close to completing a modelling exercise to demonstrate that the proposed packages operate together effectively to accommodate the forecast traffic arising from all planned developments.

	Other than the proposed EMG2 highway works, there is currently no programme for the delivery of the work packages, nor has the funding and a delivery mechanism been agreed.	
Q19.0.18	<p>NH has provided the below response to assist the Examining Authority insofar as is reasonably possible. The Examining Authority will appreciate that NH has a statutory role in commenting on the Prologis scheme outside the DCO process. No decision has been made by NH on the Prologis planning application. Nothing in this response is to be taken to imply what the eventual decision might be, or what final decision NH may reach on any particular issue. NH remains an impartial party and will objectively provide comments on the Prologis planning application outside the DCO process in accordance with its statutory duties.</p> <p>NH continues to work collaboratively with the Applicant team for the Joint Application site to agree the traffic modelling, which will determine the impact of the proposed development on the SRN and identify whether the proposed mitigation adequately accommodates the additional traffic without any residual safety issues. Whilst good progress has been made, the modelling work is not yet complete and some outstanding issues remain. In accordance with its usual process NH will then review the design of the proposed mitigation for compliance with standards. As noted above, NH is participating as a statutory consultee in the planning process for this scheme and has commented on the most recent submission by the Applicant (Prologis/MAG), setting out the further work that is required to resolve the outstanding matters.</p> <p>The most recent Transport Assessment for the Joint Application includes proposed capacity enhancements at Finger Farm Roundabout. As explained above, NH will review the proposed mitigation for the Joint Application site as soon as the traffic modelling is agreed, in accordance with its standard procedure. NH can confirm that the proposed mitigation scheme is compatible with proposals to dual the A453 in the future, in line with the “Purple Package”, and likely to be required to</p>	The Applicants note the response.

	<p>accommodate the increased traffic arising from the proposed Isley Woodhouse development, amongst others. Finger Farm Roundabout would also be likely to need enlargement to create additional capacity in such circumstances. NH observes that the proposed mitigation for Isley Woodhouse in its planning application submission includes 4 lanes on the western approach to the roundabout from the A453, compared to the 3 lanes (one of which is segregated) in the Joint Application proposal, as well as other enhancements. Whilst the Joint Application scheme at Finger Farm Roundabout could be adapted to provide additional lane capacity on the western approach, it would likely require removal of the segregated left turn lane and separating infrastructure.</p> <p>In comparison, the EMG2 mitigation is focussed on drawing traffic away from Finger Farm Roundabout and involves minimal work at this location, leaving its enhancement as part of the “Purple Package”.</p> <p>NH’s statutory role requires us to assess each proposed development on its merits and not to compare them with one another. However, it is clear that the 2 developments differ significantly in both scale and footprint. Therefore, it is to be expected that their impacts and the mitigation required for each development will be substantially different. The DCO scheme encompasses the entirety of the designated EMAGIC area, including the area covered by the Joint Application, and the scale of its mitigation reflects this larger scale of development and consequential traffic impact. Hence, it would be expected that the EMG2 mitigation (should the scheme be implemented) would be a more significant enhancement to the SRN than the mitigation for the Joint Application, which only covers approximately 40% of the site. As noted previously, NH expects that something similar in scale to the “Green Package” would need to be implemented at M1 J24 to accommodate the maximum development on the western side of the junction, including the remainder of the EMAGIC site.</p>	
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EMG2 Deadline 4 response ISH 3 Action Points [REP4-093D]		
Q40	<p>As noted in the NH Technical Note, Appendix 5, Table 3 [REP-1058], further examination of the M1 northbound off-slip and the southern section of the circulatory was undertaken by NH. NH requested Volume over Capacity (V/C) plots by link for each scenario. These are presented in Appendix 5, Figures 1 – 4 [REP1-058].</p> <p>Whilst the results suggest a worsening of V/Cs, there is only a small increase on the circulatory section as highlighted in the Table 3 [REP1-058]. Further analysis of the delay outputs has shown that this increase is not associated with any significant changes to delay.</p> <p>The model is accounting for the traffic discharging at the stop line from the NB off-slip and stop line of the southern circulatory section. This interaction of two streams is handled by the adaptive traffic signals. The adaptive nature of the traffic signals cannot be fully replicated in a strategic traffic model but can in the VISSIM model.</p> <p>The adaptive nature of the traffic signals would account for a rebalance of available green time. This would therefore in practice reduce the delay on the circulatory section because the adaptive nature of the MOVA operation seeks to prioritise the circulatory traffic to ensure exit blocking does not result in the junction being blocked, ensuring the effective discharge of the off-slip approaches; which are safety critical.</p> <p>NH is content that the proposed mitigation would effectively manage the interaction of traffic streams in a coordinated and safe manner at M1 J24.</p>	The Applicant notes NH's response.
Q44	NH agrees that the overseeing organisation response should be changed to;	The Applicants note the response.

	<p>“NH is satisfied that the proposed solution is the most appropriate considering existing constraints, and that the risk associated with it is as low as reasonably practicable (ALARP)”</p>	
Q59	<p>Changes made to NH’s KPIs for RIS 3 mean that NH’s objection in relation to biodiversity net gain, specifically regarding the provision of the required 10% net gain within the SRN estate boundary, can now be withdrawn. Further, NH is satisfied that no protected habitats or species on the SRN estate are affected by the proposed works.</p> <p>The SOCG has been updated to reflect agreement between the parties on this issue.</p>	The Applicants note the response.
Q65	NH has no comments on requirement 32.	The Applicants note the response.
Q66	<p>During ISH3, the ExA raised several queries on the drafting of requirement 27 (mezzanines). While NH had agreed the drafting with the Applicant, NH has made clear that it is only attached to the principle of the requirement, not the precise drafting.</p> <p>Following the hearing, the Applicant shared proposed drafting with NH, which NH is reviewing. In parallel, it is understood that the Applicant is using VISSIM to model the impact of mezzanine related traffic on the highway network, which NH will review in due course. Depending on the outcome of this exercise, NH may be amenable to the removal of this Requirement from the draft DCO.</p>	The VISSIM modelling work and associated spreadsheets have been shared with NH, with the subsequent VISSIM Additional Mezzanine Sensitivity Test Modelling Report being produced, and to be submitted at Deadline 6.
3.1	<p>Agenda item 2(b): Book of Reference: NH confirmed that it had provided its comments on the Book of Reference to the Applicant. No major issues were identified through NH’s review. NH’s comments comprised minor queries concerning boundaries and ownership.</p> <p>Agenda item 3.1: In response to the ExA’s queries on the Prologis/MAG scheme, NH explained that modelling for the Prologis scheme was yet to</p>	The Applicants note the response.

	be agreed. It has been received recently prior to the hearing and was currently being reviewed.	
3.2	<p>There are no outstanding areas of disagreement on traffic modelling with the Applicant.</p> <p>Extensive discussions have been held with the Applicant on the mezzanine floor. NH considers that a robust assessment has been undertaken. NH's position was that, in the absence of modelling, the mezzanine floor is dealt with through requirement 27 and is supported by the travel plan and associated monitoring. Please see NH's response to action Q66 above.</p> <p>Agenda item 7.4: Biodiversity Net Gain (BNG): NH clarified that it was internally reviewing its position on the applicability of its key performance indicators (KPI) on BNG. Post ISH3 and following the outcome of NH's internal review, NH can confirm that this objection is withdrawn, as per action Q59 above.</p>	The Applicants note and welcome the confirmation.

APPENDIX 4

RESPONSE TO SUBMISSIONS MADE BY ENVIRONMENT AGENCY

Response to documents submitted at Deadline 4 [REP4-089]		
No.	Matter	Applicants' Response
1.	<p>GWCL Item 1 We consider this issue resolved.</p> <p>The Applicant has updated the draft DCO [REP2-008D] to list the EA as a consultee on requirements 11 Construction environmental management plan, 22 Contamination risk, 23 Verification.</p>	The Applicants note the response.
2.	<p>GWCL Item 2 We consider this issue resolved.</p> <p>The Applicant has updated the draft DCO [REP2-008D] Requirement 22 to include the suggested wording that:</p> <p><i>‘Contamination must be reported in writing to the local planning authority as soon as possible and withing 10 working days’</i></p> <p>We acknowledge the Applicant has also include the EA as consultee for the paragraph (4) of the Contamination risk requirement that pertains to unidentified contamination discovery.</p>	Noted – no action required
3.	<p>GWCL Item 3 We consider this issue resolved.</p>	The Applicants note the response.

	The Applicant updated the 'Earthworks strategy' references in DCO 6.3 Chapter 3 Proposed Development [AS-025] .	
4.	<p>GWCL Item 4</p> <p>We do not consider this issue resolved.</p> <p>We agree with the wording of Requirement 22 Contamination risk of the draft DCO [REP2-008D]. However, there remains inconsistencies within the reporting of how contamination risks will be managed.</p> <p>Our concern regarding inconsistent information would be resolved by section 5.4 of the A CEMP [REP2-026D] referring to Requirement 22 Contamination risk within the paragraph.</p>	In a meeting with the EA held on 19 June 2026, it was agreed that the CEMP text will be updated to address this outstanding issue at Deadline 6.
5.	<p>GWCL Item 5</p> <p>We consider this issue resolved.</p> <p>Paragraph 5.5 of the A CEMP [REP2-026D] has been updated to ensure that pollution prevention and controls measures will be secured in the operational Construction Environmental Management Plan.</p>	The Applicants note the response.
6.	<p>GWCL Item 6</p> <p>We consider this issue resolved.</p> <p>The applicant has provided the appropriate mitigations and control updates in the A CEMP [REP2-026D] to ensure residual risk from reprofiling activities are managed.</p>	The Applicants note the response.

7.	<p>GWCL Item 7 We consider this issue resolved.</p> <p>The applicant outlined the drainage maintenance schedule in section 4 of document Appendix H Sustainable Drainage Statement EMG2 Works [APP-149], having reviewed this information we consider this issue resolved.</p>	The Applicants note the response.
8.	<p>GWCL Item 8 We consider this issue resolved.</p> <p>The applicant has updated the draft DCO [REP2-008D] at Deadline 2 to include Requirement 8 Foundation works risk assessment to be agreed in consultation with the Environment Agency. The additional detail provided in Chapter 13 Flood Risk and Drainage [REP3-021] paragraph 13.5.155 at Deadline 3 is also acknowledged. These updates resolve our concerns related to construction risks relating to foundation works.</p>	The Applicants note the response.
9.	<p>GWCL Item 9 We consider this issue resolved.</p> <p>The Applicant has provided clarification on the details of the proposed penstock valve for pollution control. Although this is not secured in the published documentation, we are satisfied Requirement 17 Flood risk and surface water drainage of the draft DCO [REP2-008D] secures the final drainage design to be agreed with the Environment Agency prior to commencement.</p>	The Applicants note the response.
10.	<p>GWCL Item 10 We do not consider this issue resolved.</p>	In a meeting with the EA held on 19 June 2026, it was agreed that the CEMP text and Chapter 14 will be

	<p>The applicant has updated the A CEMP [REP2-026D] section 5.9 to include laboratory testing which we agree should be conducted when groundwater or perched water is encountered. This mitigation measure is appropriate. However, we require the Applicant to provide additional details outlining what actions will be taken if PFAS is encountered.</p> <p>To resolve our concern, we require the Applicant to commit to the following procedures if PFAS is encountered:</p> <ul style="list-style-type: none"> • Review the conceptual site model and reassess the potential risks from PFAS to future site users and the environment. • Commit to further mitigation or remediation if an active pollutant linkage is identified. 	<p>updated to address this outstanding issue at Deadline 6.</p>
11.	<p>GWCL Item 11 We do not consider this issue to be resolved.</p> <p>The Applicant has updated Chapter 14 – Ground Conditions [REP3-022] paragraph 14.5.111 to specify that dewatering may require a permit.</p> <p>To resolve this issue, we request the A CEMP [REP2-026D] be updated to outline suitable instruction for dewatering.</p>	<p>In a meeting with the EA held on 19 June 2026, it was agreed that the CEMP text will be updated to address this outstanding issue at Deadline 6.</p>
12.	<p>GWCL Item 12 We consider this issue resolved.</p> <p>The Applicant has updated the draft DCO [REP2-008D] to include Requirement 17 Flood risk and surface water drainage. Requirement 17 secures the final drainage design to be agreed with the Environment Agency prior to commencement. The Applicant has also</p>	<p>The Applicants note the response.</p>

	provided additional commitments in the A CEMP [REP2-026D] . This combined information resolves our concerns.	
13.	<p>Biodiversity 13 We consider this issue resolved.</p> <p>The Applicant included the relevant Biodiversity Gain Requirements (irreplaceable Habitat) Regulations 2024 into Chapter 9 – Ecology and Biodiversity [REP3-015] Sections 9.3.</p>	The Applicants note the response.
14.	<p>Biodiversity 14 We consider this issue resolved.</p> <p>The applicant has outlined in Chapter 9 – Ecology and Biodiversity_ [REP3-015] Appendix 9F Water vole and Otter Report that Otters are present and require further assessment. Whilst no evidence of Water vole was identified.</p> <p>The applicant has outlined commitments in the A CEMP [REP2-026D] section 17.4 that updated site walk over surveys will be conducted, and the baseline management measures updated a head of each specific stage of construction. This resolves our concerns.</p>	The Applicants note the response.
15.	<p>Biodiversity 15 We do not consider this issue to be resolved.</p> <p>The Applicant has not provided biosecurity measures to prevent the spread of Invasive and Non-Native Species (INNS) as no INNS species have been identified.</p>	In a meeting with the EA held on 19 June 2026, it was identified that the CEMP [REP2-026D] currently includes the text related to Invasive Non-Native Species and Biosecurity (paragraphs 17.18 to 17.20). The Applicants consider that the EAs request has already been addressed.

	<p>We disagree with this position as INNS can disperse via attaching to plant, machinery and operatives, or via flooding or wind dispersal, and colonise the site very easily.</p> <p>To resolve this issue, we request the Applicant include biosecurity measures within the OCEMP and INNS management plan to ensure INNS is appropriately managed.</p>	
16.	<p>Biodiversity 16</p> <p>We consider this issue resolved.</p> <p>The Applicant provided the uncensored Water vole and Otter survey report, and we agree with the report.</p>	The Applicants note the response.
17.	<p>Biodiversity 17</p> <p>We consider this issue resolved.</p> <p>The applicant has outlined commitments in the A CEMP [REP2-026D] section 17.4 that updated site walk over surveys will be conducted to update the baseline management measures a head of each specific stage of construction. This resolves our concerns.</p>	The Applicants note the response.
18.	<p>Biodiversity 18</p> <p>We consider this issue resolved.</p> <p>The applicant has outlined the details for timings, monitoring and pre-installation checks for otter halts will be provided in the LEMP post consent. We agree with this statement and consider the issues resolved.</p>	The Applicants note the response.

19.	<p>Biodiversity 19</p> <p>We do not consider this issue to be resolved.</p> <p>We are concerned the project proposes insufficient buffer zones for watercourses. The applicant has updated the A CEMP [REP2-026D] paragraph 17.80 to state:</p> <p><i>'The establishment of exclusion fencing and buffer zones at a minimum distance 10 metre from watercourse margins'</i></p> <p>To resolve this issue, we request this wording be updated to specify <i>'10m from the bank top of the watercourse'</i>. This would provide a sufficient buffer from the development, allowing the natural river corridor to be maintained, as well as free movement of riparian mammals.</p>	In a meeting with the EA held on 19 June 2026, it was agreed that the CEMP text will be updated to address this outstanding issue at Deadline 6.
20.	<p>Water Quality 20</p> <p>We consider this issue resolved.</p> <p>The Applicant has updated the draft DCO [REP2-008D] to list the EA as a consultee on requirements 11 Construction environmental management plan, 17 Flood risk and surface water drainage, 18 Foul water drainage.</p>	The Applicants note the response.
21.	<p>Water Quality 21</p> <p>We do not consider this issue to be resolved.</p>	In a meeting with the EA held on 19 June 2026, a letter from UK Power Distribution (an independent distribution network operator (IDNO) regulated by Ofgem and licenced to provide electrical network adoption and connection services) was shared. This identified that:

	<p>We require the Applicant to confirm the substation drainage design will contain sufficient volumes of firewater to prevent the pollutants entering the environment. We request fire water be disposed of offsite.</p> <p>The Applicant is of the position that fire suppression systems are not a standard requirement for a primary switchgear building.</p> <p>To resolve our concern:</p> <ul style="list-style-type: none"> We request the Applicant share the industry practice/guidance with us that demonstrates that fire suppression systems are not standard requirements for a primary switchgear building. This will allow us to review the guidance and form a position. 	<p><i>“UKPD’s approach to the design and assessment of substations is in accordance with the applicable ENA Engineering Recommendations and the Host DNO G81 requirements. On that basis, fire alarm monitoring and fixed fire suppression systems are not standard requirements for a primary switchgear building. However, UKPD would review any such proposal where it is justified by the site fire strategy or fire risk assessment, in accordance with the relevant industry guidance. In the case of primary substation switchgear, the industry approach is generally focused on fire prevention and fault containment, rather than the provision of fixed fire suppression systems. Electrical fires associated with switchgear typically arise from fault conditions, such as insulation failure, internal arc faults, or cable termination failures. These events are normally rapid and energetic and are designed to be cleared quickly by the protection system, which isolates the circuit and removes the energy source. Water would not be proposed as the extinguishing method for live primary electrical equipment or switchgear. Fire safety guidance for electrical equipment indicates that electrically non-conductive extinguishing media, such as CO₂”.</i></p> <p>Discussions on appropriate fire suppression/ fire water control measures are still ongoing with the EA.</p>
22.	<p>Water Quality 22</p> <p>We consider this issue resolved.</p>	<p>The Applicants note the response.</p>

	<p>The Applicant has updated draft DCO [REP2-008D] to provide Requirement 33 Operational Environment Management Plan and list the EA as a consultee for approval.</p>	
23.	<p>Water Quality 23</p> <p>We consider this issue resolved.</p> <p>We raised concerns with surface water run-off and its intentions to be discharged to local watercourses. We also request the CIRIA SuDS Manual be referenced.</p> <p>The Applicant provided a comprehensive response and diagram that outline the appropriate information. The Applicants Appendix H of the Sustainable Drainage Statement EMG2 [APP-149] provided the appropriate information to resolve our concern.</p>	<p>The Applicants note the response.</p>
24.	<p>Water Quality 24</p> <p>We do not consider this issue to be resolved.</p> <p>We request the Applicant provide further details for water quality monitoring, specifically the frequency, quantity, location and methodology of monitoring program.</p> <p>The Applicants current position regarding this issue, is that it will be resolved at detailed design stage as their response to our concern is as follows; <i>“To address the EA comment, the final details of the monitoring plan will be set out in the future P-CEMP(s)”.</i> However, this issue cannot be resolved until more detail is added to the A CEMP [REP2-026D] and not at the detailed design stage.</p>	<p>In a meeting with the EA held on 19 June 2026, it was agreed that the CEMP and WFD text will be updated to address this outstanding issue. The CEMP will be submitted at Deadline 5 and the WFD at Deadline 5.</p>

To resolve our concern:

- We require additional water quality monitoring detail be included in the A CEMP [\[REP2-026D\]](#) that outlines:
 - The frequency (monthly) of water quality testing for pre-construction (6 months minimum), during construction (throughout) and post construction/operation phase (3-6months).
 - Provide clarification on testing methods (in-situ testing and water sampling will occur).
 - Inclusion of water quality monitoring in Table 5.1 of the WFD Assessment.

Additional Information

We note that section 19.4 of the A CEMP [\[REP2-026D\]](#) only states:
“Regular monitoring of the downstream water quality will be undertaken during the construction”.

However, as our original comment stated we expect water quality monitoring to begin prior to construction to establish a baseline, continue throughout construction and into the first few months of operation.

We support the statement made in section 19.5 of the A CEMP [\[REP2-026D\]](#) which states that testing parameters shall be agreed with the Environment Agency. Final parameters and locations are acceptable to be added at detailed design stage, but the pre-construction, during construction and post-construction, which a suggested frequency must be provided. Additionally, the Applicant has also not addressed our WFD comments linked to this topic.

We note that paragraph 20.6 of the A CEMP [\[REP2-026D\]](#) states:
“A draft water quality monitoring plan is provided in Appendix A of the SMP” [Outline Silt Management Plan], however this appears to be

	<p>incorrect. Appendix A is diagrams of silt deployment guides. We request the Applicant confirms where they believe extra details are included in the SMP. Whilst locations and methods may not be able to be committed to at this stage, most projects can specify a frequency of at least monthly and state that some form in in-situ testing and water sampling will occur.</p> <p>Additionally, we have concerns that Appendix C of the SMP includes an inspection checklist which currently implies only visual inspections/observations will occur.</p>	
25.	<p>Water Quality 25</p> <p>We consider this issue resolved.</p> <p>The Applicant updated paragraphs 13.5.209 and 13.5.211 of Chapter 13 Flood Risk and Drainage [REP3-021] to clarify the disposal method and treatment of foul water.</p>	The Applicants note the response.
26.	<p>Water Quality 26</p> <p>We do not consider this issue to be resolved.</p> <p>We raised concerns regarding fuel and oil mitigation measures for the proposal.</p> <p>The Applicant has updated paragraphs 13.5.122 and 13.5.152. of Chapter 13 Flood Risk and Drainage [REP3-021] has been updated to include mention of '<i>HGV parking areas</i>'. However, paragraphs 13.6.39 and 13.6.59 of Chapter 13 Flood Risk and Drainage [REP3-021] have not been updated. We request the Applicant update the above paragraphs to include '<i>HGV parking areas</i>' also.</p>	The Applicants note the response.

	<p>The A CEMP [REP2-026D] contains no updates regarding this issue, and without an OEMP at this stage it is unclear how this will be secured for operation phase.</p> <p>To resolve our concern:</p> <ul style="list-style-type: none"> • Update paragraphs 13.6.39 and 13.6.59 of Chapter 13 Flood Risk and Drainage [REP3-021] to include HGV parking areas. • Provide clarity on the securing mechanism for this issue during the operation phase. 	
27.	<p>Water Quality 27 We consider this issue resolved.</p> <p>The Applicant has updated the A CEMP [REP2-026D] paragraph 20.5 and Chapter 13 Flood Risk and Drainage [REP3-021] paragraphs 13.5.192 and 13.6.86 to provide further information and mitigation measures for concrete and how it will be managed.</p>	The Applicants note the response.
28.	<p>Water Quality 28 We consider this issue resolved.</p> <p>The Applicant has updated the A CEMP [REP2-026D] paragraph 20.5 and Chapter 13 Flood Risk and Drainage [REP3-021] paragraphs 13.5.191 and 13.6.85 to clarify the treatment of wheel wash water.</p>	The Applicants note the response.
29.	<p>Water Quality 29 We do not consider this issue to be resolved.</p>	In a meeting with the EA held on 19 June 2026, it was identified that an Emergency Preparedness and Response Plan is not actually required; it was

	<p>We require the Applicant to include the Emergency Preparedness and Response Plan be included in Table 20.6 of Chapter 20 Major Accidents and Disasters [REP3-025]</p>	<p>referenced in error in Chapter 20 of the Environmental Statement, Table 20.4. This is why it does not appear in Table 20.6. Therefore, the Applicants consider this issue resolved.</p>
30.	<p>Water Quality 30</p> <p>We do not consider this issue to be resolved.</p> <p>We raised concerns that PFAs in solar panels and the cleaning regime could impact water quality.</p> <p>We are pleased to see the applicant is happy to commit to only using solar photovoltaic panels that are PFAs free. However, it is unclear how this will be secured as the updates in Chapter 3 do not reference PFAs. Additionally, the applicant makes no mention of how panels would be cleaned.</p> <p>To resolve this issue, we request the Applicant:</p> <ul style="list-style-type: none"> • Outline where the commitment to using PFAs free solar photovoltaic panels is secured or updated the appropriate documents. • Provide clarification on the cleaning regime for solar panels (use of water or cleaning foams). 	<p>In a meeting with the EA held on 19 June 2026, it was agreed that the CEMP text will be updated to address this outstanding issue at Deadline 6.</p>
31.	<p>Water Quality 31</p> <p>We consider this issue resolved.</p> <p>The Applicant provided clarification on the installation methodology and the suitable mitigation measure in paragraph 20.10 of the A CEMP. [REP2-026D].</p>	<p>The Applicants note the response.</p>

32.	<p>Water Quality 32 We consider this issue resolved.</p> <p>The Applicant addressed our concerns relating to greenfield runoff rates by updating paragraph 20.10 of the A CEMP [REP2-026D].</p>	The Applicants note the response.
33.	<p>Water Quality 33 We do not consider this issue to be resolved.</p> <p>We request the Applicant provide further information regarding the use of flocculants and water management.</p> <p>The Applicant has outlined paragraph 20.8 provides examples of how the use of flocculants could be applied and are included in Appendix A of the Silt Management Plan (SMP) of the A CEMP [REP2-026D]. However, this seems to only suggest an anionic Gel Flocculant to bind particles and further details of types are unknown.</p> <p>We also recognise that paragraph 13.5.185 of Chapter 13 Flood Risk and Drainage [REP3-021] states that “<i>The use of flocculants may constitute a water discharge activity and therefore an environmental permit may be required.</i>” We support the statement in the SMP which states “<i>Regulatory approval is required prior to the deployment of Gel Flocculant on a construction site</i>”.</p> <p>To resolve this issue:</p> <ul style="list-style-type: none"> • The Applicant should confirm if they can provide any more detail at this stage to ensure that the water quality impacts have been fully assessed. 	In a meeting with the EA held on 19 June 2026, it was agreed that the CEMP text will be updated to address this outstanding issue at Deadline 6.

34.	<p>Flood Risk 34 This issue is resolved.</p>	The Applicants note the response.
35.	<p>Waste 35 This issue is resolved.</p>	The Applicants note the response.
36.	<p>GWCL Item 36 We do not consider this issue to be resolved.</p> <p>The additional detail provided in Chapter 13 Flood Risk and Drainage [REP3-021] paragraph 13.5.155 at Deadline 3 is also acknowledged.</p> <p>To resolve this issue, we request the Applicant update the draft MCO_ [REP2-020M], to include a requirement to assess the risks from foundation works being undertaken for the MCO.</p>	In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done for Deadline 6.
37.	<p>GWCL Item 37 We do not consider this issue to be resolved.</p> <p>Our concern is securing penstock valves for the MCO.</p> <p>It is understood that Chapter 13 Flood Risk and Drainage [REP3-021] is written for the MCO and DCO. We note the inclusion of penstock valves has been updated within Chapter 13 and agree with the additional details provided.</p>	<p>In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done for Deadline 6.</p> <p>The text in Chapter 13 of the Environment Statement has also been updated as requested by the EA and submitted at Deadline 5.</p>

	<p>The Applicants response outlines that EMG1 DCO Requirement 17 secure the agreement of the phase specific drainage strategy.</p> <p>To resolve our concern:</p> <ul style="list-style-type: none"> • We request the Applicant provide clarification regarding the intentions for use of penstock valves for the MCO. As the securing mechanisms are unclear. • We request the wording be slightly edits to chapter 13.6.40 to state that a 'Penstock <i>will</i> be installed'. 	
38.	<p>GWCL Item 38</p> <p>We do not consider this issue to be resolved.</p> <p>The Environment Agency's understanding of PFAS and our regulatory focus has changed since the EMG1 DCO was granted in 2016. This is demonstrated by the Regulation 61 notices served on airports in February 2024, which we have discussed with the applicant previously.</p> <p>We are now routinely asking for PFAS to be considered on all new NSIPs and other similar developments. Any activities you are applying for now as a part of the MCO are considered based on our current regulatory position. This will affect, amongst other things, materials management and reuse, worker safety, and dewatering.</p> <p>Given the site location adjacent to East Midlands Airport, we feel this issue is especially relevant here, and the applicant will note the request for this to be considered for EMG2. We therefore reiterate that, for any elements of the scheme covered by this Material Change Order, the potential for PFAS contamination must be considered. Groundwater, where encountered, should be tested for PFAS and other contaminants of potential concern. If PFAS is identified, we expect to see a commitment to reassess potential risks from PFAS to future site</p>	<p>In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done for Deadline 6.</p>

	<p>users and the environment. Further mitigation or remediation may be required if an active pollutant linkage is identified.</p> <p>Further information about the EA's role with PFAS is available on our digital engagement platform.</p>	
39.	<p>GWCL Item 39</p> <p>We do not consider this issue to be resolved.</p> <p>The Environment Agency's understanding of PFAS and our regulatory focus has changed since the EMG1 DCO was granted in 2016. This is demonstrated by the Regulation 61 notices served on airports in February 2024, which we have discussed with the applicant previously.</p> <p>We are now routinely asking for PFAS to be considered on all new NSIPs and other similar developments. Any activities you are applying for now as a part of the MCO are considered based on our current regulatory position. This will affect, amongst other things, materials management and reuse, worker safety, and dewatering.</p> <p>Given the site location adjacent to East Midlands Airport, we feel this issue is especially relevant here, and the applicant will note the request for this to be considered for EMG2. We therefore reiterate that, for any elements of the scheme covered by this Material Change Order, the potential for PFAS contamination must be considered. Groundwater, where encountered, should be tested for PFAS and other contaminants of potential concern. If PFAS is identified, we expect to see a commitment to reassess potential risks from PFAS to future site users and the environment. Further mitigation or remediation may be required if an active pollutant linkage is identified.</p>	<p>In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done for Deadline 6.</p>

	<p>Further information about the EA's role with PFAS is available on our digital engagement platform.</p>	
40.	<p>GWCL Item 40 We consider this issue to be resolved.</p> <p>The Applicant provided the clarification that the associated CEMP the MCO will be aligned too, was secured in the EMG1 DCO.</p>	The Applicants note the response.
41.	<p>Water Quality 41 We consider this issue resolved.</p> <p>We required the Applicant provide further detail and updates to the methodology of closure and maintenance schedules for the penstocks.</p> <p>The Applicant has updated Chapter 13 Flood Risk and Drainage [REP3-021] specifically paragraphs 13.5.123 and 13.6.40 to provide clarification regarding the automatic closing of penstocks and manual closing options. It is further identified that paragraphs 13.5125 and 13.6.41 include regular inspections and maintenance of the drainage systems.</p> <p>Advice to Applicant We provide the following advice to the Applicant:</p> <ul style="list-style-type: none"> • When a maintenance schedule is written, the penstock should be identified as a separate specific component of the drainage system, as it is so integral to preventing any potential contamination being released. 	The Applicants note the response.

42.	<p>Water Quality 42</p> <p>We consider this issue resolved.</p> <p>The Applicant outlined discharge locations for the MCO and resolved our concerns raised at Relevant Reps.</p>	The Applicants note the response.
43.	<p>Water Quality 43</p> <p>We consider this issue resolved.</p> <p>We had raised concern the proposals intention to discharge surface water run off to local watercourses may require a discharge permit. The Applicant provided us with the relevant information outlined in section 13.6.80 of Chapter 13 Flood Risk and Drainage [REP3-021]. The information outlined resolves our concerns.</p>	The Applicants note the response.
44.	<p>Water Quality 44</p> <p>We do not consider this issue to be resolved.</p> <p>We raised concerns of water quality monitoring for the MCO.</p> <p>We provide detailed comments in relation to the lack of a suitable water quality monitoring plan written for item Water Quality item 24. The comments made in Water Quality 24 also apply here.</p> <p>To resolve our concern:</p> <ul style="list-style-type: none"> • We require clarity from the Applicant to outline how the updates for water quality monitoring will be secured for the MCO. • We require additional water quality monitoring detail be secured for the MCO that outlines: <ul style="list-style-type: none"> ○ The frequency of water quality testing for pre-construction, during construction and post construction (monthly). 	In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done at Deadline 6.

	<ul style="list-style-type: none"> ○ Provide clarification on testing methods (in-situ testing and water sampling will occur). <p>Additional Information The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.</p>	
45.	<p>Water Quality 45 We consider this issue resolved.</p> <p>We are content the Applicant has provided the appropriate reassurances within Chapter 13 Flood Risk and Drainage [REP3-021] the MCOs foul water disposal for construction and operation phases.</p>	The Applicants note the response.
46.	<p>Water Quality 46 We do not consider this issue to be resolved.</p> <p>We raised concerns with the construction concrete presenting a risk to water quality. We require the applicant to include additional concrete mitigation measures in the MCO documentation. This issue has been resolved under the EMG Phase 2 DCO Item Water Quality 27, but it is not clear how the measures outlined in Chapter 13 Flood Risk and Drainage [REP3-021] paragraph 13.6.85 are secured for the MCO.</p>	In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done at Deadline 6.

	<p>To resolve our issue:</p> <ul style="list-style-type: none"> • We require clarity from the Applicant to outline how the updates made for the MCO in Chapter 13 Flood Risk and Drainage [REP3-021] paragraph 13.6.85 are secured. <p>Additional Information</p> <p>The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.</p>	
47.	<p>Water Quality 47</p> <p>We do not consider this issue to be resolved.</p> <p>We raised concerns in relation to wheel washing practices for the MCO.</p> <p>The Applicant has provided updated documentation in relation to issue Water Quality 28; these updates are sufficient in resolving this issue.</p> <p>To resolve our issue:</p> <ul style="list-style-type: none"> • We require clarification how these measures are secured for the MCO <p>Additional Information</p>	<p>In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done at Deadline 6.</p>

	<p>The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.</p>	
48.	<p>Water Quality 48</p> <p>We do not consider this issue to be resolved.</p> <p>We raised concerns that PFAs in solar panels and the cleaning regime could impact water quality. This was raised under Water Quality 30 for the DCO.</p> <p>We are pleased to see the applicant is happy to commit to only using solar photovoltaic panels that are PFAs free. However, it is unclear how this will be secured as the updates in Chapter 3 do not reference PFAs. Additionally, the applicant makes no mention of how panels would be cleaned.</p> <p>To resolve this issue, we request the Applicant:</p> <ul style="list-style-type: none"> • Outline where the commitment to using PFAs free solar photovoltaic panels is secured or updated the appropriate documents. • Provide clarification on the cleaning regime for solar panels (use of water or cleaning foams). <p><i>Additional Information</i></p>	<p>In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done at Deadline 6.</p>

	<p>The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.</p>	
49.	<p>Water Quality 49</p> <p>We do not consider this issue to be resolved.</p> <p>We requested the Applicant provide clarification regarding the installation of service trenches methodology, as trenchless methods would require a drilling fluid breakout plan.</p> <p>The Applicant has updated the A CEMP [REP2-026D] and resolved Water Quality 31 which links to this issue. It is unclear how the statement “If directional drilling is identified as a requirement, then a drilling fluid breakout plan will be prepared at the appropriate stage” is secured for the MCO.</p> <p>To resolve this issue:</p> <ul style="list-style-type: none"> • We require the Applicant to provide clarification of how the information provided for Water Quality 31, will be secured for the MCO Water Quality 49. <p>Additional Information</p> <p>The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established</p>	<p>In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done at Deadline 6.</p>

	<p>baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.</p>	
50.	<p>Water Quality 50</p> <p>We do not consider this issue to be resolved.</p> <p>We raised concerns relating to the use of flocculants for the MCO. This issue links to Water Quality 33.</p> <p>The Applicant has outlined paragraph 20.8 examples of how the use of flocculants could be applied are included in Appendix A of the Silt Management Plan (SMP). However, this seems to only suggest an anionic Gel Flocculant to bind particles and further details of types are unknown.</p> <p>We also recognise that paragraph 13.5.185 of Chapter 13 Flood Risk and Drainage [REP3-021] states that “<i>The use of flocculants may constitute a water discharge activity and therefore an environmental permit may be required.</i>” We support the statement in the SMP which states “<i>Regulatory approval is required prior to the deployment of Gel Flocculant on a construction site.</i>”</p> <p>To resolve this issue:</p> <ul style="list-style-type: none"> • The Applicant should confirm if they can provide any more detail at this stage to ensure that water quality impacts have been fully assessed. • We require the Applicant provide clarification how this issue will be resolved and secured with in the MCO documentation. 	<p>In a meeting with the EA held on 19 June 2026, it was agreed that a supplemental CEMP will be prepared to complement the EMG1 CEMP. This will be based upon the approach agreed for the DCO CEMP to address this same issue. This will be done at Deadline 6.</p>

	<p>Additional Information</p> <p>The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.</p>	
51.	<p>Flood Risk 51</p> <p>This issue is resolved.</p>	The Applicants note the response.
52.	<p>Waste 52</p> <p>This issue is resolved.</p>	The Applicants note the response.

APPENDIX 5

RESPONSE TO SUBMISSIONS MADE BY NATURAL ENGLAND

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
Q5.0.4	<p>Yellow Items within the Statement of Common Ground</p> <p>Outstanding yellow items in the Statement of Common Ground refer to the below:</p> <ul style="list-style-type: none"> • Soils (NE 14 and 22) – should be resolved upon follow up discussion with the Applicant. NE have suggested to the Applicant this is done w/c 22/06/26 ahead of Deadline 5. This should be reviewed within the Examination. • Badger (NE25, 26 and 27) – The Applicant are required to resubmit an application for a LONI to Natural England. This should include the information requested and updated maps and figures. This is related solely to the need for a license, but as the Examining Authority notes, the EIA should take account of the impacts to species. The review of impacts to species and the decision as to whether a license is required sits with the Applicant. <p>Statement of Common Ground and Risk & Issues Log</p> <p>Natural England has reviewed the updated Statement of Common Ground the Applicant have prepared for Deadline 4 and provided comments to ensure there are no gaps with the Risk & Issues Log (submitted with this response).</p>	<p>The Applicants note the response. In relation to the outstanding matters:</p> <ul style="list-style-type: none"> • Soils (NE14 and NE22): The Applicants confirm they are engaging with NE to resolve these items. The updated SoCG will reflect the outcome of that discussion. • Badger (NE25, NE26 and NE27): The Applicants note NE's position. The updated badger Method Statement, including revised figures showing sett entrance locations and the relationship to SuDS basins and the proposed footpath alignment, will be submitted to NE as part of the LONI resubmission. The Applicants confirm that the EIA assessment of impacts on badger is set out in ES Chapter 9 and Appendix 9B. The updated LONI is not expected to result in any change to the assessed impacts on badger as reported in the ES.

APPENDIX 6

RESPONSE TO SUBMISSIONS MADE BY EAST MIDLANDS FREEPORT COMPANY LTD

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
Q15.0.1	<p><i>Extent of designation</i></p> <p><i>In its response to the rule 17 letter [REP1-231D], the Ministry of Housing, Communities and Local Government referred to two different boundaries, one of which was rejected as the proposed extent for the Freeport. Could East Midlands Freeport provide us with plans showing the two different boundaries, making clear which relates to which.</i></p> <p>The geographic extent of East Midlands Freeport was determined through HM Government's national Freeport programme, as set out in the Freeports Bidding Prospectus (available on www.gov.uk) which established a three-stage competitive selection and approval process for Freeports in England. This comprised three stages:</p> <p>1. Initial Bid Stage (2020–21) 2. Business Case Development (2021–2022) 3. Full Business Case (FBC) and Government Approval (2023)</p> <p>1. Initial Bid Stage (2020–21) As previously stated, local public-private partnerships were invited to submit bids demonstrating their ability to deliver the Government's Freeport objectives and East Midlands Freeport's (EMF) bid was submitted by a consortium of public and private sector partnership. This was approved and development of the Business Case began.</p> <p>2. Business Case Development (2021–2022)</p>	The Applicants note the response.

	<p>The original East Midlands Freeport Bid successfully passed the competitive bid assessment stage and was shortlisted in March 2021. Government then instructed all shortlisted Freeports to proceed to the Business Case development phase, in line with HM Treasury's Green Book.</p> <p>During the business case development stage, in December 2021 the Government wrote to EMF's accountable body (Leicestershire County Council) stating 'it would be unable to approve the East Midlands Freeport OBC at this point in time due to concerns about the additionality of the SEGRO part of the EMAGIC tax site.' A copy of the proposed tax site area that was rejected is attached – 'EMAGIC - Rejected Proposed Outline FBC Tax Site.PDF.' The Government wanted additional assurance that the proposed East Midlands Airport and Gateway Industrial Cluster (EMAGIC) tax site would deliver sufficient economic additionality, meaning that it would attract genuinely new investment rather than displacing existing activity. They wrote: 'The tax site will therefore need to be revised to remove the low additionality parts or another tax site proposed.'</p> <p>As part of this iterative process, the partnership and Government considered an expanded boundary to the south of the A453. The inclusion of this land reflected its proximity to East Midlands Airport and its suitability for time critical advanced logistics, advanced manufacturing and innovation activity, all of which align with the objectives of the national Freeports programme.</p> <p>3. Full Business Case (FBC) and Government Approval (2023) The Board submitted the Full Business Case in early 2022. It was formally approved by Government on 30 March 2023 (see attached Written Ministerial Statement HCWS691). As part of that approval, Government agreed the Freeport's final geographic extent, including the EMAGIC tax site boundary. A copy of the plan of the agreed area of the tax site designated under secondary legislation is attached.</p>	
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	{see attached plans}	
Q18.0.2	<p>Freeport effects</p> <p><i>In the letter in Annex 3 of the response to the Prologis RR [REP1-051D], Appendix 6] various figures are given as to a comparative 'loss' if only the northern part of the site were to be development in the application made by EMIA and Prologis. In their written representations [REP1-257D] queried these figures. In the 'Applicants' Response to Deadline 1 Submissions' [REP2-032] (see pdf page 238) the applicants indicate these figures were provided by East Midlands Freeport.</i></p> <p><i>Could East Midlands Freeport please provide the ExP with confirmation of the figures and how they were derived.</i></p> <p>The £288m estimate is based on a model used by EMF (developed by consultants WSP) to forecast the total Business Rates that are retained by EMF across the whole freeport area. The model dates from 2023 and continues to reflect relevant information for EMF forecasting. It is based on estimates of plot floorspace sizes, usages and rateable values, and occupation dates. The model uses these inputs to forecast the Business Rate growth that is retained by EMF under the Freeport rules. EMF uses this model to model different scenarios to understand their impact on the expected Business Rates income that they will receive. This model is not intended to be, and necessarily cannot be, a perfectly accurate forecast – the outputs will only ever be as good as the inputs, which can only be estimates of how the sites will be used while plans for these sites are being developed. However, the model is considered by EMF to be a good way to understand the quantum of Business Rates that would be generated by the current plans for the freeport sites.</p> <p>The £288m represents the Business Rates income that would be retained by EMF from the EMG2 sites south of Hymes Lane up to 2048</p>	The Applicants note the response.

	<p>on the assumptions that there would be c. 350,000 m2 of premises floorspace subject to Business Rates on these plots; that they would be used for warehousing and transport support activities; that their rateable value would be the average of similar usage sites in the East Midlands area; and that they would be occupied between 2028 and 2031.</p> <p>To note, this BR income is distinct from the implied subsidy from public funding which is being invested into the whole of EMAGIC through provision of EMF tax reliefs. For example, The EMF business case suggests that National Insurance Contribution (NICs) could benefit EMG2 occupiers by £44.4m. This figure is clearly subject to securing occupiers ahead of the 2031 tax window deadline.</p>	
Q18.0.3	<p>20% advanced manufacturing floorspace</p> <p><i>Paragraphs 7.191 and 7.192 of NWLDC's LIR [REP1-103] recognises the benefit of including a component of advanced manufacturing as part of the proposed development in the interests of socio-economic resilience. Furthermore, East Midlands Freeport in their response to ExQ1 [REP1-227] also recognise the benefits of securing a component of advanced manufacturing floorspace pursuant to the Freeport's objectives and that they would seek to explore the detail with the applicants accordingly.</i></p> <p><i>Can the applicants and East Midlands Freeport please clarify whether any discussions have taken place and whether any agreement on the provision of advanced manufacturing floorspace has been reached and clarify how this might be secured in the dDCO?</i></p> <p><i>It would also be helpful if the applicants could provide the ExP with two draft requirements on a without prejudice basis:</i></p> <p>a) <i>a requirement securing 20% advanced manufacturing floorspace in perpetuity.</i></p>	The Applicants note the response.

b) *a requirement securing a targeted marketing strategy, promoting 20% of the DCO scheme's floorspace to prospective advanced manufacturing occupiers, to be submitted and approved by NWLDC, in consultation with East Midlands Freeport. The requirement should also reserve 20% of the DCO scheme's floorspace for advanced manufacturing during the relevant marketing period, only releasing it for storage or distribution uses where it can be clearly evidenced to the satisfaction of NWLDC, in consultation with East Midlands Freeport, that there is insufficient demand from prospective advanced manufacturing occupiers and that this would likely endure over the medium term.*

Discussions have taken place between the Applicants and East Midlands Freeport and the benefits of targeting advanced manufacturing as part of the proposed authorised development are acknowledged and agreed. In order to accommodate this aspiration, the traffic modelling work has assigned 20% of the trips to Class B2 use within the Transport Assessment and the Environmental Statement accompanying the DCO Application.

It is the Applicants experience that the best way to maximise take-up by advanced manufacturers is to comprehensively develop and deliver a market leading low-carbon development in a single phase, which benefits from excellent road, rail, air and public transport connectivity, has a generous power supply, which presents serviced plots in a fully landscaped environment from the outset and which also benefits from a ready supply of skilled labour and is demonstrably deliverable.

The Applicants and the Freeport have therefore discussed and agreed that the correct approach is a requirement to secure a targeted, collaboratively managed and flexible marketing campaign, with consideration from Freeport on greater targeting of the Tax Site incentives packages to ensure the greatest likelihood of success in

securing advanced manufacturing customers to this important Freeport site.

On a without prejudice basis, the Applicants propose the following draft requirements:

Advanced manufacturing

20% of the total gross floorspace provided as part of the authorised development shall be for advanced manufacturing use.

The Applicants note that there is no need for a requirement for any advanced manufacturing use to be perpetuity. It is not a requirement of the Freeport. Any change of use would be controlled by the local planning authority via a planning application in the usual way.

Marketing of the advanced manufacturing floorspace

(1) 20% of the total gross floorspace provided as part of the authorised development shall be reserved for advanced manufacturing uses for the marketing period.

(2) Save for ancillary buildings, no authorised building on the main site is to be occupied until a strategy has been submitted to and approved by the local planning authority in consultation with East Midlands Freeport for the marketing of the authorised development to advanced manufacturing occupiers. The initial sectors to be targeted will include but will not be limited to automotive, aerospace in addition to life science, clean energy, food and drink sector. The strategy will include provision for collaborative working on marketing activity, the review and active management of all enquiries. The approved strategy shall be implemented to the reasonable satisfaction of the local planning authority for the duration of the marketing period.

(3) If on expiration of the marketing period it has not been possible to secure advanced manufacturing uses on 20% of the

	<p><i>total gross floorspace provided as part of the authorised development then subject to the local planning authority, in consultation with East Midlands Freeport, confirming that it is satisfied that reasonable efforts have been made to secure advanced manufacturing uses within the authorised development then the restrictions in this requirement shall cease to apply.</i></p> <p><i>(4) In this requirement, the "marketing period" shall mean the period to the Freeport incentive end date December 2031 as may be varied by agreement.</i></p>	
Q18.0.8	<p>Loss of business rates</p> <p><i>The applicants refer to loss of business rates from the failure to deliver the entire EMG2 site [REP2-032]. Please can the East Midlands Freeport confirm whether the applicants' figures are correct and provide more information on the potential losses.</i></p> <p><i>Can these potential losses be calibrated in relative terms to help understand the magnitude of impact? For example, how does £288 million compare to the total value of business rates currently collected within the local authority area, would it be a smaller proportion or a larger proportion?</i></p> <p>EMF recognise the £288m quoted in here but are not clear on the detail of others figures. The £288m was an estimate of the loss of EMF Retained Business Rates to 2048 for a partial (200,000 m2) reduction in floorspace at EMG2.</p> <p>EMF cannot comment on how this compares to the overall Business Rates collected in the local authority area (the local authority would need to answer that), but in terms of EMF's overall expected retained Business Rates, this £288m represents approximately 59% of the total retained Business Rates that EMF expected to retain from the whole</p>	The Applicants note the response.

	EMAGIC site up to 2048, and 28% of the overall retained Business rates that they expected to retain across all three of their sites up to 2048.	
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APPENDIX 7

RESPONSE TO SUBMISSIONS MADE BY KEGWORTH PARISH COUNCIL

Submissions received at Deadline 4 [REP4-059D]		
No.	Matter	Applicants' Response
1.3	This representation addresses all four areas of concern identified by the Council: (1) the case of need for the scale of development proposed at EMG2/EMP90 (Part 1, Sections 2 to 6); (2) the adequacy of the Applicant's consideration of alternative sites (Part 2, Sections 7 to 13); (3) the road traffic impact of the Proposed Development, in particular at M1 Junctions 23A and 24 and on Kegworth's access routes (Part 3, Sections 14 to 20); and (4) the consequences for scheme viability of the highway mitigation measures that may be required, including their relevance to the Applicant's case for the compulsory acquisition of land (Part 4, Sections 21 to 27). The Council's overall conclusions and its request to the Examining Authority are set out in Section 28.	The Applicants note the response.
1.4	The Parish Council does not object in principle to the growth of the logistics and advanced manufacturing sector in North West Leicestershire, nor to the objectives of the East Midlands Freeport ("EMF"). Its concern is that the case advanced by the Applicant for development of this scale, in this location, has not been adequately tested against the statutory requirement to consider reasonable alternatives, and that the underlying need case itself does not withstand scrutiny.	The Applicants note the response.
2.	<p>Policy and Evidential Basis for the Claimed Need</p> <p>The Applicant's case for need rests on a combination of: (a) national policy support for strategic rail freight interchanges (SRFIs) and the logistics sector generally, as set out in the National Policy Statement for National Networks (NPSNN, 2024) and the National Planning Policy Framework (NPPF, December 2024); (b) the designation of the site within the East Midlands</p>	The focus of these comments from the Parish Council appears to be in the scope and process of preparing the ICENI report which forms part of NWLDC's evidence base for the emerging Local Plan. It is assumed that these concerns and queries will also be raised by the Parish Council through its representations to the

<p>Freeport, specifically the East Midlands Airport and Gateway Industrial Cluster (“EMAGIC”) tax site; and (c) sub-regional evidence of demand for ‘Strategic Distribution’ floorspace, principally the Leicester and Leicestershire Strategic Distribution Floorspace Needs Update and Apportionment (Iceni, Final Report October 2025, with a correction issued January 2026) (“the Iceni Study”).</p> <p>Chapter 4 of the Applicant’s Environmental Statement describes the EMG2 Main Site as benefiting from ‘a distinctive set of locational strength and characteristics not easily replicated elsewhere’⁹. The Council does not consider that this framing is correct, nor by itself, does it demonstrate a robust, site-specific need case, for the reasons set out below.</p> <p>The Parish Council’s first and most fundamental observation is that the Iceni Study, upon which both the Applicant and NWLDC’s emerging Local Plan evidence base substantially rely, does not at any point set out a site-specific case for EMP90/EMG2. As has been observed in a separate representation to NWLDC’s evidence base, the Iceni Study confers a generic justification for a pattern of corridor-based distribution of strategic warehousing across North West Leicestershire, without testing the relative merits, deliverability or environmental performance of individual sites within or at the edge of those corridors¹⁰.</p> <p>As summarised in the Additional Papers presented to NWLDC’s Local Plan Committee on 18 March 2026, the Iceni Study quantifies a total strategic warehousing requirement of approximately 3.06 million m2 (or 30 million sq ft) for Leicester and Leicestershire to 2046, of which approximately 1.33 million m2 (circa 44%) is apportioned to North West Leicestershire, with a further breakdown across the M1/A50, A/M42 and Bardon corridors. Firstly, this is an enormous amount of additional development in a relatively small area, which is based on a methodology that at best is speculative and at worst is fundamentally flawed (see section 3 below). Secondly</p>	<p>imminent local plan consultation process by NWLDC.</p> <p>As is recognised in these comments, there is clear evidence of very significant need for additional distribution and logistics development across Leicestershire and including in NWLDC’s area. The EMG2 proposals are a direct response to that need, but other sites will be required if the market need is to be met. Both the Applicants and NWLDC have considered whether there are better alternative sites to address some of this need.</p>
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⁹ Environmental Statement, Chapter 4: Consideration of Alternatives (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.2.14.

¹⁰ Representation to North West Leicestershire District Council, 4 April 2026, regarding the absence of a structured optioneering appraisal in the alternatives evidence accompanying the Council’s emerging Local Plan evidence base.

	<p>apportionment exercise in the Icen Study is itself the subject of separate procedural objection on the grounds that it amounts, in substance if not in name, to a spatial strategy that has not been subjected to the statutory plan-making and Strategic Environmental Assessment (SEA) processes that such a strategy would ordinarily require¹¹.</p> <p>Without pre-judging that separate process, the Parish Council therefore considers that the Examining Authority should be cautious about placing significant weight on a corridor-level apportionment exercise that has not itself been tested through examination, still less treating it as a demonstration that 500,000 sqm (plus a further 200,000 sqm of mezzanine floorspace) of B8/B2 development is needed specifically at EMP90.</p>	
3.	<p>Methodology: Extrapolation Versus a Factorised Assessment of Demand</p> <p>As prefaced above, the Parish Council's second concern relates to the methodology underpinning the Icen Study's headline demand figures. As the Council understands it (and reserves its position pending sight of the full report and its January 2026 correction), the Icen Study's projections of future strategic distribution floorspace demand are derived substantially from historic rates of take-up and completions in the sub-region in recent years, projected forward to 2046.</p> <p>The Council considers this methodology to be questionable for a sector that is now operating from a materially larger base than it was a decade ago. The rates of growth in B8 floorspace achieved in the M1/A50/A42 corridor over the recent past have been achieved from what was, in the early 2010s, a comparatively low base of existing stock. A projection that simply extends those growth rates forward from today's substantially larger base risks materially overstating future demand, because:</p>	<p>The focus of these comments from the Parish Council appears to be in the methodology for the ICENI report which forms part of NWLDC's evidence base for the emerging Local Plan. It is assumed that these concerns and queries will also be raised by the Parish Council through its representations to the imminent local plan consultation process by NWLDC.</p>

¹¹ Consultation Representation of Cllr R Sutton (Independent), Kegworth Ward, on the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document (Regulation 18 consultation), 22 March 2026, Section 4.

	<ul style="list-style-type: none"> • the rate of growth of demand for any given activity tends to slow as the activity matures and the addressable market becomes more fully served, following an S-shaped rather than a straight-line trajectory; • the recent past has been characterised by exceptional, and arguably non-repeatable, drivers of demand for ‘big-box’ logistics floorspace, in particular the surge in e-commerce associated with the COVID-19 pandemic, alongside a prolonged period of historically low interest rates that supported speculative development; and • no factorised, ‘bottom-up’ assessment appears to have been undertaken that relates projected floorspace demand to underlying drivers such as regional GDP growth, household expenditure growth, or sectoral employment projections, in order to test whether the historic relationship between those drivers and floorspace take-up is likely to continue at the same intensity. <p>In the Council’s view, an approach which simply extrapolates historic absorption rates forward, without testing that extrapolation against a factorised assessment tied to GDP, demographic or sectoral employment forecasts for the region, is liable to overstate need – potentially significantly – over a 20-year-plus plan period. The Council respectfully asks the Examining Authority to require the Applicant to demonstrate, by reference to such a factorised assessment, that the headline floorspace requirement (and in particular the requirement apportioned to the M1/A50 corridor within which EMP90 sits) remains robust, and to explain why a straight-line projection from a higher base is considered appropriate.</p>	
4.	<p>The 'Corridors of Opportunity' Framework and the Leap to a Site-Specific Conclusion</p> <p>The Parish Council’s third concern, is with the manner in which a broad, sub-regional ‘areas of opportunity’ framework – originally articulated in the 2021 Strategic Distribution Study (GL Hearn) and carried forward into the Icen</p>	<p>As set out in the DCO Application, and in response to other previous questions, the case for EMG2 is multi-faceted, but includes advantages associated with its proximity and accessibility to the EMG1 rail freight terminal, and the common ownership and operation of both sites. There is no doubt that the ‘critical mass’ created by not only the successful EMG1 site, but also</p>

<p>Study – has come to be treated as though it dictates the location of individual sites such as EMP90.</p> <p>The ‘areas of opportunity’ identified in that work are drawn at a corridor scale – for example, the J1 A50/M1 corridor (within which EMP90 sits) and the A/M42 corridor – and are, in essence, zones defined by reference to proximity to the strategic road network, with East Midlands Airport functioning as one of several anchors within those zones. The Council does not dispute that East Midlands Airport is a relevant economic anchor for the wider sub-region. What the Council does dispute is the logical step from ‘this corridor is an area of opportunity, and the airport is one of the things that makes it so’ to ‘therefore a 500,000 sqm (5 million sq ft) scheme on land immediately adjoining Diseworth, within this corridor, is necessary and the right location for it’.</p> <p>As the Applicant’s own evidence acknowledges, the functional relationship between EMG2 and East Midlands Airport is, in truth, limited. The Sustainability Appraisal evidence for EMP90 records a significant negative score against SA9 (Air, Light and Noise) specifically because of the site’s location next to the airport, mitigated only by the observation that ‘employment uses are less sensitive to aircraft noise’¹² – in other words, the airport’s proximity is, for this scheme, predominantly a constraint to be managed rather than a benefit to be realised. EMG2 does not include any aviation-related use, and unlike EMG1 (which secures direct benefit from the adjoining rail freight interchange), EMG2’s principal locational benefit is its proximity to the M1/A50/A453 road network – an attribute that, as set out in Part 2 below, is by no means unique to EMP90 within the wider sub-region.</p> <p>The Council’s consultant advisor has separately questioned whether the ‘corridors of opportunity’ framework, by anchoring its corridors on East Midlands Airport, has led decision-makers to assume that additional B8 floorspace needs to be close to the airport, when in fact – as the Applicant’s</p>	<p>EMA (a major dedicated freight air hub) - and the sites’ location in the Freeport – represents a fairly unique set of opportunities and benefits to deliver continue high-quality logistics and distribution development at the heart of the UK’s transport networks.</p>
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¹² North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 Sustainability Appraisal table and accompanying mitigation commentary (“Are there ways to help mitigate negative impacts?”).

	<p>own evidence on the limited functional relationship between EMG2 and the airport demonstrates – broadly equivalent floorspace could in principle be accommodated at other locations within the same corridor, or in adjoining corridors, without that proximity. The Council respectfully invites the Examining Authority to test the Applicant’s evidence against that proposition.</p>	
5.	<p>Employment and Economic Benefit Claims: Gross Versus Net, and the Question of Displacement</p> <p>The Parish Council’s fourth concern relates to the employment and wider economic benefit case advanced for EMG2, which the Council understands forms a significant part of the planning balance that the Applicant invites the Examining Authority and the Secretary of State to strike in favour of the scheme, notwithstanding its acknowledged adverse landscape, heritage, ecological and amenity effects.</p> <p>The Council’s starting point is a simple cross-check against the performance of EMG1. EMG1 comprises approximately 4 million sq ft (circa 370,000 sqm) of floorspace and is reported to have created over 850 jobs and attracted £150 million of investment¹³. This equates to a direct employment density in the order of one job per circa 5,000 sq ft (circa 435 sqm) of floorspace – a figure broadly consistent with published employment density guidance for large ‘big-box’ logistics buildings, which tend to sit towards the lower end of the employment density spectrum because of the high degree of automation typical of modern distribution centres.</p> <p>Applying conventional indirect and induced employment multipliers (in the order of 0.3 to 0.5 for each of the indirect and induced categories, consistent with the ranges commonly applied in HM Treasury Green Book-compliant economic appraisals), EMG1’s c.850 direct jobs would be expected to support a further c.500 to 850 jobs in the wider economy, giving a total in the order of 1,400 to 1,600 jobs associated with EMG1’s c.370,000 sqm.</p>	<p>The Applicants' assessment of likely economic impacts is set out in the application (Environmental Statement Chapter 5, Document DCO 6.5 / MCO 6.5 [REP4-020], and the Need Assessment Report, Document DCO 5.5 / MCO 5.5 [APP-223]). The assessments apply standard methodologies with assumptions clearly set out, including with regard to displacement and indirect effects. The assessment includes the use of established standard job density assumptions to help provide an indication of likely new employment on-site, but these are inevitably (and explicitly) estimates. naturally the density of employment varies from one occupier to another depending on the nature of their operations and the products they are storing and distributing, but consistent with how similar schemes are assessed the application is considered robust and appropriate.</p> <p>In respect of the jobs that are quoted for EMG1, this figure is incorrect. EMG1 has generated a peak of 7,000 FTE permanent jobs (as of December 2025) as was set out in the Applicants’ Response to Deadlines 2 and 3 Submissions [REP4-033].</p>

¹³ EMAGIC Community Forum, Notes, 20 February 2026.

<p>EMG2 (DCO Works Nos. 1 to 5 and associated Further Works) is proposed to provide up to 300,000 sqm of floorspace (GIA), plus a further allowance of 200,000 sqm in mezzanines, i.e. up to 500,000 sqm in total¹⁴. On a simple pro-rata basis using the EMG1 ratio above, this would be expected to support, at most, in the order of 1,900 to 2,200 total jobs (direct, indirect and induced) – and mezzanine floorspace, which is typically used for additional storage racking rather than additional staffed activity, may generate proportionately fewer jobs per sqm than ground-floor floorspace, such that even this figure may be optimistic.</p> <p>The Council does not have access to the Applicant’s own employment projections for EMG2 and cannot therefore confirm whether they are consistent with, or substantially in excess of the figures derived above. The Council notes the concern raised by its consultant advisor that ‘the job claims for EMG2 are likely to be overstated’¹⁵, and respectfully invites the Applicant to set out, with full methodological transparency: (a) the direct, indirect and induced employment figures claimed for EMG2; (b) the employment density assumptions (jobs per sqm or per sq ft) underlying those figures, separately for ground-floor and mezzanine floorspace; and (c) a justification for any departure from the employment density actually achieved at EMG1.</p> <p>A related and, in the Parish Council’s view, more significant concern, is the question of displacement. The Council understands that interest has been expressed in EMG2 by prospective occupiers, including reported interest from Maersk, who would relocate from existing facilities elsewhere in the sub-region or wider region. Where a prospective occupier’s interest in a new building is substantially a function of relocating from existing premises, the appropriate measure of the economic benefit of the new development is not the gross floorspace or gross employment associated with the new building, but the net change once the fate of the vacated premises has been taken into account.</p>	
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¹⁴ Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.1.3 and Table 4.1; North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 – Factual Update (September 2025), item 2.

¹⁵ Confidential correspondence from C. Cain, 22 February 2026.

	<p>If, as appears likely that at least part of the demand for EMG2 floorspace would be met by occupiers relocating from existing buildings within the same functional sub-region (rather than by genuinely new-to-the-area activity, or by overseas direct investment that would not otherwise have located in the UK), then: (a) the vacated buildings would themselves become available to the market and, in due course, are likely to be re-occupied, generating employment in those buildings as well; and (b) the net addition to regional floorspace, employment and economic output attributable to EMG2 is correspondingly smaller than the gross figures for EMG2 alone would suggest – potentially substantially so.</p> <p>The Parish Council is not aware of any analysis in the Applicant's evidence base that addresses this point. The Council respectfully requests that the Applicant be asked to provide: (a) details of the extent to which prospective occupier interest in EMG2, including but not limited to the reported interest from Maersk, represents relocation from existing premises within the East Midlands or wider UK, as opposed to net new activity; (b) an assessment of the likely re-occupation of any vacated premises and the timescale and employment implications of that re-occupation; and (c) a revised assessment of the net (as opposed to gross) economic and employment benefits of EMG2 that takes (a) and (b) into account.</p>	
6.	<p>Conclusions on the Need Case</p> <p>For the reasons set out above, the Council considers that the case of need advanced for EMG2 – and in particular for development at the scale proposed (up to 500,000 sqm) at EMP90 specifically – has not been adequately demonstrated. In summary:</p> <ul style="list-style-type: none"> • the principal evidential underpinning, the Icen Study, does not provide a site-specific justification for EMP90, but rather a generic corridor-level apportionment exercise whose own legal status is separately disputed; • the methodology underlying the headline floorspace requirement appears to rely on extrapolation of historic absorption rates from a lower base, 	<p>The Applicants note the response and confirm that the Applicants' response to the specific points are set out above.</p>

	<p>rather than a factorised assessment tied to underlying economic drivers, and is liable to overstate future need;</p> <ul style="list-style-type: none"> the 'corridors of opportunity' framework, by using East Midlands Airport as an anchor for a broad geographic corridor, has been used to support a conclusion that development needs to be at EMP90 specifically, notwithstanding that the Applicant's own evidence shows EMG2's functional relationship with the airport to be limited, and that the relevant locational driver – access to the M1/A50/A453 – is available at multiple locations within the wider sub-region (see Part 2 below); and the headline economic and employment benefits claimed for EMG2 do not appear to have been tested on a net (as opposed to gross) basis, and do not appear to have addressed the displacement implications of occupier interest that is substantially a function of relocation from existing premises. <p>The Parish Council considers that these matters go to the heart of the planning balance that the Secretary of State will be asked to strike, and respectfully requests that the Examining Authority require the Applicant to provide the further evidence and analysis identified above before that balance is struck.</p>	
7.	<p>The Statutory Framework for the Consideration of Alternatives</p> <p>Regulation 14(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the Environmental Statement to include a description of the reasonable alternatives studied by the Applicant which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the Applicant's choice, taking into account the effects of the development on the environment.</p>	<p>The Applicants do not agree with the Parish Council's interpretation of Regulation 14(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>Regulation 14(2)(d) requires the Environmental Statement to describe the reasonable alternatives studied by the applicant and explain the reasons for the chosen option, taking in to account the effects of the development on the environment. It does not require the assessment of all possible development sites regardless</p>

	<p>The Council notes, and adopts, the point made in the written representations of Protect Diseworth submitted ahead of Issue Specific Hearing 1¹⁶, that the Applicant's consideration of alternatives in Chapter 4 of the Environmental Statement appears to proceed from a starting proposition – that 'only a site closely related to East Midlands Airport and EMG1 would genuinely offer a reasonable alternative', and that 'the Freeport designation of the EMG2 Main Site, limits the sites that can be considered to provide a realistic alternative'¹⁷ – which forecloses the consideration of alternatives on grounds of commercial and policy preference, rather than testing alternatives against their relative environmental effects, as Regulation 14(2)(d) requires.</p> <p>The Council respectfully agrees with that analysis, and develops it further below by reference to: (a) the Council's own evidence on the sustainability performance of EMP90 relative to other sites assessed in NWLDC's evidence base; (b) the procedural history by which EMP90 came to be included within the East Midlands Freeport and, subsequently, within NWLDC's emerging Local Plan; (c) the treatment of the other two East Midlands Freeport sites as 'not reasonable alternatives' on grounds that are, in the Council's view, circular; (d) the adequacy of the Applicant's assessment of land south of the Kegworth Bypass; and (e) the existence of a materially smaller, more localised scheme for part of the EMP90 land, promoted by East Midlands Airport and Prologis, which the Council considers demonstrates that a less harmful alternative exists on a portion of the site.</p>	<p>of whether they are capable of meeting the fundamental objectives of the proposed development.</p> <p>Chapter 4 of the ES appropriately begins by setting out the strategic context of the proposals and identifies the core objectives of the scheme, including the requirement to deliver strategic logistics floorspace intrinsically linked with East Midlands Airport, East Midlands Gateway, support the ambitions of the East Midlands Freeport and provide connectivity to the strategic highway network. We consider that these objectives are legitimate parameters rather than arbitrary constraints to the assessment.</p> <p>The Parish Council's suggestion therefore misunderstands the purpose of Regulation 14(2)(d). A site which cannot realistically fulfil the operational, locational and economic requirements of the proposed development cannot be seen as a 'reasonable alternative' simply because it may have different environmental effects.</p> <p>Reference to a smaller scheme has already been considered within Chapter 4 and is being considered in further detail in response to the ExP's Rule 17 letter (dated 19/06/2026) [PD-024] which has been submitted at Deadline 5.</p> <p>The Applicants consider that the ES satisfies the requirements of the EIA Regulations.</p>
8.	NWLDC's Own Sustainability Evidence for EMP90	While the Sustainability Appraisal identifies some negative scores for EMP90, these should not be viewed

¹⁶ Submission of Protect Diseworth (IP F3E6B1906), Issue Specific Hearing 1, 11 March 2026, paragraph 6(b).

¹⁷ Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.4.3.

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

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

in isolation. Sustainability Appraisals provide a broad assessment and do not necessarily reflect any mitigation measures that can be secured through the planning process and therefore in that view, should not be viewed as fixed scores. The identified negative impacts are capable, in our view, to be reduced and/or suitably mitigated as part of, and as evidenced by, the DCO application. In fact, the Sustainability Appraisal in respect of EMP90 acknowledges significant positive benefits for Employment (SA7) and Sustainable Travel (SA8), alongside other positive contributions to the Economy (SA5) and Community (SA3). These together are substantial benefits that support local and regional growth, job generation and inward investment.

The comparison with EMP63 and EMP66 also requires context as those sites differ significantly in size, location and intended function in that they would not serve to contribute to meeting the strategic employment land needs, in which NWLDC recognise is significant in the District. EMP90 however has a strategic role associated with the East Midlands Freeport, providing opportunities that these comparison sites cannot deliver to the same scale.

Ultimately, the Sustainability Appraisal does not demonstrate that the site is unsuitable for allocation, and indeed EMP90 is being brought forward for allocation in the Regulation 19 Plan, but rather identifies matters that should be addressed and in this case, through appropriate mitigation and detailed consideration.

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

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

The Applicant’s own narrative commentary on these scores acknowledges that the scale of the proposed development would detract from and diminish the rural setting of Diseworth, that there is potential for harmful impacts on the Diseworth Conservation Area, and that the development would ‘breach’ the A453, which currently marks a clear boundary between large-scale commercial development to the north and east and the rural, agricultural character of the land to the south¹⁸.

By way of comparison, other sites assessed in the same evidence base and proposed for allocation – for example EMP63 (Option 1, Carnival Way, Castle Donington) and EMP66 (former Measham Colliery site) – record materially more favourable Sustainability Appraisal profiles. EMP63 (Option 1) records significant positive scores against SA6, SA7, SA8 and SA9, reflecting its location adjoining the existing settlement boundary of Castle Donington and its access to bus services and local facilities. EMP66, a brownfield site, records an improved (significant positive) score for SA14 (Land-use Efficiency) following confirmation of its status as previously

¹⁸ North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 assessment, Key Planning Considerations and Conclusion sections.

	<p>developed land, alongside a landscape sensitivity assessed in the Council's own Landscape Sensitivity Study as 'low to change'. Neither comparator site approaches the scale of EMP90, but the comparison illustrates that NWLDC's own evidence does not identify EMP90 as a site that performs well against sustainability criteria; rather, it is a site whose inclusion appears to the Council to have been driven primarily by considerations external to that evidence base – in particular, its Freeport status – as set out in Section 9 below¹⁹.</p> <p>The Parish Council also notes that EMP90 is the only site within NWLDC's wider SHELAA evidence base to carry Freeport ('Tax Site') status, a point which the Applicant's own evidence acknowledges is 'a significant factor when considering this site in comparison with others'. The Council agrees that it is a significant factor – but considers that the Examining Authority should be alert to the risk that this factor has operated, in practice, to substitute for, rather than supplement, a genuine site-specific sustainability and alternatives assessment.</p>	
9.	<p>How EMP90 Came to Be Part of the East Midlands Freeport and the Implications for the Alternatives Assessment</p> <p>The Parish Council considers that the procedural history by which EMP90 came to be included within the East Midlands Freeport's EMAGIC tax site is directly relevant to the Examining Authority's consideration of alternatives, because it explains why the Applicant's alternatives assessment in Chapter 4 of the Environmental Statement takes the Freeport designation as effectively a fixed constraint, rather than as something whose own site-selection basis can or should be examined.</p> <p>As far as the Council has been able to establish from publicly available sources:</p>	<p>The Applicants note the responses to other questions were sought by the ExA by the Freeport and others. The Applicants would suggest questions regarding the designation of the Freeport, and its size, are matters for other bodies to answer.</p>

¹⁹ North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 assessment, 'Freeport' section.

<ul style="list-style-type: none"> • land south of the A453 (now EMP90/EMG2) was first promoted by East Midlands Airport and SEGRO in October 2020 as part of early Freeport bid development, but was subsequently removed from the bid; • in early 2022, following what East Midlands Airport’s own Industry Consultative Committee minutes describe as a Government-driven (Treasury) requirement for the EMAGIC tax site to include additional land in order to meet a minimum area threshold for Freeport qualification, the East Midlands Freeport Board proposed re-including the land south of the A453, and this was submitted to and approved by Government in early March 2022; • the legal designation of the EMAGIC tax site boundary, including this land, was made by the Designation of Freeport Tax Sites (East Midlands Freeport) Regulations 2022 (SI 2022/184), with effect from 22 March 2022; and • the same Industry Consultative Committee minutes record that stakeholders raised concerns about the absence of consultation or communication regarding the inclusion of this land, which East Midlands Airport attributed to the speed of the process required by Government. <p>The Council understands that no published Freeport Board paper or minute sets out a shortlist of candidate parcels considered for inclusion in the EMAGIC tax site at this stage, the appraisal criteria applied, or the reasons why alternatives (if any) were not preferred; the relevant material appears to have been treated as commercially exempt.</p> <p>The Council also draws attention to correspondence from NWLDC’s own Strategic Director, dated as early as 4 December 2020 – prior to the events described above – and submitted as Exhibit ‘PD1’ to the written representations of Protect Diseworth for Issue Specific Hearing 1²⁰, in which</p>	
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²⁰ Submission of Protect Diseworth (IP F3E6B1906), Issue Specific Hearing 1, 11 March 2026, Exhibit “PD1” (email of J. Arnold, Strategic Director, North West Leicestershire District Council, 4 December 2020).

<p>the Strategic Director observed that for any site to have credibility and planning legitimacy, its identification would need to go through due process, that officers would not have the authority from elected members to put forward sites irrespective of landowner support, and that without such a process there would be no planning legitimacy to any sites identified.</p> <p>EMP90 was not included within NWLDC's Regulation 18 consultation on its emerging Local Plan. The Council understands that the Local Plan Committee resolved, on 19 November 2025, to agree 'in principle' the inclusion of EMP90 as a strategic warehousing and general needs employment site in the Regulation 19 version of the Local Plan, in the context of the Freeport designation and the DCO application that, by that date, had already been submitted (and resubmitted) and was proceeding through Examination.</p> <p>The combined effect of paragraphs 0 to 0 above is, in the Council's view, that EMP90's status as a 'strategic' site – and hence its treatment by the Applicant as the only realistic location for the EMG2 proposals – derives not from a structured, evidence-based site selection exercise undertaken by or on behalf of the local planning authorities, but from: (i) a 2020 commercial promotion by East Midlands Airport and SEGRO; (ii) a 2022 Freeport boundary adjustment driven by a need to meet a minimum area threshold, with no published consideration of alternative parcels; and (iii) a 2025 'in principle' Local Plan resolution that itself post-dates, and appears to respond to, the DCO process rather than to inform it. The Council respectfully submits that a site whose strategic status has this provenance cannot simply be treated, for the purposes of Regulation 14(2)(d), as a starting point that 'limits the sites that can be considered to provide a realistic alternative'²¹. On the contrary, it is precisely because EMP90's inclusion within the Freeport has not itself been tested against alternatives that the Examination represents the first genuine opportunity for that question to be addressed.</p>	
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²¹ Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.4.3.

<p>10.</p>	<p>The Other East Midlands Freeport Sites: Ratcliffe-on-Soar and EMIP Burnaston</p> <p>Chapter 4 of the Environmental Statement dismisses the other two locations comprising the East Midlands Freeport – the former Ratcliffe-on-Soar power station site (Nottinghamshire) and Goodman’s East Midlands Intermodal Park (‘EMIP’) at Burnaston, adjacent to the Toyota plant (Derbyshire) – as ‘not considered as reasonable alternatives’, on the basis that ‘to realise the Freeport’s ambitions ... all three sites are proposed to come forward and it is therefore not a matter of progressing one in preference to another’²².</p> <p>The Council considers this reasoning to be circular, and to misapply the test in Regulation 14(2)(d). The question that Regulation 14(2)(d) requires to be addressed is not whether other Freeport sites are also being progressed (a question of programme management for the Freeport as a whole), but whether a reasonable alternative exists that would meet the objectives of the proposed development – here, the provision of additional strategic B8/B2 floorspace in the sub-region – with materially less harmful environmental effects. The fact that the Freeport programme as a whole intends to bring forward all three locations does not answer that question; if anything, it underlines that the demand the Applicant says EMG2 would meet is not uniquely attributable to, or dependent upon, development at EMP90, since, on the Applicant’s own case, broadly equivalent demand is to be met at Ratcliffe-on-Soar and EMIP as well.</p> <p>The Council notes in particular that:</p> <ul style="list-style-type: none"> the former Ratcliffe-on-Soar power station site benefits from an extant Local Development Order (granted July 2023) for a range of employment, energy generation and energy storage uses, is in the process of being decommissioned, and – unlike EMP90 – does not require the loss of greenfield agricultural land immediately adjoining a designated conservation area and a village whose residents would 	<p>Regulation 14(2)(d) requires the consideration of reasonable alternatives <i>to the proposed development</i>, not a comparative ranking of those Freeport sites. As set out within Chapter 4 of the Environmental Statement, all three sites serve distinctive and complementary functions within the East Midlands Freeport rather than being interchangeable. The suggestion that EMIP could substitute EMP90 ignores the Freeport’s own spatial strategy in which all three sites are required to come forward to realise the Freeport’s ambitions of delivering significant investment and creating thousands of new job opportunities and the specific locational requirements of EMG2 as set out in detail of Chapter 4 of the Environmental Statement. The suggestion also undermines the emerging Local Plan strategy and the associated evidence base which demonstrates a clear and substantial need of strategic employment land specifically in the District.</p> <p>The Applicants note the Parish Council’s reference to the use of a 25ha threshold, however the use of this threshold is clearly explained in the Environmental Statement. That being said, we note that the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment (Iceni, 2025) which NWLDC are using as their relevant evidence base report for strategic employment does also make reference to this threshold. The Applicants therefore consider that this threshold is appropriate in this context.</p>
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²² Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraphs 4.4.5 and 4.4.6.

	<p>experience direct and substantial amenity effects from 24/7 logistics operations; and</p> <ul style="list-style-type: none"> • EMIP at Burnaston is itself the subject of a separate Nationally Significant Infrastructure Project application (at pre-submission consultation stage at the time of writing) for a strategic rail freight interchange of circa 500,000 sqm – a scale broadly comparable to EMG2 – and is identified as a proposal in the Regulation 19 South Derbyshire Draft Local Plan Part 1, which was the subject of public consultation in Spring 2025. <p>In other words, on the Applicant’s own evidence, a site of comparable scale to EMG2, serving a comparable function, located elsewhere within the East Midlands Freeport and – unlike EMP90 – the subject of a structured Local Plan and NSIP process that has tested its suitability and alternatives, already exists and is being progressed. The Council respectfully submits that the Examining Authority should require the Applicant to explain why, if EMIP can meet a substantial proportion of the sub-region’s strategic distribution need through a process that has tested alternatives, EMP90 needs to do so as well, at a scale that, as set out in Part 1 above, appears to exceed what a robust, factorised assessment of need would support.</p> <p>The Council further notes that the exclusion of Ratcliffe-on-Soar and EMIP from the alternatives assessment on the grounds given is particularly difficult to reconcile with the Applicant’s own acknowledgement, in the same chapter, that no definition of ‘strategic scale’ is provided by the local and regional evidence base, and that a threshold of at least 25ha has therefore been applied ‘in the absence of other available guidance’²³, drawing on a study (the West Midlands Strategic Employment Sites Study, Iceni, August 2024) prepared for a different region entirely, by the same consultancy (Iceni) responsible for the Iceni Study referred to in Part 1 above. The Council does not suggest that there is anything improper in Iceni having prepared</p>	
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²³ Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.4.4, referring to the West Midlands Strategic Employment Sites Study (Iceni, August 2024).

	<p>evidence for more than one client or region; but it does suggest that a 25ha 'strategic scale' threshold, imported without adaptation from a West Midlands study, should not be treated as an objective or locally-derived basis for excluding sites from consideration as alternatives, particularly where, as with Ratcliffe-on-Soar and EMIP, those sites comfortably exceed that threshold in any event.</p>	
11.	<p>Land South of Kegworth Bypass: An Incomplete Comparison</p> <p>The Council notes that the Applicant did consider, and reject, land to the south of the Kegworth Bypass as an alternative location. The stated reasons for rejection relate principally to: (a) concerns raised by the local highway authority about the achievability of an acceptable access arrangement, having regard to the function of the bypass; (b) the absence of equivalent public transport and active travel connectivity to EMG1; (c) the site's location partly within the East Midlands Airport Public Safety Zone, where Local Plan Policy Ec6 establishes a general presumption against new development; and (d) unspecified 'heritage, landscape and amenity impacts', which the Applicant asserts, without further analysis, also affect the EMG2 Main Site and therefore do not represent land south of Kegworth Bypass being 'a better alternative in that regard'²⁴.</p> <p>The Parish Council does not seek to argue that land south of the Kegworth Bypass is necessarily a preferable site overall – the highways concerns identified by the local highway authority are not insignificant, and the Council does not have the resources to test them independently. However, the Council does observe that the comparative assessment of this site, as set out in the Environmental Statement, addresses access, public transport connectivity and the Public Safety Zone in some detail, but does not provide any comparable site-specific analysis of ecology, landscape character, noise or air quality for land south of the Kegworth Bypass against which the (admittedly serious) effects of the EMG2 proposals on Diseworth, its</p>	<p>Again, the misinterpretation of Regulation 14(2)(d) by the Parish Council suggests that the Applicants should provide a more elaborate assessment of the reasonable alternatives. The legal test is whether this assessment has taken the environmental effects into account in a reasonable manner, not whether every conceivable environmental matter has been exhaustively benchmarked site-by-site or should it provide a mirror-image Environmental Statement for every rejected site. Where a site is excluded on clear planning and deliverability grounds, as is the case with Land South of Kegworth Bypass, a proportionate approach to further environmental consideration/comparison is appropriate as per Chapter 4 of the Environmental Statement</p>

²⁴ Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.4.19.

	<p>Conservation Area, and the separation between Diseworth and the East Midlands Airport/EMG1 commercial area, could be benchmarked.</p> <p>In particular, land south of the Kegworth Bypass does not lie immediately adjacent to a village with a designated Conservation Area and listed buildings in the way that EMP90 lies immediately adjacent to Diseworth. If, as the Applicant's own Sustainability Appraisal evidence for EMP90 records, the scale of the EMG2 proposals would detract from and diminish the rural setting of Diseworth and risk harm to the Diseworth Conservation Area, then a comparative assessment of alternatives that does not test whether equivalent or lesser harm would arise at a site without an immediately adjoining sensitive settlement cannot, in the Council's view, be regarded as having taken into account the effects of the development on the environment in the manner Regulation 14(2)(d) requires.</p>	
12.	<p>The MEA/Prologis Proposal: Evidence That a More Proportionate Alternative Exists for Part of EMP90</p> <p>Perhaps the most directly relevant evidence that a more proportionate and less harmful alternative exists is the scheme promoted by East Midlands Airport (through its operator, MAG) and Prologis for part of the EMP90 land itself.</p> <p>As recorded in the Applicant's own Factual Update (September 2025) within NWLDC's site assessment for EMP90, the land to the north of Hyam's Lane (part of EMP90) was the subject of a planning application submitted by Manchester Airports Group in June 2024 (ref. 24/00727/OUTM) for outline permission for some 135,000 sqm of B2/B8 floorspace with ancillary offices, awaiting determination at the time of that update²⁵. The EMAGIC Community Forum notes of 20 February 2026 confirm that this scheme – covering 'a third of the land south of the A453' – has progressed with</p>	<p>As set out previously, reference to a smaller scheme has already been considered within Chapter 4 and is being considered in further detail in response to the ExP's Rule 17 letter (dated 19/06/2026) (PD-024) which has been submitted at Deadline 5.</p> <p>On the point of delivering a phase approach to EMP90 and the question of interoperability, the Applicants have provided full detailed responses to these points elsewhere in the submissions and does not propose to replicate these representations here.</p>

²⁵ North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 assessment, Factual Update (September 2025), item 1.

	<p>Prologis announced as development partner (January 2025), with revised plans submitted to NWLDC in November 2025²⁶.</p> <p>The Council considers that the existence of this scheme is significant to the Examination for at least three reasons.</p> <ul style="list-style-type: none"> • First, it demonstrates that a materially smaller proportion of the EMP90 land – and a materially smaller quantum of floorspace (135,000 sqm, as against the Applicant’s proposed 300,000 sqm plus 200,000 sqm of mezzanine) – is capable of being brought forward through the ordinary Town and Country Planning Act process, without recourse to a Development Consent Order, and is reported by the East Midlands Freeport itself to demonstrate strong market interest in the site and the region²⁷. If a scheme of this scale can proceed through normal planning channels and meet genuine market demand, the Council respectfully submits that the Applicant should be required to demonstrate why a scheme more than three times that size, requiring a DCO, is necessary – rather than, for example, a phased approach in which the EMA/Prologis element proceeds first and the case for any further development on the remainder of EMP90 (or elsewhere) is tested in light of actual take-up. • Second, the EMA/Prologis scheme, by virtue of its smaller scale and its location closer to the existing airport boundary and to East Midlands Gateway 1, has been characterised as representing a more pragmatic approach to development south of the A453 near the airport, involving less impact on the nearby villages, on the landscape and countryside and on road traffic generation than the Applicant’s proposals for the whole of EMP90²⁸. If correct, this is directly relevant evidence that a less environmentally damaging means of meeting at least part of the identified 	
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²⁶ EMAGIC Community Forum, Notes, 20 February 2026.

²⁷ EMAGIC Community Forum, Notes, 20 February 2026: “Overall, this position demonstrates strong market interest in the site and the region.”

²⁸ Correspondence from C. Cain, 22 February 2026, characterising the EMA/Prologis proposals for part of the EMP90 site.

	<p>need exists, located on part of the very site that the Applicant says offers no reasonable alternative.</p> <ul style="list-style-type: none"> • Third, the existence of two separate applications – the Applicant's DCO, covering the whole of EMP90 including the land that is also the subject of the EMA/Prologis application, and the EMA/Prologis application itself, proceeding (at the time of writing) through NWLDC's ordinary development management process – raises a direct question of interoperability that the Council understands has already been identified by the Examining Authority as an issue for discussion at Issue Specific Hearing 1²⁹. The Council does not seek to resolve that question in this representation, save to observe that the existence of a competing, smaller-scale, more locally accountable application for part of the same land is itself evidence that the 'no reasonable alternative' conclusion in Chapter 4 of the Environmental Statement cannot be correct, at least in relation to that part of the site. 	
13.	<p>Conclusions on Alternatives</p> <p>For the reasons set out above, the Parish Council does not consider that the Applicant's consideration of alternative sites, as set out in Chapter 4 of the Environmental Statement, discharges the requirements of Regulation 14(2)(d) of the EIA Regulations. In summary:</p> <ul style="list-style-type: none"> • the Applicant's starting proposition – that only a site closely related to East Midlands Airport and EMG1, within the Freeport designation, can offer a reasonable alternative – is a commercial and policy framing, not a functional or environmental one, and forecloses the comparative assessment that Regulation 14(2)(d) requires; • NWLDC's own Sustainability Appraisal evidence does not identify EMP90 as a strong-performing site; on the contrary, it records significant adverse scores across landscape, land-use efficiency, town and village 	<p>The Applicants note, but disagree with, the conclusions made by the Parish Council. A full and direct response to these comments is made to each of these points as part of this submission.</p>

²⁹ Submission of Protect Diseworth (IP F3E6B1906), Issue Specific Hearing 1, 11 March 2026, paragraph 4 (Interoperability).

<p>centre, and air/light/noise objectives, with the site's Freeport status appearing to be the principal factor distinguishing it from other, more favourably-scoring sites;</p> <ul style="list-style-type: none"> • the procedural history of EMP90's inclusion within the East Midlands Freeport does not disclose any structured, published consideration of alternative parcels, and EMP90's inclusion within NWLDC's emerging Local Plan post-dates, and appears to respond to, the DCO process rather than to have tested it; • the exclusion of the other two East Midlands Freeport sites (Ratcliffe-on-Soar and EMIP Burnaston) from the alternatives assessment, on the basis that all three Freeport sites are intended to come forward, is circular and does not address whether those sites could meet the identified need with materially less environmental harm – which, on the evidence available, they appear capable of doing; • the comparative assessment of land south of the Kegworth Bypass does not extend to the environmental topics – ecology, landscape, noise, air quality – that are most directly in issue for EMP90 given its proximity to Diseworth; and • the EMA/Prologis scheme for part of EMP90 itself provides direct evidence that a materially smaller, less harmful scheme, capable of being delivered through ordinary planning processes, exists for at least part of the site, undermining the conclusion that no reasonable alternative to the Applicant's proposals exists. <p>The Council respectfully submits that, taken together with the concerns regarding the need case set out in Part 1, these matters represent a significant gap in the evidence base before the Examination, and one that goes to the heart of the planning balance. The Council requests that the Examining Authority require the Applicant to provide a structured, criteria-based comparative assessment of the alternatives identified above (and any others the Examining Authority considers relevant), addressing</p>	
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	<p>environmental effects on a like-for-like basis before the Examination concludes.</p>	
<p>14.</p>	<p>Road Traffic Impact</p> <p>Introduction</p> <p>This Part 3 of Kegworth Parish Council’s (“the Parish Council”) submission addresses the impact of the Proposed Development on the road network, and in particular on the M1 Junction 24 and Finger Farm Roundabout (Junction 23A) corridor on which Kegworth depends for access to the M1, the A453 and the wider Strategic Road Network (“SRN”).</p> <p>This submission on behalf of the Council adopts and relies upon the technical analysis set out in SCP’s Technical Note 04 (reference SC/SP/251399/TN04 – Rev4.0, dated 28 April 2026) (“TN04”), prepared on behalf of East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (“EMA/EMIAL”) and submitted as Appendix 1 to their Deadline 3 submission. While EMA/EMIAL’s interest in the Proposed Development is distinct from that of the Parish Council, the deficiencies in the Applicant’s traffic and transport case identified in TN04 are of direct and, in some respects, even greater relevance to Kegworth, given the village’s reliance on the same junctions for everyday access.</p> <p>The remainder of this section (i.e. Part 3) of the Council’s representation therefore addresses:</p> <ul style="list-style-type: none"> • the internal inconsistency in the Applicant’s case for the highway works, including the traffic generation assumptions which underpin it; • the lack of mitigation at junctions on Kegworth’s principal access routes; • the ineffectiveness of the mitigation proposed at M1 Junction 24 (paragraph 0); 	<p>Whilst some specific responses are made below, for the reasons set out within the Applicants’ response to Deadline 2 and 3 submissions [REP4-033] the Applicants do not agree with many of the points raised within SCP’s technical note 04 appended to EMA’s Deadline 3 submission [REP3-060] upon which the Parish Council have relied.</p>

	<ul style="list-style-type: none"> • the cumulative impact of the approved Finger Farm employment development at Junction 23A, which the Parish Council does not consider has been properly addressed (paragraph 0); • construction phase impacts (paragraph 0); and conclusions (paragraph 0). 	
15.	<p>An Inconsistent and Unclear Case for the Highway Works at Junction 24</p> <p>As TN04 identifies, the Applicant's case for the scale of the highway works proposed at M1 Junction 24 is unclear and, at times, internally inconsistent. It is not clear whether the Junction 24 works are intended as mitigation for the Proposed Development, or whether they are of a scale designed to enable wider growth properly attributable to other developments, including Isley Woodhouse and the Ratcliffe-on-Soar Power Station site (TN04 paragraphs 7.2 to 7.6).</p> <p>This matters to Kegworth because the Junction 24 works, and the associated Kegworth Bypass corridor (A453/A6), form part of the immediate environment of the village. Residents are entitled to know what is actually being delivered as a consequence of EMG2, when, and on what basis – rather than for EMG2 to be presented as the vehicle for a much larger, and as yet unconsented, strategic scheme (see paragraph 0 below). If that wider scheme does not proceed in the form or on the timescale assumed, Kegworth risks being left adjacent to a part-completed junction carrying additional EMG2-related traffic without the benefit of the full mitigation on which the Applicant's case depends.</p> <p>A further, and more fundamental, uncertainty underlying the highway works in this element of the Council's submission is the scale of traffic the Proposed Development is itself assumed to generate. The Transport Assessment tests EMG2 on the basis of some 430,000 sqm of floorspace for transport purposes (340,000 sqm B8 at EMG2, including 100,000 sqm of</p>	<p>The physical highway mitigation being proposed is to accommodate the EMG2 development only. This includes the significant works at M1 Junction 24 and in particular the new M1 northbound to A50 westbound free flow link. However, the EMG2 mitigation would not preclude further mitigation from coming forward in relation to other nearby developments.</p> <p>National Highways (NH) has confirmed that they are in agreement with the mitigation being proposed by EMG2 which would ensure there are no unacceptable impacts. See the Statement of Common Ground with NH [REP4-053].</p> <p>The methodology for calculating the trip generation from the EMG2 development has followed industry standard protocol and has been scrutinised by LCC and NH who have agreed with the calculations. The evidence submitted with the Transport Assessment, demonstrates how the trip generation is highly robust in comparison to surveyed traffic levels at EMG1. The assessment carried out in the Transport Assessment makes no allowance for any reduction in traffic as part of the Travel Plan process, which seeks to reduce the single occupancy car driver mode share from 80% (baseline) to 56% over a 10 year period. Therefore, the transport modelling has</p>

	<p>mezzanine, plus 30,000 sqm B8 at EMG1 Plot 16 and 60,000 sqm B2 at EMG2), generating 929 two-way trips in the AM peak and 1,065 in the PM peak, including 174 and 155 HGV trips, respectively. No employee-number assumption has been identified in the available material, notwithstanding its direct relevance to parking demand, shift patterns and peak-hour interactions with the airport.</p> <p>TN04 records that a further 100,000 sqm of mezzanine floorspace at EMG2 is not fully assessed as conventional traffic-generating floorspace, and that if it were so assessed it could add a further 176 AM and 220 PM two-way trips; and that, if the advanced manufacturing element of the scheme (some 20% of the development) were tested against alternative trip rates together with this additional mezzanine, the uplift could be of the order of 788 AM and 454 PM trips (TN04 [paragraph reference to be confirmed]). If the highway works at Junctions 23A and 24 addressed in this Part 3, and the viability appraisal addressed in Part 4, have been sized and costed on the basis of the lower, 430,000 sqm figure, the Parish Council submits that the ExA should require the Applicant to demonstrate that the works (and their cost) remain adequate on the higher trip generation figures TN04 identifies as plausible, including by way of an enforceable cap on vehicle trips by plot and for the development as a whole, with monitoring and consequences for breach.</p>	<p>been carried out using a highly robust set of parameters with the conclusions of the transport modelling agreed with NH.</p> <p>Whilst the trip generation and transport modelling based on a total development of 430,000sqm is considered robust for the reasons set out above, the Applicants have carried out further sensitivity test modelling that applies the agreed trip rates (per 100sqm GFA, as per the industry standard way of calculating such trips) to the additional 100,000sqm of mezzanine floorspace (i.e. 530,000sqm of development in total). This has been tested through the VISSIM model and demonstrates how the proposed mitigation would continue to ensure there would be no unacceptable impacts from the EMG2 development. The VISSIM modelling work and associated spreadsheets have been shared with NH, with the subsequent VISSIM Additional Mezzanine Sensitivity Test Modelling Report being produced, and to be submitted at Deadline 6.</p> <p>The 200,000sqm of mezzanine floorspace is only attributed to the B8 element of the development. This will be controlled by the Parameters Plan and B2 floorspace will not exceed 60,000sqm, as assessed in the Transport Assessment.</p>
16.	<p>Lack of Mitigation at Junctions on Kegworth's Access Routes</p> <p>TN04 identifies several junctions on the local network, used by Kegworth residents and by through-traffic on routes that pass close to the village, for which no effective mitigation is proposed. Using the numbering the Traffic Impact Assessment they are</p>	<p>With regards to Junction 8, mitigation has not been proposed at the A453/The Green junction so as to not encourage traffic to route via the local roads. 74 development trips forecast to access the site via The Green in EMFM in the morning peak hour, which was questioned in the TA post the more detailed Junctions 11 assessment. The Applicants consider that this traffic would reroute more via Finger Farm than The Green,</p>

<p>(d) <i>Junction 8 (A453/The Green Priority Junction)</i>: the without-development queue on the minor arm of 5.9 pcus (33m) is forecast to increase to 122.9 pcus (706m) in 2028, and to 172 pcus (989m) in 2038 – “which essentially queues all the back towards the village of Diseworth”, immediately adjacent to Kegworth (TN04 paragraphs 4.31 to 4.38). No physical mitigation is proposed; the Applicant instead relies on traffic re-routeing via Finger Farm Roundabout and the A42, the scale of which has not been demonstrated (TN04 paragraph 4.31 and 4.37).</p> <p>(e) <i>Junction 9 (A453/East Midlands Airport Roundabout)</i>: forecast to operate over theoretical capacity even without the development (RFC 1.11 in 2038), with queues extending beyond the available storage towards Junction 10 (A453/Walton Hill signal junction) on the strategic corridor used by Kegworth – and worsening further with the addition of development traffic. No physical mitigation is proposed (TN04 paragraphs 4.39 to 4.43).</p> <p>(f) <i>Junction 2 (A453/Beverley Road Roundabout)</i>: no modelling results whatsoever have been provided for this junction, despite it forming one of the key access points to the Airport and business park (TN04 paragraphs 4.27 to 4.28).</p> <p>The Parish Council is concerned that traffic displaced from these junctions – whether by re-routeing assumptions built into the Applicant’s model, or simply by drivers seeking to avoid the queues described above – has the clear potential to find its way onto local roads through and around Kegworth, including the Kegworth Bypass, without this having been assessed.</p> <p>The assessment at Junction 9 (A453/East Midlands Airport Roundabout) referred to at paragraph 2.3(e) above does not appear to test the effect of forecast growth in airport activity itself. EMA’s evidence is that the airport has no rail link and depends on road access via, among others, M1 Junction 24, Finger Farm Roundabout and the A453/East Midlands Airport Roundabout for the entirety of its passenger and cargo operations, which operate on a 24/7 basis. Given that Junction 9 is already shown to operate</p>	<p>Grimes Gate, or the A6 Kegworth bypass because of the addition capacity created as a result of the mitigation proposed.</p> <p>With regards to Junction 9, Section 11 of the Transport Assessment confirms that the A453/East Midlands Airport roundabout would operate within capacity under the Stage 1B modelling scenario i.e. with the inclusion of EMG2 at a 2038 future year but excluding traffic from the draft Local Plan allocation sites, in particular Isley Woodhouse. It is only in the Stage 1A scenario where traffic from the draft Local Plan allocations is included, where the junction is predicted to operate over capacity. Therefore, mitigation is not required for the EMG2 development.</p> <p>With regards to Junction 2, queue results are not readily available for the A453/Beverley Road Roundabout because they are embedded in the VISSIM model results. Within the VISSIM model there are no queue counters at the site access, the main focus was at the key SRN junctions as these are the junctions that were congested in the forecast base scenarios. However, journey times along the A453, which are included within the report, which shows the eastbound/ westbound journey times across the Beverley Road Roundabout. confirms that there are no increases along this route between the WoD and WD scenarios, and the journey times decrease along the A453 in the mitigation scenario, as the new A50 link road increases capacity at the Finger Farm Roundabout. The VISSIM model also</p>
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	<p>over theoretical capacity in the 2038 future baseline before any EMG2 traffic is added, the Parish Council submits that the Applicant should be required to test a sensitivity scenario reflecting credible airport growth (of the order of 10 million passengers per annum and 650,000 tonnes of freight), including associated staff, taxi, HGV and seasonal passenger peak movements, so that the true cumulative pressure on this junction – relied upon daily by Kegworth residents – can be understood.</p>	<p>shows that there is also no latent demand on the site access arm.</p> <p>The residual impacts of the EMG2 development post modelling the mitigation proposed on the Strategic Road Network are being reviewed in collaboration with LCC and further details are to be submitted to Deadline 6 (informally to LCC prior).</p> <p>The modelling carried out in the Transport Assessment assumes 938 additional jobs across East Midlands Airport (which is the same as that used by EMA and Prologis for the Joint Application). This assumption has been agreed with stakeholders and reflected planned growth aspirations at the time the modelling was carried out. Hence, EMG2 has forecasted traffic flows in line with an agreed methodology and industry standard guidelines.</p>
17.	<p>The Mitigation Proposed at M1 Junction 24 Has Not Been Shown to Be Effective, and May Worsen Safety on the Corridor Adjoining Kegworth</p> <p>M1 Junction 24 sits immediately to the east of Kegworth, and the Kegworth Bypass (A453/A6) forms part of the same corridor. TN04 identifies serious and, on the Applicant’s own evidence, unresolved concerns about the operation of this junction with the Proposed Development in place.</p> <p>Without mitigation, the Stage 1A modelling shows the mean maximum queue on the M1 southbound off-slip (A50) increasing from 38m to 669m in the 2028 AM peak as a result of the development (TN04 paragraph 4.5). With the Applicant’s proposed mitigation in place (Stage 2A), that queue increases further still, to 1140m – i.e. the proposed mitigation results in a longer queue than would arise without it, a result TN04 describes as not logical and for which no explanation has been provided by the Applicant (TN04 paragraphs 4.12 to 4.13).</p>	<p>The Applicants refer to the Statement of Common Ground with National Highways [REP4-053] which confirms their position and agreement to the transport modelling and mitigation proposed at M1 Junction 24.</p>

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

TN04 further records that the Applicant’s 2019 VISSIM modelling and the more recent 2023 PRTM-based sensitivity testing produce materially different results for this same approach, without explanation, and that confirmation has not been provided as to why the more recent, validated 2023 model is not being relied upon (TN04 paragraphs 3.4 to 3.6). Given that this discrepancy goes to the heart of the safety case for the junction immediately adjacent to Kegworth, the Parish Council submits that it must be resolved – with the underlying traffic flow data and modelling files made available to Interested Parties – before the ExA could properly be satisfied as to the acceptability of the Junction 24 proposals.

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

The Parish Council further notes that, beyond the 2019/2023 modelling discrepancy addressed at paragraph 0 above, EMA/SCP record that the underlying M1 Junction 24 VISSIM model input data and methodology have not been made available to them at all, such that the queue figures discussed above could not be independently checked by EMA’s own

	<p>consultants. Given that the Applicant's strategic case depends on these models demonstrating an overall benefit to the SRN, while the figures extracted by SCP suggest serious residual or worsened queuing on the J24 southbound off-slips, the Parish Council submits that full disclosure of the model files and methodology to Interested Parties is a precondition of the ExA being able to resolve this dispute.</p> <p>The wider strategic scheme referred to at paragraph 0 above is, on the Applicant's own case, intended in part to accommodate growth associated with the Ratcliffe-on-Soar Power Station redevelopment and other committed and draft Local Plan development. However, the material available to the Parish Council does not isolate the queue-length effect of the Ratcliffe-on-Soar development alone at Finger Farm Roundabout (Junction 23A) or Junction 24, with and without the proposed new M1-to-A50 slip road and the other Junction 24 works. Without that decomposition, neither the ExA nor the Parish Council can understand how much of the benefit claimed for the Junction 24 mitigation is attributable to addressing EMG2's own impact, as opposed to creating capacity for this and other separate, and separately consentable, development. The Parish Council requests that the Applicant be required to provide a Ratcliffe-specific sensitivity or decomposition for both junctions.</p>	
18.	<p>The Cumulative Impact of the Approved Finger Farm Employment Development at Junction 23A Has Not Been Addressed</p> <p>Finger Farm Roundabout (M1 Junction 23A) is identified in TN04 as a junction through which a significant proportion of traffic to and from the Proposed Development will pass, including traffic arriving from the south via the M1 and A42, which the Applicant's own evidence indicates would exit the M1 at Junction 23A to access Finger Farm Roundabout and the site (TN04 paragraph 4.26). Despite this, TN04 records that no mitigation is proposed at Finger Farm Roundabout in the EMG2 application, notwithstanding that the earlier Prologis application – for a materially smaller development –</p>	<p>The Applicants are proposing mitigation at Finger Farm to increase the capacity of the exit onto the A453 westbound towards EMG2. However, the proposed M1 northbound to A50 westbound link at J24 mitigates impacts at Finger Farm by reducing the volume of traffic that would travel through it in the northbound direction. The VISSIM modelling confirms that capacity will be improved at Finger Farm as a result of the EMG2 highway works.</p> <p>The employment development consented at Finger Farm has been included in the transport modelling, referred to as 'EM Point' with the details included in the</p>

<p>identified the need for mitigation at this same junction (TN04 paragraphs 4.29 to 4.30).</p> <p>The Parish Council is not aware of any assessment by the Applicant of the cumulative effect of EMG2 at Finger Farm Roundabout together with the employment development at the former Finger Farm site itself (drawing reference 754-CPA-ZZ-ZZ-DR-A-0102, planning reference 22/01939/VCUM, comprising three employment units (EMP01–EMP03) with a combined gross external area of approximately 6,885 sqm and 231 car parking spaces, accessed directly from the Finger Farm Roundabout via a new signal-controlled pedestrian/cycle crossing on the A453).</p> <p>This omission is significant for four reasons:</p> <ul style="list-style-type: none"> • First, the Finger Farm development is, on the evidence available to the Parish Council, a committed scheme generating its own vehicular trips through Finger Farm Roundabout, in addition to those generated by EMG2. • Second, the new signal-controlled crossing associated with that development introduces an additional operational constraint on the roundabout – a signal stage competing for capacity with the additional EMG2 traffic – which does not appear to feature in the Applicant’s assessment of Finger Farm Roundabout (to the extent any such assessment exists; see paragraph 0 above). • Third, TN04 records that the Applicant’s proposed M1-to-A50 link road at Junction 24 is said to divert traffic away from Finger Farm Roundabout, but that no data has been provided on the scale of that diversion (TN04 paragraphs 4.26 and 4.29), so it is not possible to verify whether any beneficial effect of that diversion would offset, or would be overwhelmed by, the combined additional traffic from EMG2 and the Finger Farm development. 	<p>Uncertainty Log at Appendix 8 of the Transport Assessment [REP1-031 to REP1-050]. The modelling has tested the worst-case office development which has a higher trip generation compared to the consented industrial development. The modelling also includes for the new site access arm and signalised pedestrian crossings.</p> <p>Item 4.2 of the Applicants' response to Deadline 2 and 3 submissions [REP4-033] confirms that 610 vehicles in AM peak and 210 vehicles in PM peak would be transferred from the A453 NB to M1 NB. Overall, the VISSIM modelling confirms that Finger Farm will operate better with EMG2 and mitigation in place than it would do in the Stage 1A scenario.</p> <p>The traffic flow diagrams referred to at TN04 paragraphs 2.4 and 4.26 are included in Appendix 7 of the 2023 PRTM Sensitivity Test Modelling Note [REP1-058].</p>
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- Fourth, and separately from its traffic generation and the signal-controlled crossing addressed above, the Finger Farm development itself introduces an additional arm onto Finger Farm Roundabout.

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

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

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

- (a) confirm whether the Finger Farm employment development (including its associated signal-controlled crossing) has been included as committed development within the traffic models underpinning the EMG2 Transport Assessment, and if so, on what trip generation and distribution assumptions;
- (b) if it has not been so included, to rerun the relevant assessments of Finger Farm Roundabout – and, given the interrelationship identified in TN04 paragraph 4.26, of Junction 24 – to incorporate it; and
- (c) provide the traffic flow diagrams referred to at TN04 paragraphs 2.4 and 4.26, so that the cumulative position at Finger Farm

	Roundabout can be properly understood by the ExA and Interested Parties, including the Parish Council.	
19.	<p>Construction Phase Impacts on Kegworth</p> <p>TN04 records that the information provided by the Applicant on construction phase impacts is inadequate, that the Construction Traffic Management Plan does not address off-site mitigation works, and that overnight closures of the M1 – for example to relocate gantries at Junction 24 – are of particular concern (TN04 paragraphs 5.2 to 5.8 and 5.21).</p> <p>Given Kegworth’s immediate proximity to Junction 24 and the M1, any such works will be experienced directly by the village, whether through noise, lighting, or diversion of traffic onto local roads while the M1 or Junction 24 is affected. The Parish Council adopts TN04’s request (Appendix 3, items 5 and 8) for a proper construction programme and assessment of construction traffic impacts before, rather than after, the Order is confirmed.</p> <p>The Parish Council further notes TN04’s conclusion that the Stage 1 Road Safety Audit for the Junction 24 and associated works is invalid, having been carried out without an approved audit brief and without consideration of all relevant design information, including in relation to departures from standard affecting the M1 northbound exit slip and entry curvature at Junction 24, and the bridge clearance over the A453 on the M1NB–A50WB interchange link (TN04 paragraphs 8.40 to 8.49). These are precisely the safety matters of most direct concern to a village situated immediately adjacent to this junction, and the Parish Council does not consider they can properly be left to be resolved after consent is granted.</p> <p>The TA’s construction traffic estimate of 108 two-way AM peak trips and 107 two-way PM peak trips (covering EMG2, EMG1 and the highway works) is itself focused on the standard commuter peak hours. Given that East Midlands Airport’s cargo operations are 24/7 and night-time sensitive, and that TN04 identifies overnight M1 closures at Junction 24 – for example to relocate gantries – as a particular concern (paragraph 0 above), the Parish</p>	<p>The Construction Traffic Management Plan (CTMP) was updated at Deadline 4 [REP4-018D] and provides additional commitments to managing construction related impacts for all phases of work. It commits to producing phase specific CTMPs (pCTMP) prior to commencing any phase of construction, including the off-site highway works.</p> <p>Stage 1 RSAs were carried out on an agreed basis, with the brief agreed with NH and LCC beforehand. The Applicant refers to its response to EMA’s Deadline 3 submission [REP4-033] for further information on this matter.</p> <p>The Construction Traffic Calculations Note included at Appendix 12 of the TA [REP1-031] to [REP1-050] set out the traffic increases during network peak period as this is what was modelled in PRTM 2019 as a network peak model. However, it also presented details of the timing of construction vehicles during all working hours (extracts of tables below) which show that traffic is fairly evenly spread. Therefore, the modelling undertaken in PRTM 2019 was robust and the PRTM forecasting report showed negligible changes in network performance from construction traffic. See Table 3 in Annex E of this document.</p> <p>Also see Table 4 in Annex E of this document.</p> <p>The ATC survey undertaken in November 2022 on the A453 across the EMG2 and EMA site frontages has been summarised to understand when peak flows occur</p>

	<p>Council submits that a construction traffic and road-closure assessment confined to the AM/PM commuter peaks is likely to understate the impact on both the airport and Kegworth, and that a night-time and weekend assessment should be required as part of the construction programme sought at paragraph 0 above.</p>	<p>on the A453 (and therefore peak activity to/from the airport). The following table summarises the weekday flows and 7-day flows across all 24 hours.</p> <p>See traffic flows table in Annex E of this document.</p> <p>The data shows that the highest flows align with the traditional network peak periods. The flows during nighttime hours are significantly lower, which confirms that the transport modelling has been undertaken during the worst-case time periods when the network is at its busiest.</p>
20.	<p>Conclusion on Part 3</p> <p>For the reasons set out in TN04, and amplified above by reference to Kegworth’s particular circumstances, the Parish Council does not consider that the Applicant has demonstrated that the highway and traffic impacts of the Proposed Development – in particular at M1 Junction 24 and at Finger Farm Roundabout (Junction 23A), both critical to Kegworth’s access and amenity – have been adequately assessed or would be adequately mitigated.</p> <p>Until the matters identified above are resolved – including, in particular, the cumulative effect of the Finger Farm employment development at Junction 23A – the Parish Council submits that the ExA cannot properly be satisfied that the Proposed Development would not give rise to an unacceptable impact on highway safety for the purposes of paragraph 116 of the National Planning Policy Framework (December 2024), nor that the scale, location and timing of the highway works proposed at Junctions 23A and 24 are justified.</p>	<p>For the reasons set out above, and as agreed with National Highways [REP4-053], the Strategic Road Network, including M1 Junction 24 and Finger Farm would operate with improved capacity as a result of the EMG2 development and associated mitigation.</p>
21.	<p>Part 4: Viability: the costs of highway mitigation at M1 Junctions 23a and 24</p> <p>Introduction</p>	<p>The Applicants note the response</p>

	<p>This Part 4 addresses the relationship between (i) the highway mitigation works required at Junctions 23A and 24, as discussed in Part 3 above and in TN04, and (ii) the Applicant’s case on viability and on the justification for the compulsory acquisition (“CA”) of third-party land, including agricultural land within the Parish.</p> <p>Under section 122 of the Planning Act 2008, the Secretary of State must be satisfied, among other things, that there is a compelling case in the public interest for the inclusion of CA powers in the Order, having regard to the purposes for which the land is required and to all those affected. The deliverability and viability of the scheme – including its ability to fund the highway works on which its acceptability depends – is plainly relevant to that exercise.</p> <p>In the context of its case on viability and compulsory acquisition, the Applicant has represented that the Proposed Development is expected to deliver a return of approximately 15.9% Reference REP1-028D / DCO 4.6, Summary of Viability Appraisal, paragraphs 10 and 13; see also paragraphs 14-15. The Parish Council’s concern, developed below, is that this figure does not appear to take account of the full cost of the highway mitigation at Junctions 23A and 24 that Part 3 and TN04 demonstrate is necessary – nor of the cost consequences if that mitigation, as currently proposed, proves ineffective and has to be revisited.</p>	
22.	<p>The Scale of the Highway Works at Junctions 24 and 23A Is Substantial</p> <p>TN04 paragraph 4.10 sets out the mitigation package proposed at M1 Junction 24, comprising:</p> <ul style="list-style-type: none"> • construction of a new free-flow link road from the M1 northbound to the A50 westbound, crossing over the A453, with associated A50 westbound merge alterations (DCO Works Nos. 9 and 10); 	The Applicants note the response. See the response at point 18 above.

<ul style="list-style-type: none"> • widening of the A50 eastbound link at Junction 24 and other related works and traffic management measures (DCO Work No. 11); • alteration of the west side of the Junction 24 roundabout, including additional running lanes and removal of a segregated left-turn lane (DCO Work No. 12a); • signing and lining amendments on the east side of the Junction 24 roundabout and the A453 southbound approach (DCO Work No. 12b); • provision of a new M1 northbound exit to the A50, with associated gantry, signage, signal and road marking improvements on the M1 (DCO Work No. 8); and • signage changes on the M1 northbound before Junction 23A (DCO Work No. 16). <p>Works of this character – a new grade-separated link road crossing a classified road, alterations to a motorway junction including gantries, signals and signing, and associated land take – represent major strategic highway infrastructure. The Parish Council notes that the cost of comparable schemes elsewhere typically runs into many tens if not hundreds of millions of pounds, and submits that the cost of this package, properly and fully assessed, should be a material input to the viability appraisal that underpins the Applicant’s case on CA.</p> <p>At Finger Farm Roundabout (Junction 23A), TN04 paragraph 4.29 records that the Prologis application – for a smaller development – was found to require mitigation at this junction. As set out in Part 3 above, EMG2, together with the cumulative effect of the approved Finger Farm employment development, represents a materially larger source of traffic at this junction than the Prologis scheme, yet no cost for mitigation at Junction 23A appears to feature in the scheme as currently presented.</p>	
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23.	<p>The Applicant's Own Evidence Indicates the Junction 24 Mitigation May Not Be Effective, With Consequent Cost Implications</p> <p>As set out at paragraph 0 above, TN04 paragraphs 4.12 to 4.18 record that, even with the Applicant's proposed mitigation in place, queues on the M1 southbound off-slips increase substantially – to 1140m and 1722m respectively in 2028 – and extend back onto the mainline of the M1. On the Applicant's own modelling, therefore, the mitigation package costed (on whatever basis it has been costed) does not achieve an acceptable outcome.</p> <p>If, as a result of the matters raised in Part 3, the ExA or Secretary of State were to require further or different mitigation at Junction 24 and/or Junction 23A as a condition of confirming the Order, the cost of that additional mitigation would itself need to be reflected in the viability case. It is not sufficient, in the Parish Council's submission, for the claimed 15.9% return to be calculated solely by reference to the mitigation package as currently described in the application documents; it must be tested against a mitigation package that is actually capable of delivering an acceptable safety outcome at both junctions.</p>	<p>In response to 4.1, TN04 paragraphs 4.12 to 4.18 focuses on the M1 southbound off-slip under the Scenario A traffic demand, which includes multiple Freeport sites, draft local plan growth, and the remainder of the Uniper Ratcliffe on Soar development, but does not include for mitigation measures associated to any of these developments. As illustrated in TN04 Figure 8 (Stage 2B), the EMG2 development does not have a material impact on the M1 southbound slip road, confirming that the issue observed in Scenario A is not attributable to EMG2. This has been agreed with NH [REP4-053].</p>
24.	<p>The Junction 24 Mitigation Appears to Depend on a Wider, Unconsented and Uncosted Strategic Scheme</p> <p>TN04 paragraphs 6.9 to 6.12 record National Highways' position that the Junction 24 mitigation forms part of a wider strategic solution being developed by a consortium of developers – including the Applicant, the operator of the Ratcliffe-on-Soar power station site, the proposed developers of a new village, and other landowners – the design and junction modelling for which has not yet been agreed.</p> <p>If, as this evidence suggests, the Junction 24 works forming part of the EMG2 application are in substance a component of (or a contribution towards) that wider strategic scheme, the Parish Council submits that:</p>	<p>The mitigation at Junction 24 is proposed by the Applicants are to accommodate the EMG2 development only and will be funded by the Applicant.</p> <p>The mitigation being proposed by EMG2 would not preclude further improvements from coming forward by other developments in the local area. However, the EMG2 development is not reliant on any wider schemes.</p>

	<p>(a) the viability appraisal should make clear what proportion of the total cost of the wider scheme is attributable to, and being funded by, EMG2, and the basis on which that apportionment has been calculated; and</p> <p>(b) the ExA should be satisfied that the wider scheme – on which the effectiveness of the EMG2 mitigation appears to depend – is itself realistically deliverable and funded, and is not contingent on land (including land within the Parish) being brought forward through CA powers sought under this Order without the cost of that land, or of the works it would enable, having been reflected in the viability case for EMG2.</p>	
25.	<p>Relevance to the Compulsory Acquisition Case</p> <p>The Applicant’s case for CA rests, in part, on the proposition that the scheme is viable and deliverable and that the public benefits it would bring outweigh the harm caused by the compulsory acquisition of private land. The figure of 15.9% (DCO 4.6 Summary of Viability Appraisal) appears to be relied upon as part of that case.</p> <p>If that figure has been calculated without including: (a) the full cost of the mitigation at Junction 24 necessary to achieve an effective – rather than merely modelled – outcome (paragraph 0 above); (b) any cost attributable to mitigation at Finger Farm Roundabout (Junction 23A) made necessary by EMG2 and its cumulative effect with the Finger Farm employment development (Part 3 above); and (c) EMG2’s proper share of the cost of the wider Junction 24 strategic scheme on which its own mitigation depends (paragraph 0 above); and (d) the cost consequences, for the highway works addressed in paragraphs 0 to 0 above, if the Proposed Development’s traffic generation proves to be materially higher than the 430,000 sqm basis on which the application has been assessed – then, in the Parish Council’s submission, the figure overstates the viability of the scheme as actually required to be delivered, and correspondingly understates the resource</p>	<p>The DCO Scheme appraisal presented in Document DCO 4.5 was intentionally high-level and conservative, rather than definitive. It is just one 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 adopted and this needs to be considered, in a balanced risk analysis.</p> <p>Mr Cottage’s Deadline 4 submissions show, through a risk/sensitivity analysis, how relatively small, and expected, increases in revenue and savings in sale costs (arising from the fact that SEGRO will hold the EMG2 development as an investment, rather than sell it), will more than offset any cost risks that exist in terms of increased highways works or land acquisition costs.</p> <p>The DCO Scheme is viable, even if increased highways and land acquisition costs are assumed. Compulsory acquisition will not avoid costs, and in practice, may well increase some costs. The cost of highways works will, quite obviously, not be reduced through compulsory</p>

	<p>burden the scheme places on the public highway network and on those whose land is sought for it.</p> <p>Were those costs to be included, and the resulting return materially lower, this would be directly relevant to two matters which the Secretary of State must weigh: first, whether the scheme remains viable at all without recourse to CA – that is, whether CA is in substance being used to avoid costs that a viable scheme would otherwise have to bear; and second, the weight properly to be given to the Applicant’s case that the public benefits of the scheme outweigh the harm done by CA, including the harm to landowners and to the amenity of residents of the Parish.</p>	<p>acquisition and land acquisition costs will reflect market value; in the same way they would if no compulsory acquisition powers were available. The benefits to the DCO Scheme of compulsory acquisition is that it ensures land can be purchased to deliver the scheme in a timely manner, not that it reduces costs.</p>
26.	<p>Request</p> <p>The Parish Council requests that the ExA require the Applicant to produce, and make available to Interested Parties, a revised viability appraisal which:</p> <ul style="list-style-type: none"> (a) incorporates the full, properly costed mitigation package required at Junction 24 – including any additional measures needed to address the queuing onto the M1 mainline identified at TN04 paragraphs 4.12 to 4.18 – and at Finger Farm Roundabout (Junction 23A), including the cumulative effect of the Finger Farm employment development identified in Part 3 above; (b) sets out EMG2’s apportioned share of the cost of the wider Junction 24 strategic scheme referred to at TN04 paragraphs 6.9 to 6.12, and the basis for that apportionment; (c) discloses the resulting rate of return on the Proposed Development, for comparison against the approximately 15.9% figure relied upon by the Applicant [reference to be confirmed]; and (d) confirms whether, and if so how, the mitigation package and cost addressed at (i) above remain adequate if the Proposed Development’s traffic generation is materially higher than the 	<p>The Applicants note the response but disagree that the appraisal sought is necessary or appropriate.</p>

	<p>430,000 sqm basis tested, having regard to the matters identified at paragraphs 15.3 to 15.4 above.</p> <p>Pending receipt of that information, the Parish Council submits that the ExA and Secretary of State cannot be satisfied that the statutory tests for the confirmation of compulsory acquisition powers under this Order are met.</p>	
27.	<p>Conclusion on Part 4</p> <p>The costs of the highway mitigation at Junctions 23A and 24 are not a peripheral matter: on the Applicant's own evidence (TN04), that mitigation is central to whether the Proposed Development gives rise to an unacceptable impact on highway safety, and its delivery appears to depend on a wider scheme that is neither agreed nor costed. The Parish Council submits that those costs must be transparently and fully reflected in the viability case before any conclusion can properly be reached on the compelling case in the public interest for compulsory acquisition.</p>	The Applicants note the response but disagrees with the comments made.
28.	<p>Conclusions and Next Steps</p> <p>This representation has set out the Parish Council's concerns across all four areas identified in Section 1 above: the case of need for the scale of development proposed at EMG2/EMP90 (Part 1); the adequacy of the Applicant's consideration of alternative sites (Part 2); the road traffic impact of the Proposed Development on the M1 Junction 24/Finger Farm Roundabout corridor and on Kegworth's access routes (Part 3); and the consequences for scheme viability, and for the Applicant's case on compulsory acquisition, of the highway mitigation that Part 3 and TN04 demonstrate is required (Part 4). The Council's conclusions on each of these matters, and its requests to the Examining Authority, are set out in Sections 6, 13, 20 and 27 above respectively.</p> <p>Taken together, the Council considers that these matters represent significant gaps in the evidence base before the Examination, going to the heart of both the planning balance that the Secretary of State will be asked to strike and the statutory tests for the confirmation of compulsory acquisition</p>	The Applicants note the response.

	<p>powers. The Council respectfully requests that the Examining Authority require the Applicant to provide the further evidence and analysis identified in this representation before the Examination concludes.</p> <p>The Parish Council would welcome the opportunity to discuss any of the matters raised in this representation further at subsequent hearings and reserves the right to supplement or amend this representation in light of the Applicant's responses and any further evidence that becomes available during the Examination.</p>	
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APPENDIX 8

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

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
Deadline 4 Submission [REP4-077D and REP4-084D]		
2.1 – 2.3	<p>Procedural fairness</p> <p>Prologis has consistently raised substantial concerns as to the overall fairness of the examination process in this case. It did so in the Relevant Representations submitted before the decision was made to start the examination, in written and oral submissions ahead of and at the Preliminary Meeting, and in its Written Representations. Those concerns are not rehearsed in any detail here, but the ExP will be aware that in many respects they stem from the patent and substantial shortcomings in the material produced by SEGRO in support of its application for powers of compulsory acquisition over the land held by Prologis and EMA, and the consequential adverse effects on the efficacy of the inquisitorial examination process as a means of defining, scrutinising and testing the case being made in support of that application.</p> <p>Those concerns remain and have been further exacerbated by the continued lack of adequate information and evidence, much of which is still awaited after three months of the six-month examination.</p> <p>The efficacy of a time-limited inquisitorial examination under the Planning Act 2008 depends critically on adherence to the principle of a 'front-loaded' process which enables Interested Parties and Affected Persons to understand, assess and respond to the Applicant's full case before the examination commences, and to deploy their full response at</p>	<p>The Applicants firmly reject the characterisation of the examination process advanced by Prologis. The suggestion that the process has been in any way unfair is without foundation. The Applicants have at all times complied fully with its obligations under the PA 2008 and the examination procedure rules and has provided comprehensive and detailed material in support of its application for powers of compulsory acquisition over the land held by Prologis and EMA.</p> <p>The application was accepted for examination on the basis that it met the required standards, and the ExP has had the benefit of a full suite of application documents, none of which are deficient.</p> <p>Prologis has been afforded every reasonable opportunity to participate in the examination process, including the ability to make relevant representations, attend and make submissions at the preliminary meeting, submit written representations, and participate in hearings. Prologis has accordingly been given a fair and proportionate opportunity to respond to the application. To the extent that Prologis considers it has been unable to engage effectively, the Applicants note that this is not borne out by the extensive</p>

	<p>a time when this can inform the way the inquisitorial examination is run. That allows the parties a fair opportunity to make effective use of the formal stages provided by the process to set out their case in writing and orally, and in turn enables the ExP to deploy the procedural tools at its disposal to probe and test the evidence.</p>	<p>submissions Prologis has made, which demonstrate full and active participation in the process.</p>
<p>2.4</p>	<p>Where a private commercial developer seeks to acquire compulsorily the land of another private commercial developer, the Supreme Court in <i>R (Sainsbury's Supermarkets Ltd) v Wolverhampton City Council</i> has confirmed that a stricter approach to the assessment of the public interest case is required. That heightened standard places a corresponding emphasis on rigorous examination, which in turn requires that Prologis and other parties are afforded sufficient time to test the evidence adduced in support of the compulsory acquisition case, and that assertions unsupported by tested evidence cannot be permitted to stand in for the evidence itself.</p>	<p>Prologis characterises the present case as a private to private acquisition and says the ExP should apply a "heightened standard" or "stricter approach" 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 116 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</p>

		<p>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>
2.5	<p>Regrettably, throughout this examination³⁰ Prologis has been required to respond to an application that has been accepted and then proceeded through examination with evidence central to the CA case outstanding. This was demonstrated by the events of the CAH2 and ISH3 hearings which took place between 12 - 14 May (the "May Hearings"). In those hearings, SEGRO indicated that further and revised material was to come, including a revised campus/headquarters requirement and its substantive viability response. The ExP has itself had to issue a number of further requests for information through the subsequent hearing action points.</p>	<p>The Applicants do not recognise nor accept the criticism made. The requirement referred to has been offered by the Applicants to quell unsubstantiated claims that development is inconsistent with the section 35 Direction granted by the Secretary of State. Notwithstanding the baseless nature of such criticism, the Applicants are content to be bound by a requirement and refinement of requirement wording during the examination is an entirely appropriate use of hearing time. The viability information referred to is the Applicants' response to Prologis self-serving criticism of the information already provided by the Applicants. It is notable that Prologis has declined invitations from the Applicants to reciprocate and demonstrate the viability of the Joint Application.</p>
2.6	<p>The information that SEGRO has yet to provide should all have been submitted as part of its application. As the joint response to the Rule 17 Letter explains in detail, the material SEGRO has now been asked to supply at Deadline 5 (30 June) is fundamental to the case being advanced in support of the application for powers of compulsory acquisition and will require consequential revisiting of and amendments to its Statement of Reasons. Prologis should have been given the opportunity to review and respond to this material and a properly</p>	<p>The Applicants do not repeat their previous submissions made in REP4-034, REP4-035, REP4-036, AS-004 and AS-006, which set out why additional information is not required. Notwithstanding that position, the Applicants have in any event submitted the information to assist the ExP and demonstrate the absence of a materially different result. The Applicants note from their review of the Prologis Environmental</p>

³⁰ As summarised at paragraphs 1.6 – 1.7 of Prologis' Deadline 3 Submission

	<p>comprehensive Statement of Reasons reflecting that material when preparing its Relevant Representations and Written Representations. That in turn should have been available to inform the ExP's decisions on how the application should be examined, its first two rounds of written questions and the two weeks of hearings (including Compulsory Acquisition Hearings) undertaken so far (noting that no decision has yet been made as to whether any further hearings will be held). All of these key stages of the examination process have now passed and still essential information needed to understand the case being made for compulsory acquisition (and for satisfying the Secretary of State that he has vires to make the order sought) remains outstanding. As explained further in Prologis' joint response to the Rule 17 Letter, this essential information constitutes further information for the purposes of Regulation 20 of the EIA Regulations and the examination must be paused to allow proper consideration of that information when it is available.</p>	<p>Statement supporting its Joint Application, that it declined to complete the same exercise.</p>
2.7- 2.8	<p>As explained in more detail in Prologis' Deadline 3 Submission, the belated provision of viability, transport and socio-economic material will not therefore cure the procedural disadvantage Prologis has suffered in preparing and presenting its case. That disadvantage is ongoing. It continues to affect Prologis' ability to provide complete responses, to participate fully in hearings, and to respond to the case being made compulsorily to acquire the land it is actively seeking to develop.</p> <p>The absence of key information has not only adversely affected Prologis's ability to provide a comprehensive and timely written articulation of its full case, it also serves to undermine its ability to make effective use of its statutory right to make oral representations about the compulsory acquisition request through Compulsory Acquisition Hearings (section 92(3) and (4)).</p>	<p>The Applicants do not accept that Prologis has been put to any procedural disadvantage. The information requested was provided by the Applicants at Deadline 1 (7 April 2026) and Prologis has had more than ample opportunity to consider the same as evidenced by their extensive representations.</p> <p>Further it is unclear how there is an ongoing disadvantage. Prologis allege that it continues to affect Prologis' ability to provide complete responses, to participate fully in hearings, and to respond to the case being made compulsorily to acquire the land it is actively seeking to develop, but it provides no specific detail about how it is so disadvantaged. Nor does it indicate what "key information" is missing.</p>
2.9	<p>CAH1 and CAH2 took place in the absence of that key information. They did not therefore provide Prologis with an opportunity to make oral representations on and in the light of that material, and nor could the</p>	<p>As indicated above, the Applicants are unable to identify the "key" information which was absent before CAH1 and CAH2. No information was missing from the</p>

	ExP use those hearings to probe and test that material and its implications.	DCO Application and the MCO Application and the Applicants provided information in response to comments made as soon as possible and in accordance with the examination timetable, including in advance of the hearings such as the detailed viability information it provided in [REP1-027D] which was available before CAH2.
2.10	CAH1 was in any event a relatively brief hearing, arranged for half a day and primarily directed to affording SEGRO an opportunity to provide an overview of the main elements of its case and other matters such as the position of statutory undertakers and special category land. In the Rule 6 letter, Affected Persons were informed that they were welcome to attend and to raise matters of general application, but that the intention was to hold a second CAH later in the examination to deal with any site-specific matters raised by Affected Persons.	No response required.
2.11	The Compulsory Acquisition Hearing within the May Hearings provided very limited opportunities for Prologis and EMA to advance and develop their case through oral representations. CAH2 was time constrained as a result of an Open Floor Hearing being scheduled on the same day, and therefore only commenced at 11.40am. The specific cases for Affected Persons were dealt with under item 3, but in the event, it was not possible to complete all of the matters identified under item 3.2 within the day and two important points under item 3.2 had to be deferred to written submissions. Prologis has addressed those two matters in its response to the Rule 17 Letter (from which it will be apparent that the ExP would have benefited from hearing oral submissions on those points at CAH2 had time permitted). Although Prologis and MAG have made extensive written submissions on compulsory acquisition across their Relevant Representations, Written Representations, Deadline 2 and Deadline 3 Submissions, the opportunity to make oral representations at CAH2 was tightly constrained – a single ten-minute presentation on the Joint Application and a combined sixteen minutes shared with MAG to summarise the	The guidance, 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects', makes it clear that an examination into a DCO application is not a public inquiry and all participants should make their cases through written submissions and not expect a public hearing as the mechanism to do so. Hearings are arranged at the discretion of the examining authority who set the agenda as to what issues will be considered at any arranged hearing. The Applicants provides their viability appraisal [REP1-027D] at Deadline 1 (7 April 2026) and the hearings took place w/c 11 May 2026. This would seem more than sufficient time for Prologis to consider the appraisal and make their written submissions on it. The ExP had the benefit of those submissions at the May hearings and if it had considered it necessary to

	entire compulsory acquisition case across multiple plots. The remaining time was dedicated to questions from the ExP. The limited time available for these questions and the short time ³¹ in which the ExP had to digest the viability evidence belatedly presented by SEGRO inevitably constrained the degree to which it was possible to probe the issues raised by the DWD Report.	"probe the issues raised by the DWD Report" then it would no doubt have done so at the CAH2.
2.12	Only a limited degree of scrutiny was possible of the incomplete viability material available at the May Hearings. SEGRO's response to Prologis's evidence on viability had not been provided, because of the late stage at which SEGRO's own viability evidence was submitted. In this way the failure by SEGRO to supply essential material with the application was directly prejudicial to the efficacy of the oral hearing to which Prologis is entitled. To make matters worse, Prologis's ability to interrogate and respond to SEGRO's belated viability evidence had been hampered by the failure of SEGRO to supply its cashflow analysis – a matter Mr Roberts explained in his expert report. At CAH2 SEGRO indicated that it had decided to withhold this material despite it being requested, and would only provide its cashflow analysis on terms that Prologis first disclose its own confidential cashflow material. As Leading Counsel for Prologis explained in the CAH, that is not a position of equivalence. It is SEGRO that seeks compulsory acquisition powers over Prologis' land in reliance on viability considerations, and it is therefore SEGRO that bears the burden of making out its case and of providing the evidence necessary to enable that case to be tested. It is wholly inappropriate for the disclosure of an essential part of SEGRO's evidence in support of its application for powers of compulsory acquisition to be made contingent upon the affected person first surrendering commercially confidential information.	Prologis's characterisation of the viability evidence process is misleading. The viability case was presented in full at the hearings, and the ExP had ample opportunity to scrutinise it. As to the cashflow analysis, the Applicants' position was entirely reasonable. Prologis seeks to challenge the viability case, and it is therefore not unreasonable that the Applicants should seek to have sight of their own cashflow material which underpins that challenge. Further, demonstrating that the scheme is viable does not require the Applicants to abandon all commercial confidentiality. The viability evidence before the examination, taken as a whole, is sufficient to demonstrate that the scheme is capable of being funded and delivered, and Prologis has had every opportunity to challenge that evidence through the examination process.
2.13	The consequence of these constraints – not merely the absence of cashflow material, but the broader failure to provide viability evidence at the outset and the unresolved questions that remain– is that there has	Prologis's characterisation of the position is not accepted. Viability has been addressed in the evidence before the examination, and the suggestion

³¹ Being just 7 days from SEGRO's submission of the evidence and the publication of the CAH2 agenda

	<p>been very limited consideration of viability within the examination to date, and no proper opportunity for Prologis to probe and test what has been said by SEGRO on this central issue. These deficiencies go to the heart of the compulsory acquisition case. Without properly tested viability evidence, the ExP cannot be satisfied that the scheme is likely to be delivered, or that development of the Southern Land is only likely if compulsory acquisition is authorised.</p>	<p>that there has been a "broader failure" to provide viability evidence is both overstated and misleading. The financial and delivery case for the scheme has been set out in the materials submitted, and the Applicants have engaged with questions on viability as and when they have arisen during the examination process. To the extent that Prologis considers certain cashflow or supporting material to be absent, that is a matter which can be addressed through the usual examination process. The suggestion that these matters "go to the heart" of the compulsory acquisition case does not withstand scrutiny; the tests for confirming a compulsory purchase order require a reasonable prospect of delivery, not the exhaustive financial disclosure that Prologis appears to demand.</p>
2.14	<p>Prologis has subsequently seen and welcomes the ExP's second written questions (ExQ2) which enables progress towards the level of interrogation required of SEGRO's case for CA.</p>	<p>No response required.</p>
2.15	<p>Prologis agrees with and endorses the concerns raised in section 4 of EMA's Deadline 4 submission relating to procedural fairness.</p>	<p>The Applicants note the response.</p>
2.16	<p>Prologis requests that this submission, and its wider case, be read in that context – as submissions made in the course of an examination which has not yet achieved the rigorous standard of scrutiny that a private-to-private compulsory acquisition case demands. To that end, and to ensure that the compulsory acquisition case and the viability case are subjected to the scrutiny their importance and the findings of the Courts demand, Prologis respectfully requests that the Examining Panel convene a further compulsory acquisition hearing and a separate hearing dealing specifically with viability to fully and properly interrogate SEGRO's viability evidence. Prologis cannot, at this stage and before sight of SEGRO's Deadline 4 viability response, say whether the cross-examination of witnesses will ultimately be necessary; it reserves its</p>	<p>The Applicants note the response and refer to their responses above.</p>

	position on that question and will make any request for cross-examination at Deadline 5, once it has been able to consider SEGRO's further material.	
3.1	<p>Section 35 Direction, Vires and Campus Headquarters</p> <p>As section 2 of Prologis' Deadline 2 Submission explains, any application made in reliance on a section 35 direction must correspond with the project specified in that direction. If it does not, the making of that DCO would be ultra vires. A different project would obviously be outside the direction, whereas a lesser project would not be that which justified the finding as to national significance that was made by the Secretary of State. Those detailed submissions are not repeated here, but the ExP is asked to revisit them to see the full context for the submissions that follow.</p>	The Applicants refer to their submissions on this point in [REP4-034 , REP4-034 , REP4-035 and REP4-036].
3.2 – 3.3	<p>The principle that flows from this is that the development consented must not merely be capable of falling within (i.e. being a sub-set of) the Section 35 Direction for the DCO Application, but must match the development for which the Direction has been made, both in terms of what is sought to be approved in the application and what is secured on the face of the DCO. The DCO Application and the DCO must deliver the development to which the Section 35 Direction applies. To permit otherwise would be to allow the Section 35 Direction to operate as a pretext, using the nationally significant status conferred upon the development specified in the application which secured it as a vehicle to consent a development materially different from, and/or less significant than, that which the Secretary of State directed.</p> <p>Underpinning this is the separation between the two statutory processes of making a direction and determining a DCO application, which Prologis addresses more fully in its response to ExQ2 1.0.5. Once made, a Section 35 Direction fixes the jurisdictional gateway and cannot be reshaped at the decision stage. As further submitted in that response, if the development changes beyond the scope of the underlying</p>	<p>See response to 3.1 above.</p> <p>The Applicants do not repeat all of their earlier submissions here but 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 proposition that an application made in reliance on a Direction must match in every respect the development for which the Direction has been made. The suggestion that the consented development must not merely be capable of falling within the scope of the Direction, but must correspond precisely to it, finds no support in the statutory framework or in any decided case.</p> <p>An application for a Direction provides only limited detail about the proposed development. The Secretary of State decides whether to grant the Direction on the basis of broad principles relating to the national</p>

	<p>section 35 direction, the proper course is to seek variation under section 233 PA 2008 before making the application.</p>	<p>significance of the proposed development, not by reference to the granular detail of what is proposed. It follows that some degree of evolution between the development as described in the Direction application and the development as ultimately applied for and consented is not only permissible but inherent in the statutory scheme. To hold otherwise would be to impose a rigidity on the process that was not intended, requiring the detail of a proposal to be fixed before the question of whether it is nationally significant has even been determined.</p> <p>Prologis contend that to permit any departure from the Direction would enable it to be operated as a pretext, using the nationally significant status conferred upon the development specified in the application which secured it as a vehicle to consent a development materially different from, and/or less significant than, that which the Secretary of State directed. However, that argument conflates two distinct points. There is no suggestion that the DCO Scheme is materially different from that set out in the Direction, nor that it is of lesser significance. The development remains, in substance, the development which the Secretary of State considered appropriate for determination under the PA 2008. The fact that the application may have refined or developed the proposal in the course of the pre-application and examination process does not give rise to the mismatch that Prologis allege.</p>
3.4 – 3.6	<p>Determining whether a variation should have been sought prior to Examination in the present case involves answering two questions of law (1) what is the meaning and scope of the Section 35 Direction, properly interpreted, and (2) what development is SEGRO in fact seeking consent and compulsory acquisition powers for? Once both</p>	<p>The Applicants disagree with the assertion made by Prologis.</p> <p>The purpose of a Section 35 Direction is to direct that a proposed development is to be treated as</p>

	<p>questions are answered it will be necessary to compare the two answers and determine whether the latter corresponds with the former and therefore whether the granting of the DCO would be lawful.</p> <p>In approaching that exercise, it is important to recognise that the Section 35 Direction represents the exercise by the Secretary of State of a statutory function with important jurisdictional consequences and consequences for the human rights of those affected, including – critically – the ability of the developer to seek powers of compulsory acquisition. Furthermore, it is also important to keep in mind, as explained in Prologis’s Deadline 2 submissions, that it is a statutory function that is exercised in response to an application that must ‘specify’ the development to which it relates (s.35ZA(11)).</p> <p>As per Prologis' response to ExQ2 1.0.5, that is all reflected in the fact that section 35 Directions always draw the attention of the applicant to the need to revisit the direction should the description of the development change. Parliament has provided an express power for the Secretary of State to revoke or vary a direction which provides the appropriate and exclusive route for dealing with such circumstances (s.233).</p>	<p>development for which development consent is required under the PA 2008. It is not, however, a detailed specification of every parameter of the scheme that may ultimately be consented. To treat it as such would be to blur the lines between deciding how development should be consented with the substantive assessment of whether it should be consented.</p> <p>The requirement under section 35ZA(11) that the application must "specify" the development to which it relates does not impose a requirement that the development as ultimately examined must correspond in every particular with the description given at the point of the Direction. The statutory language requires sufficient identification of the proposed development to enable the Secretary of State to determine whether to exercise the power under section 35. It does not freeze the project description for all time.</p> <p>Prologis places considerable weight on the fact that Section 35 Directions routinely draw the applicant's attention to the need to revisit the Direction should the description of the development change. However, the inclusion of such advisory wording is not itself evidence that any variation is required in the present case. The standard form language is precautionary and reflects good administrative practice. It does not establish that every evolution or refinement of a scheme between the date of the Direction and the submission of the application constitutes the type of fundamental change that would necessitate a fresh or varied Direction. The Applicants considered this matter before making the DCO Application and concluded that the project had not changed sufficiently to warrant</p>
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		<p>seeking a further confirmation. The factors / considerations that led the Secretary of State to granting the Direction remained the same.</p> <p>Prologis further states that the power under section 233 to revoke or vary a direction provides the appropriate and exclusive route for dealing with changes to the development description. That is not supported by the statutory language. There is a material difference between a change that takes the development outside the scope of the Direction altogether and a refinement or evolution that remains within its proper scope. Only the former would engage any question of jurisdiction.</p>
3.7	<p>Section 35 Direction Analysis</p> <p>To date, SEGRO has not demonstrated that the development being promoted corresponds with the development for which the Section 35 Direction was granted.</p>	<p>The Applicants strongly disagree. See the Applicants' response to the Prologis Deadline 2 and 3 submissions [REP4-033].</p>
3.8 – 3.19	<p>The Section 35 Direction was granted in respect of (emphasis added):</p> <p><i>"a logistics and manufacturing hub, including a <u>substantial carbon neutral campus/headquarters including co-located head office functions</u>".</i></p> <p>The legal meaning of those words is a matter of construction. In its submissions since, SEGRO has sought to contort the Section 35 Direction against the natural meaning of its words. The resulting claim being that what was envisaged by and in the mind of the Secretary of State is very different to what the ordinary meaning of the words of the Section 35 Direction would lead one to believe. A few propositions which SEGRO has sought and may further seek to rely upon in this respect should be closed off:</p>	<p>As indicated above, the Applicants do not accept Prologis' attempt to convert the wording of the Section 35 Direction into a rigid prescriptive requirement. The Direction identifies the broad character of the project brought within the development consent regime; it does not freeze the scope of the project or require the development to replicate every component of the Vision Document. Section 35 operates to bring qualifying projects into the NSIP regime where the Secretary of State considers the proposed project to be nationally significant; it is not itself the development</p>

	<p><i>Campus</i></p> <p>The proposition relates to what is required by a 'campus/headquarters'. Prologis submits that a campus, on any ordinary understanding of the word, connotes (as a minimum) multiple buildings arranged around a landscaped setting, not a single distribution unit with an integrated ancillary office. On any proper construction of the Direction, the term "campus/headquarters" carries this ordinary meaning.</p> <p>This position is supported by the Section 35 Application documents which specified the development to which the application related, describing the campus/headquarters as comprising "<i>both logistics warehousing and co-located head office functions</i>" requiring "<i>a high quality, comprehensively master planned environment</i>". The Section 35 Application documentation envisaged a headquarters of the kind that a major commercial occupier like Maersk would require – indeed the application specifically referenced the ambition "<i>to bring together its UK operation to create a carbon neutral inland port with access to rail, road and air</i>". The whole was to be "set within a high quality and attractive landscape setting" including "<i>a 28 ha (70 acre) landscaped community park</i>". These descriptions further reinforce an image of multiple buildings across multiple functions coming together in a cohesive masterplan including an attractive landscape.</p> <p>The Vision Document (Appendix 4 to the Section 35 Application) presented this masterplan³² with genuinely campus-like components: a standalone office building distinct from the warehouse provision (Unit 3b) served by car parking spaces, a two-storey hub (Unit 3c) with associated sports facilities, a chilled warehouse with two-storey offices and a separate transport office (Unit 3a); and a plot expressly named "Plot 1 – Campus Development" consisting of a warehouse and multiple offices. Taken together, those elements occupied roughly a third of the s35 Direction site and conveyed something materially more than a</p>	<p>consent, nor is it a detailed planning permission fixing the precise disposition, number or form of buildings.</p> <p>The phrase "substantial carbon neutral campus/headquarters including co-located head office functions" should therefore be construed in that context. It describes a logistics and manufacturing hub with an integrated headquarters/campus component and co-located office functions. It does not require, as a matter of ordinary language, a minimum number of separate buildings, a freestanding office block, or a particular landscape typology. Prologis' formulation — that a campus must mean multiple buildings arranged around a landscaped setting — is not a legal test. It is an asserted planning preference dressed up as construction.</p> <p>Nor does the application material assist Prologis in the way suggested. The references to a comprehensively masterplanned environment, logistics warehousing, co-located head office functions and landscape setting are consistent with the Applicants' case. The fact that earlier illustrative material showed particular buildings or plots does not mean that the Direction requires those elements to be delivered in that form. The application material may inform context, but it cannot be used to add prescriptive requirements which the Direction itself does not contain.</p> <p>The reference to the Frasers Group Rugby scheme is irrelevant. That scheme may be an example of one form of corporate campus, but it cannot define the meaning of the Direction. The question is what this</p>
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³² Please see Appendix 5

	<p>conventional logistics scheme and more akin to the number of corporate campuses found around the country, where a large company of strategic importance draws together disparate functions on a single landscaped site so as to benefit from the synergies of co-location.</p> <p>An example of such campus/headquarters is provided by the recently approved Frasers Group headquarters campus at Rugby. That scheme is arranged around a central "Campus Heart" and combines an office headquarters and supplier hub, logistics warehousing, research and development facilities, a learning and development academy and leisure facilities amongst other functions. This comparator is offered as illustrative of the concept the application for the Section 35 Direction was describing and therefore what the Direction itself contemplated when using that term. That is recognisably a campus and is akin to what was proposed in SEGRO's Section 35 Application documentation.</p> <p>Ancillary Offices</p> <p>The Section 35 Direction requires the campus headquarters to include "co-located head office functions" (emphasis added). The term "head office" carries a specific connotation. It denotes the principal administrative centre of a business which has multiple other subordinate offices, the place from which the organisation is directed and controlled. In planning terms, a head office use of that character falls within Use Class E(g)(i) as a primary use, not as an element ancillary to the use of an individual warehouse or distribution unit.</p> <p>However, at the May Hearings, SEGRO's counsel submitted that the head-office element could be limited to an ancillary use of an individual warehouse unit rather than having the status of a primary Use Class E head office. No coherent explanation was offered as to how a use that is, by definition, subordinate and incidental to the use of an individual warehouse unit could satisfy the Section 35 Direction's requirement for "co-located head office functions". That reticence is telling. The position is difficult to explain because it requires the words of the Section 35</p>	<p>Direction, read fairly and in context, required. A comparator cannot be used to narrow the ordinary meaning of the words actually used by the Secretary of State.</p> <p>The same point applies to "co-located head office functions". The Direction refers to head office functions, not necessarily to a standalone head office building or a separate primary Class E(g)(i) planning unit. The word "functions" is important. It points to the activities to be accommodated as part of the wider hub, rather than dictating the planning unit or use-class characterisation of the floorspace.</p> <p>The ancillary-use argument made by Prologis assumes that head office functions can only satisfy the Direction if they are freestanding and primary in use-class terms. But the Direction did not say that. It required co-located head office functions. Office accommodation integrated with, and serving, the wider logistics and manufacturing operation may properly form part of that co-located headquarters/campus offer. That is not a "dilution" of the Direction; it is a reasonable construction of language deliberately framed at a high level.</p> <p>The Applicants do not consider that the references to <i>Brazil</i> and <i>Harrods</i> form the basis for a different conclusion. Those authorities concern the distinction between primary and ancillary uses for planning-control purposes. They do not establish that the phrase "co-located head office functions" in a Section</p>
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<p>Direction to be read against their natural meaning and the established principles of ancillary use.</p> <p>Before considering the matter in detail, it is necessary to stand back and consider the overall position by reference to the Application for the s.35 Direction, the Direction itself, and the statutory context of a determination that the development specified in the Application “is of national significance”. When that is done, it is simply not credible to argue that the specific inclusion in the description of the development to which the Direction applied of the words “<i>a substantial carbon neutral campus/headquarters including co-located head office functions</i>” was describing a typical ancillary office within and serving a typical warehouse/distribution unit. That is plainly not what the Application or the Direction was contemplating, and as a purely ancillary use it would (a) not need to have been mentioned at all in the Direction and moreover (b) not have been worthy of mention in identifying a development of national significance.</p> <p>As Lord Denning explained in <i>Brazil</i>³³ when setting out what constitutes an ancillary use: a store may use part of its premises for offices and for packing articles for dispatch, but the character of the whole is determined by its primary use as a shop. In other terms, uses that are subordinate and incidental to the primary use can correctly be considered as ancillary. Here, the term "headquarters" is given equal status with the campus, with head office functions being part of that development.</p> <p>As Lord Denning explained in <i>Brazil</i>³⁴ when setting out what constitutes an ancillary use: a store may use part of its premises for offices and for packing articles for dispatch, but the character of the whole is determined by its primary use as a shop. In other terms, uses that are subordinate and incidental to the primary use can correctly be</p>	<p>35 Direction necessarily requires a separate primary office use, still less a freestanding head office building.</p> <p>Finally, the contention that ancillary office floorspace would not have been “worthy of mention” in a nationally significant project is misplaced. The national significance of the project lies in the overall logistics and manufacturing hub, its scale, and the integration of associated business functions. It does not follow that each descriptive component must itself be independently nationally significant, or that any office function mentioned in the Direction must be a separate primary head office use.</p>
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³³ *Brazil (Concrete) v Amersham RDC* (1967) 18 P. & C.R. 396, page 399

³⁴ *Brazil (Concrete) v Amersham RDC* (1967) 18 P. & C.R. 396, page 399

	<p>considered as ancillary. Here, the term "headquarters" is given equal status with the campus, with head office functions being part of that development.</p> <p>The established case law confirms that a use which is not itself tied to the operations of the primary use of the relevant planning unit cannot be characterised as ancillary. Prologis understands that SEGRO intends to develop its position on this issue in its forthcoming submissions. Prologis reserves its position until it has had the opportunity to consider those submissions and will respond in due course.³⁵</p> <p>Notwithstanding the need to see SEGRO's full position, it is important to record that the courts have emphasised that the ancillary use principle must not be deployed to circumvent planning control over substantial commercial functions. As Schiemann LJ put the point in policy terms, planning is concerned with "<i>avoiding the opportunity to bypass a careful scrutiny of activities which do impact severely (or can do) on neighbours</i>"³⁶. Where a secondary use has grown in scale, or where it is not operationally dependent on the primary use in the sense described above, it ceases to be ancillary and falls to be treated as a primary use in its own right.</p> <p>On any fair reading of the Direction, the "co-located head office functions" contemplated are of a scale and character that would contribute to the national significance of the proposed development and constitute a primary Use Class E(g)(i) use, not a subordinate incident of the logistics operations of a typical individual warehouse unit. Such a description at least describes the free-standing office function at the proposed development that was shown in the plans accompanying the request for a section 35 direction. No reasonable construction of the Direction permits a diminished interpretation.</p>	
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³⁵ *Harrods Ltd v Secretary of State for the Environment, Transport and the Regions* [2002] EWCA Civ 412 ("**Harrods**")

³⁶ *Harrods* [22]

<p>3.20 3.23</p>	<p>The meaning of 'substantial'</p> <p>At the May Hearings, SEGRO contended that "<i>substantial</i>" qualifies only the carbon-neutral element of the directed development and does not attach to the campus/headquarters element. That reading is untenable. The placing of "substantial" qualifies the entire concept that follows. On any natural reading, the adjective "substantial" governs both "carbon neutral" and "campus/headquarters" and does not attach exclusively to the carbon neutral element. The language leads to only one sensible construction: the development is to be a substantial campus and substantial headquarters that in each case is also carbon neutral.</p> <p>That natural construction of the words used in the Direction is confirmed by the context of the Section 35 Application to which it responded, which (as per the above analysis) envisages a headquarters of material scale and significance, not merely an ancillary office function that is <i>substantially</i> carbon neutral. The word "substantial" was plainly intended to convey that the campus and the headquarters elements would be significant components of the development in its own right. Had that not been intended, it would have been necessary to qualify the term "headquarters" in case the word "substantial" was taken to apply to it.</p> <p>The practical consequence of this construction is that the development must include a headquarters/campus of material scale – one that is recognisably "substantial" in ordinary parlance having regard to the statutory context (i.e. a determination that the development as specified in the Application is of national significance). By its very nature, the Section 35 Direction required something that would contribute to the national significance of the project. A campus/headquarters of sufficient scale, character and independence to warrant the conferral of nationally significant status.</p> <p>Therefore, drawing the three threads together, the Section 35 Direction, properly construed and within the ordinary meaning of its words,</p>	<p>The Applicants disagree with the response. See the Applicants' response to hearing action point 30 in [REP4-035].</p>
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	<p>envisages a substantial, recognisable campus/headquarters including head office functions of the kind described in the Section 35 Application documentation and to be expected when considering the size and economic importance of the company being envisaged as potential occupiers. First, “substantial” governs the campus/headquarters as a whole, and not the carbon-neutral characteristic alone. Second, the “co-located head office functions” are a primary Use Class E use, not an element ancillary to an individual warehouse. Third, “campus” carries its ordinary meaning of multiple buildings in a landscaped setting. Taken together, those points describe a development of real scale, character and independence – indeed the very features relied upon in the Application to confer national significance.</p>	
3.24 – 3.26	<p>Current Proposal</p> <p>There is a clear and substantial divergence between the development that is specified in the Direction and the development for which SEGRO seeks development consent.</p> <p>SEGRO has indicated in oral submissions that its position will be developed through a further requirement and accompanying written submissions at Deadline 4. Prologis echoes the ExP's anticipation in seeing exactly how SEGRO seeks to justify its stance, and will respond in more detail once this has been done.</p> <p>In the meantime, it is instructive to compare the masterplan provided to the Secretary of State in the Section 35 Application documentation (see paragraph 0 above) with the masterplan that now underpins SEGRO's viability material. The latter has stripped out the very features identified in the Direction.³⁷ The standalone offices, the hub and the sports facilities have been removed and replaced with two standard warehouse units, leaving only a single unit carrying the (unexplained and apparently arbitrary) label "Plot 1 - Campus Development". However, this unit is</p>	<p>The Applicants disagree that there is a divergence between the DCO Scheme and the description of the development in the Section 35 Direction. However, to address comments made, the Applicants have proposed a draft requirement in the draft DCO submitted at Deadline 5 to align the two.</p> <p>The attempted comparison between the masterplan submitted with the Section 35 Application and the masterplan underpinning the Applicants' viability material is misconceived and fails to engage with the substance of the proposals. In particular, the characterisation of the revised masterplan as having "stripped out" key features is a selective and misleading reading of the proposals.</p> <p>Further, the suggestion that the current proposals cannot be regarded as a nationally significant corporate campus fundamentally misapprehends the basis upon which the Section 35 Direction was made.</p>

³⁷ A comparison of these masterplans is available at Appendix 5.

	<p>described as comprising a warehouse, gatehouse and offices – the same three functions shared by every other unit illustrated on the masterplan, and indeed on masterplans and planning permissions for many other typical/standard logistics developments around the country. It is therefore unclear how this configuration of units differing in size but of the exact same functions can be regarded as the nationally significant corporate campus and free-standing headquarters described in SEGRO's s35 submission and the s35 Direction.</p>	<p>The Direction reflected a judgement about the strategic importance of the development as a whole, including its economic benefits, job creation potential, and contribution to national infrastructure needs. Those considerations remain fully applicable to the current scheme, and nothing in the evolution of the masterplan undermines the rationale for the Direction.</p>
<p>3.27 - 3.28</p>	<p>Reconciling the Section 35 Direction and the DCO Application</p> <p>As explained above, this exercise first requires two legal questions to be resolved. The scope for the decision-maker to exercise judgment as to whether what is proposed does or does not match the development specified in the Direction is correspondingly and necessarily limited in nature. It is constrained not only by the legal meaning of the terms of the Direction and the simple nature of the exercise of comparing that with the description of development sought and secured, but also by the public law requirements to act reasonably, rationally and consistently with the legislative objectives. It is not open to the decision-maker to form the judgment that the two correspond if, on any reasonable reading of the materials, they plainly do not.</p> <p>In the present case, there is no reasonable basis on which the Secretary of State could form the judgment that the development as applied for corresponds with the development to which the Direction applies. What was relied upon in the Application and the Direction to justify designating the scheme as nationally significant has fallen away. What SEGRO is in fact applying for is a conventional logistics development with, at most, ancillary office provision and some manufacturing capability. On any reasonable reading of both sets of documents, the gulf between them is too wide to bridge by the exercise of the nature of the judgment identified above. The decision-maker cannot reasonably form the view</p>	<p>For the reasons set out above, the Applicants reject Prologis' analysis and its conclusions.</p>

	that what is proposed fits the legal meaning of what the s35 Direction describes.	
3.29 - 3.30	<p>Consequences of divergence</p> <p>SEGRO could, and should, have revisited the Direction before making its application and, if it thought the development it intended to apply for was also nationally significant, invited the Secretary of State to exercise his power under s.233 to vary the Direction accordingly. It chose not to do so. As Prologis explained at paragraph 2.24 of its D2 submissions, this is not a matter than can be addressed through the use of a requirement. SEGRO has only two potential options available to address the jurisdictional issue:</p> <p>(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</p> <p>(b) It could withdraw the application.</p> <p>No other viable option has been identified.</p>	<p>For the reasons already set out above and in [REP4-033], the Applicants disagree that it was necessary to revisit the Direction. 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. 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 on the basis that delivery of the campus will be secured by Requirement 32. It is therefore unnecessary to amend or withdraw the application.</p>
3.31 – 3.32	<p>Lack of assessment</p> <p>The form the proposed development would take if amended to satisfy the Section 35 Direction has not yet been identified by SEGRO. Nor has any such development been properly assessed (either for the purposes of the EIA Regulations or more generally). There is no traffic assessment for a headquarters use that is more than an ancillary office, and the Environmental Statement does not assess the traffic, environmental or other effects of the substantial head-office function the Section 35 Direction contemplated – and that the request for the s35 Direction illustrated. The viability evidence likewise has not assessed a scheme that includes a substantial head office function with associated facilities reflecting the changes to the net developable areas that such a scheme would entail. As already submitted in Prologis' Deadline 2</p>	<p>The assertion that the DCO Scheme 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. See the Applicants' submissions at Deadline 4 [REP4-033].</p> <p>Prologis' characterisation of the Secretary of State's position as a "stark choice" between two untenable options is a false dichotomy. The DCO may lawfully be granted for the development as applied for. The Secretary of State is entitled to grant consent for the</p>

	<p>Submission at paragraph 5.2(b), neither the ExP nor the Secretary of State can properly evaluate the public benefits or environmental effects of a development that has not been assessed.</p> <p>The consequence is that the Secretary of State is faced with a stark choice. If the DCO is to be granted for the development as applied for it cannot lawfully be granted pursuant to the Section 35 Direction, because that development does not correspond to what was directed. If, on the other hand, the DCO is to be granted for a form of development as described in the s35 Direction and the submission that requested it, that form of development has yet to be defined either in the dDCO or otherwise and there is no environmental assessment before the Secretary of State that evaluates such development. In either case, there is a fundamental obstacle to the lawful grant of the DCO in its current form or, if amended, as described in the s35 Direction.</p>	<p>scheme before him, assessed on its own merits and supported by the environmental and other evidence submitted. There is no fundamental legal obstacle of the kind alleged, and the suggestion to the contrary misapprehends both the nature and the legal effect of a direction.</p>
3.33	<p>Case for compulsory acquisition</p> <p>Finally, even if SEGRO were able to demonstrate that what is proposed could fall within the scope of a "substantial carbon neutral campus/headquarters" it is not a development of the significance contemplated by the Section 35 Direction. In weight terms it would be no different from any other similarly sized B8 distribution scheme – such as those which Prologis would deliver under the Joint Application. That has direct consequences for SEGRO's CA case. As already submitted in Prologis' Deadline 2 Submission at paragraph 5.2(a), the Section 35 Direction is the foundation for the claim that delivery of this development attracts particular weight because of the specific description of development that resulted in the classification as of national significance, and if the development as proposed does not in truth carry meet that description, the compelling case in the public interest required for its delivery in the section 122(3) balance is correspondingly diminished.</p>	<p>The Applicants disagree with Prologis' assertion. The DCO Scheme is of the significance contemplated by the Section 35 Direction irrespective of whether it falls within the scope of the Direction, which the Applicants say it does.</p> <p>The suggestion that the DCO Scheme is no different to any other "similarly sized B8 distribution scheme" is without foundation. The DCO Scheme is qualitatively different form of development from a standard B8 warehouse scheme — including, notably, from what Prologis itself proposes under the Joint Application. However, even if it were, then such a scheme is still capable of being nationally significant.</p> <p>The argument that any perceived gap between the Section 35 description and the development as proposed "correspondingly diminishes" the compelling case in the public interest under section 122(3) of the</p>

		<p>PA 2008 is misguided. The compelling case for compulsory acquisition does not rest solely — or even primarily — on the precise wording of the Section 35 Direction. It rests on the merits of the scheme: the need for the development, the benefits it would deliver, the absence of reasonable alternatives, and the proportionality of the interference with private land interests. Even if (which is not accepted) there were some divergences between the Direction's description and the final form of the proposal, that would not undermine the substantive public interest case, which must be assessed on its own terms.</p>
<p>3.34 – 3.35</p>	<p>Draft Requirement</p> <p>The draft Requirement 32 and Article 5 as they stood at Deadline 1 do not and could not cure the vices difficulty relating to the mis-match between the DCO Application and the s35 Direction. As already submitted in Prologis' Deadline 2 Submission at paragraphs 2.21 to 2.33, the requirement is purely contingent: it applies only if a campus comes forward, and it does not secure the delivery of the element that was integral to the Section 35 Direction.</p> <p>At the May Hearings, SEGRO indicated that it now proposes to bring forward a different and more onerous requirement, which Prologis has not yet seen. Once again, Prologis reserves its position on that revised requirement and will respond once it has been able to consider it. For present purposes, the essential point stands: until the divergence between the development as directed and the development as applied for is resolved, there is no jurisdiction to grant the DCO, and consequently none to authorise the compulsory acquisition that depends upon it.</p>	<p>The draft DCO [REP2-008D] has been updated and submitted at Deadline 5. This includes updates to draft requirement 32 and article 5.</p>

<p>4.1 – 4.2</p>	<p>Compulsory Acquisition Test</p> <p>At the May Hearings, SEGRO sought to downplay the implications of what was said by the Courts in the <i>Prest</i> and <i>Rothschild</i> cases (see Prologis's Deadline 2 Submissions³⁸) by characterising the granting of CA powers and hence satisfaction of the tests as commonplace. That argument is entirely devoid of any substance or logical force. The simple fact that in another case (or any number of other cases) an acquiring authority has been able to demonstrate through its case-specific evidence that the demanding tests set by Parliament are met on the facts of that case proves nothing for the purposes of this case. It cannot indicate that the nature of the test is anything other than has been described by the courts, because that is a matter of law. Nor can it assist the ExP or the Secretary of State in applying the test to the facts and the evidence in this specific case. In short, it is an irrelevance.</p> <p>SEGRO's reliance upon <i>London Borough of Bexley v Secretary of State</i>³⁹ does not advance its case in any material way either. In the <i>Bexley</i> case, compulsory acquisition powers were sought for an urban regeneration scheme in which a public authority took the lead and one developer is preferred over another. Reliance on that case does not materially assist SEGRO in the present case for three reasons:</p> <p>(a) The CA powers in <i>Bexley</i> were available only to a public authority, namely the local planning authority. The fact that an authority may then partner with a commercial developer does not alter the essential point - it is the public authority, acting in the public interest, that holds and exercises the power, in discharge of its public functions, not the developer. A local planning authority will have selected a developer – in all likelihood by open, competitive means. That is very different to circumstances in which a private developer itself seeks compulsory powers against a commercial rival to</p>	<p>The Applicants reject the argument advanced by Prologis and refer to their submissions at page 108 of [REP4-033].</p> <p>Prologis seek to confine <i>Bexley</i> to its facts and to draw a rigid distinction between compulsory acquisition promoted by a public authority and compulsory acquisition sought through a development consent order by a private sector undertaker. That distinction is overstated.</p> <p>The relevant question is not whether the body promoting the acquisition is itself a public authority. Under the PA 2008, compulsory acquisition may be authorised in a development consent order where the land is required for the development to which the order relates, or is required to facilitate or is incidental to that development, and there is a compelling case in the public interest. The statutory safeguard is that the Secretary of State's judgment is that the interference with property rights is justified by the public interest, not the public or private character of the applicant.</p> <p><i>Bexley</i> is material because it confirms that compulsory acquisition may be justified where it enables the delivery of a better planning outcome than the alternative advanced by the objector. Compulsory acquisition is not unavailable simply because the land is held by a commercial competitor or because some development could occur without it. The exercise requires the decision-maker to assess the benefits of the scheme for which powers are sought, the</p>
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³⁸ Please see paragraphs 4.10 – 4.13 of Prologis' Deadline 2 Submissions

³⁹ *London Borough of Bexley v The Secretary of State for the Environments Transport and the Regions* [2001] EWHC Admin 323 ("**Bexley**")

	<p>achieve a competitive advantage it failed to achieve through normal open market competition. As Prologis submitted in its Deadline 2 Submission that distinction attracts a stricter approach to the assessment of the public interest.</p> <p>(b) Further, <i>Bexley</i> does not provide any response to the case that Prologis has advanced. The court held that achieving a better scheme was “<i>potentially capable</i>” of justifying interference with property rights⁴⁰, but in itself that is unsurprising. Whether that is the case in any individual set of circumstances requires the decision-maker to weigh the degree of improvement of the compulsory-purchase-dependent scheme over what could be achieved without those powers, against the extent of the interference, and to ask whether the means are proportionate. That is the exercise to which Prologis’s extensive written submissions and the oral submissions it has made so far have been directed. In other words, Prologis’s case already assumes and reflects the principle endorsed in <i>Bexley</i>.</p> <p>(c) Third, the <i>Bexley</i> case turned on its own facts – the Council owned the majority of the site and was committed to the rival scheme by legal agreement, it was unclear how the benefits of the scheme could be obtained without the compulsory purchase order and the objector had itself engaged in surreptitious land acquisition through a nominee company. None of those features is present here. On the contrary, Prologis is a willing, capable and funded developer that can deliver materially the same benefits on land it already controls, so the degree of improvement said to flow from compulsory acquisition is, at most, marginal.</p>	<p>consequences of refusing those powers, the availability and adequacy of alternatives, and the proportionality of the resulting interference with affected property rights.</p> <p>Prologis’s attempt to distinguish <i>Bexley</i> by reference to the council’s role in that case does not remove the force of the principle. In <i>Bexley</i>, the court accepted that securing a better scheme was, in principle, capable of justifying interference with property rights. The fact that the local authority owned land, had entered into arrangements with a preferred developer and was pursuing regeneration objectives does not make the case irrelevant. Those were the factual circumstances in which the principle arose. They were not conditions precedent to its application.</p> <p>In addition, the suggestion by Prologis that this is simply an attempt by one commercial operator to obtain a competitive advantage mischaracterises the decision before the ExP and the Secretary of State. The DCO process is concerned with whether the authorised development is in the public interest, not with protecting one commercial landowner from the consequences of a competing scheme. It is therefore no answer for Prologis to assert that it is willing and able to deliver development on land it controls. The issue is whether that alternative would deliver the same planning, transport, operational, environmental</p>
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⁴⁰ *Bexley* [36]

	<p>Far from assisting SEGRO, <i>Bexley</i> confirms that a comparative and proportionate assessment is required - and that assessment goes against the DCO sought.</p>	<p>and economic benefits as the proposed development i.e. the DCO Scheme.</p> <p>Finally, <i>Bexley</i> is important authority that an objector's alternative scheme automatically defeats compulsory acquisition. The existence of an alternative is relevant, but it is not determinative. The Secretary of State must decide whether the DCO Scheme is materially preferable and whether the compulsory acquisition sought is proportionate to securing that outcome.</p> <p><i>Bexley</i> therefore supports the Applicants' case that the compulsory acquisition powers sought in the DCO are justified.</p>
4.3 – 4.5	<p>In Prologis' Deadline 2 and Deadline 3 Submission (paragraphs 5.3-5.4 and 4.3-4.4 respectively), a distinction has been drawn between benefits which are merely additive (i.e. benefits that would be likely to accrue regardless of whether compulsory acquisition powers are exercised) and those which are properly attributable to the exercise of compulsory acquisition powers (i.e. benefits that could only be achieved through the use of those powers). SEGRO's response has gone no further than to state that this distinction is not established by any decisions of the courts. That point is devoid of substance. The distinction is based in logic and follows from the nature of the section 122(3) test. Either the logic is sound or it is not – and the fact that no court has yet been required to rule on the point in a contested case is a neutral factor. In this respect it is telling that SEGRO has chosen not to grapple with the substance of the point.</p> <p>However, the essential underlying principle can be seen reflected in the case law. For an example of this, see the De Rothschild dictum that:</p> <p><i>"no reasonable Secretary of State would confirm a compulsory purchase order, imposing a purchase on an unwilling landowner, if that same</i></p>	<p>The Applicants deny that they have failed to grapple with the substance of the point and refer to their submissions at page 120 of [REP4-033].</p> <p>Prologis seek to make a distinction with no real authority, acknowledging that the courts have yet to rule on the point in a contested case.</p> <p>Ultimately the distinction being made by Prologis between benefits is not a separate legal test. Section 122 of PA 2008 requires the Secretary of State to be satisfied that the land is required for the development to which the development consent relates or is required to facilitate or is incidental to that development, and that there is a compelling case in the public interest for the land to be acquired compulsorily. It does not require the decision-maker to disregard all benefits of the authorised development</p>

	<p><i>landowner was willing to sell to the acquiring authority land which would be seen to serve equally well for the same purpose after all relevant considerations, including of course cost and delay, have been taken into account.</i>"⁴¹</p> <p>This formulation necessarily requires the decision-maker to ask: what is the purpose for which the land is said to be required, and can that purpose be achieved without compulsory acquisition? If the purpose can be achieved without compulsory acquisition, then the interference with the landowner's property rights is not justified, the land is not "required" within the meaning of section 122(2)(a), and the compelling case test under section 122(3) is not met. The corollary is that, when assessing whether the public interest compellingly justifies compulsory acquisition, only those benefits that are attributable to the exercise of compulsory acquisition powers – that is, benefits that could not be achieved without those powers – can properly be placed in the balance. Benefits that would accrue regardless of whether compulsory powers are exercised are not benefits that could properly justify the use of those powers.</p> <p>The additive/attributable distinction is thus a necessary step in the reasoning required to apply the section 122(3) test correctly. The question is not whether the DCO Scheme delivers more benefits than the Joint Application, but whether the additional benefits can be delivered only through the exercise of compulsory acquisition. In the present case the vast majority of those benefits cannot, and those that remain do not justify the interference with private property rights for the reasons already provided by Prologis in its previous submissions.⁴²</p>	<p>unless they can be characterised as benefits that could only ever be delivered through compulsory acquisition.</p> <p>The question is whether the land is required for the proposed development and whether, having regard to the public benefits of that development and the interference with affected interests, there is a compelling case in the public interest for compulsory acquisition. It is not a free-standing counterfactual exercise in which each benefit is stripped out unless it can be proven that the identical benefit could not arise under any other conceivable scheme. Nor does the compulsory purchase guidance support such an approach.</p> <p>The dictum in <i>R v Secretary of State for Transport, ex parte De Rothschild</i> is further not as helpful to them as Prologis suggest. It addresses a situation in which an unwilling landowner is in fact willing to sell land to the acquiring authority which would serve equally well for the same purpose, once relevant considerations such as cost and delay have been taken into account. It does not establish a rule that, whenever an objector advances an alternative development proposal, the decision-maker must ignore the wider benefits of the scheme for which powers are sought unless each individual benefit can be shown to be impossible under the alternative.</p>
5.1 – 5.6	This section responds to the ExP's request (at AP31, and as developed in the Rule 17 Letter) to clarify the meaning of "likely" under the EIA Regulations, and to address whether the displacement of the socio-	The Applicants note the response and refer to their response to the Rule 17 Letter [AS-004 and AS-006] and to Chapter 4 of the Environmental Statement

⁴¹ *R. v Secretary of State for Transport Ex p. De Rothschild* [1989] 1 All E.R. 933, pg 341

⁴² See for example paragraph 4.4 of Prologis' Deadline 3 Submission

	<p>economic benefits of the Joint Application should be assessed as a likely significant effect. The point is central to Prologis' wider case. If those effects are likely, they must be assessed against the future baseline and carried through into the section 122(3) balance, for the reasons below.</p> <p>The meaning of "likely" and the displacement of the Joint Application's benefits</p> <p>For the purposes of the EIA Directive and the EIA Regulations, "likely" connotes a real risk rather than a probability. As confirmed in <i>R (An Taisce (National Trust for Ireland)) v Secretary of State for Energy and Climate Change</i>, a real risk is one which is more than a bare possibility, but which does not require proof that the effect will probably occur. In any given case a number of different outcomes may each be "likely," such that each falls to be assessed. Prologis welcomes the ExP's express acceptance of that test, and of its application, in the Rule 17 Letter.</p> <p>It follows, and the ExP has now determined, that the displacement of the socio-economic and environmental benefits of the Joint Application upon the grant of the DCO with compulsory acquisition powers (the "delivery scenario") is a likely significant effect that the Environmental Statement must assess against the future baseline. That conclusion vindicates the position Prologis has advanced since before the commencement of examination in its Relevant Representation, and which SEGRO itself effectively conceded at CAH2 when it accepted that implementation of the DCO scheme would displace the Joint Application's benefits and described that displacement as "<i>extremely probable</i>"⁴³.</p> <p>The realistic possibility of non-delivery of the DCO Scheme</p>	<p>(Document DCO 6.4 / MCO 6.4), Appendix 4B of the Environmental Statement (Document DCO 6.4B / MCO 6.4B) and Appendix 4C of the Environmental Statement (Document DCO 6.4C / MCO 6.4C) submitted at Deadline 5.</p> <p>The Applicants do not accept Prologis' assertion that the possibility of non-delivery, partial delivery or delayed delivery of the DCO Scheme feeds directly into the application of the compelling-case test as set out in. The Applicants do not consider it appropriate to blur lines between the environmental assessment of a project on the one hand, and the compelling case necessary to justify compulsory acquisition on the other. It is unnecessary therefore to revisit and revise its Statement of Reasons, which remains fit for purpose.</p>
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⁴³ Please see 36:50 of Hearing Transcript – Recording of CAH2 (Part 2)

	<p>The non-delivery scenario also clearly satisfies the “likely” threshold for the reasons Prologis has given in its Written Representation at paragraphs 4.7 – 4.16.</p> <p>Prologis therefore welcomes the ExP's determination (in the Rule 17 Letter) that the non-delivery of the DCO scheme (the "non-delivery scenario") is a likely significant effect that must be assessed, and that the absence of physical works does not take that scenario outside the definition of a project for EIA purposes.</p> <p>The consequences for the compelling-case test</p> <p>The realistic possibility of non-delivery, partial delivery or delayed delivery of the DCO scheme feeds directly into the application of the compelling-case test, and the ExP's Rule 17 determinations have brought that point into even sharper focus. Now that the ExP has rightly determined that there is a real risk of non-delivery and consequential sterilisation of the Joint Application's benefits, that risk must also be carried into the section 122(3) balance. As explained in more detail in the joint response to the Rule 17 Letter, SEGRO must accordingly revisit and revise its Statement of Reasons, which is unfit for purpose because it misunderstands the section 122(3) test and misappraises the elements (most notably the assessment of alternatives) that feed into it.</p>	
5.7 – 5.11	<p>Southern Land</p> <p>As explained in the joint response to the Rule 17 Letter, the way the ExP framed this issue in the agenda for CAH2 and addressed it in the Rule 17 Letter does not reflect how Prologis has expressed this part of its case.</p> <p>The submissions and evidence as to the likelihood that development of the Southern Land would come forward in a no-CA/no-DCO scenario have not been advanced on the basis that this should form the baseline for that land in an EIA context.</p>	The Applicants note the response.

	<p>What Prologis has said about EIA is directed towards the Prologis/EMA land, where the issue raised by the question in the CAH2 agenda and picked up in the Rule 17 Letter does not apply.</p> <p>In respect of the Southern Land, the issue is raised squarely in the context of what would happen if no CA powers were granted. It concerns the exercise of judgment as to the prospects of development of a similar nature to that proposed coming forward in those circumstances. That is not a concern about EIA baseline but is instead a necessary step to properly evaluate the claimed benefits said to derive from the exercise of CA powers. If the judgment is formed that there are good prospects that the Southern Land would be likely to be developed absent the use of CA powers, that necessarily diminishes the weight that can attach to the benefits claimed for the exercise of CA powers.</p> <p>It is a point made, therefore, as to how the CA/compelling case should be approached and what needs to be considered as part of that exercise, not as an allegation that the EIA is inadequate.</p>	
6.1	<p>Viability</p> <p>The single joint Excel spreadsheet prepared in response to AP35 (the "Viability Spreadsheet"), setting out the respective valuations side by side with formulae retained, is submitted separately by reason of its format.</p>	No response required.
6.2	<p>It is important to be clear as to the status of the figures contained in the joint spreadsheet. They are a reworking of SEGRO's and Mr Cottage's own assumptions. They are a snapshot in time and are subject to the appropriate health warnings noted therein. They are not alternate valuations proposed by Prologis. Again, Prologis reserves the right to update the spreadsheet at Deadline 5 in the light of SEGRO's Deadline 4 viability response, and to probe further inputs that SEGRO may still disclose. There are two essential points to be drawn out of the Viability Spreadsheet:</p>	<p>It is noted that neither Mr Robert's or Prologis have produced their own, independent viability analysis. This is relevant because Mr Robert's approach to assessing the viability of the DCO Scheme is inconsistent with the approach he suggests should be adopted when assessing the viability of the Prologis Scheme. If Mr Roberts adopts the same approach to an appraisal of the DCO Scheme as he says should apply to the Prologis Scheme, he would have to accept</p>

	<p>(a) Firstly, on SEGRO's own costs and revenues, once a realistic market land value is paid for the Prologis/MAG Land at the 15% profit on cost that SEGRO itself identifies as the minimum acceptable return, the DCO Scheme does not achieve the 15% profit on cost hurdle rate which SEGRO accepted as the minimum. As already submitted in Prologis' Deadline 3 Submission at paragraph 2.2(b), SEGRO's Viability Appraisal⁴⁴ records a profit on cost of only 15.91% so that the scheme is, on SEGRO's own figures and before any of the deficiencies identified in the DWD Report⁴⁵ are factored in, only marginally viable. Whilst Mr Cottage may wish to suggest that values could increase and certain sales costs might not be incurred – which would improve the apparent viability of the scheme – such assertions must be supported by robust evidence rather than represent self-serving adjustments to the model. In any event, there is no evidence that such changes would enable SEGRO to generate sufficient value to pay market value to Prologis/MAG. In this regard, whilst Mr Cottage may argue that viability would be improved by altering the inputs, there is no evidence that such improvement will be of sufficient magnitude to render the scheme viable overall. Furthermore, if SEGRO now seeks to vary or add to the inputs in its model, then the reliability of those inputs must be in question – Prologis has done no more than to use SEGRO's own approach and demonstrate its shortcomings. The ExP would be entitled to treat with scepticism any self-serving adjustments made by SEGRO to its own figures at this late stage with the intention of improving the apparent viability of its scheme.</p> <p>(b) Secondly, a central tenet of SEGRO's Viability Appraisal is the use of the £225,000 per acre figure (for the Prologis/MAG</p>	<p>the DCO Scheme is viable. Currently, he is trying to walk a tightrope between arguing the DCO Scheme is unviable, while at the same time protecting Prologis's position for a possible future compensation claim.</p> <p>(a) The sensitivity analysis Mr Cottage provided at Deadline 4 shows that only very minor improvements in revenue and acknowledgement of the fact that the Applicant will not actually incur the notional sales costs included in his DCO Scheme appraisal more than offsets any increased price the Applicant might have to pay for the Prologis Land. The ExP will also be able to see this when it tests the Excel spreadsheet provided by the valuers. The fact that sales costs will not be incurred is self-evident if the Applicant holds the DCO Scheme as an investment (which is its confirmed strategy) and the fact that revenue is likely to be higher than that shown in Mr Cottage's appraisal is agreed between the viability valuers. Prologis cannot argue, as it seems to be, that its warehouse accommodation would attract more value, but the Applicant's wouldn't. Moreover, Mr Cottage's suggested sensitivity adjustments should not come as a surprise. Mr Cottage drew attention to them in Document DCO 4.5.</p> <p>b) The assumption of a £225,000 purchase price for the Prologis Land is not a central tenet of Mr Cottage's viability appraisal. It is only an illustrative figure. It is accepted that, unless agreement can be reached, the Applicant will need to pay Prologis</p>
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⁴⁴ DCO 4.5 Viability Appraisal Deadline 1

⁴⁵ Please see Annex A of Prologis' Deadline 3 Submission

	<p>land), derived from SEGRO's agreement for the Aldridge Land, as a fixed land-value input – when a credible viability appraisal must instead reflect what the market would actually pay. The same approach should be taken to the Aldridge Land itself, the question being what the market would pay, not what SEGRO has contractually committed to pay. Prologis understand that SEGRO accepts that Mr Cottage's adoption of £225,000 per acre in respect of the Prologis/MAG land is too low but neither SEGRO nor Mr Cottage have expressed what they consider to be a realistic price for that land. It is therefore the case that, whilst Mr Cottage may say that the inputs to his appraisal could be altered or deleted to improve viability, he offers no evidence as to whether the resultant increase in value generated by the SEGRO scheme would be sufficient to enable SEGRO to acquire the Prologis/MAG land. This is a substantial omission. The ExP therefore has no basis upon which it can consider whether or not, having taken into account the true cost of acquiring the Prologis/MAG land, the scheme will be considered to be commercially viable and therefore deliverable. If a realistic (and lower) market value were adopted for the Aldridge Land, SEGRO would be able either to pay a proper market value for the Prologis/MAG Land or to bring forward the Southern Land independently, and in both cases deliver the relevant benefits – the latter in particular enabling many of the reasonable alternatives already identified by Prologis. However, this is the value that SEGRO has selected and which now appears to be excessive for the development that they are proposing. It is not admissible for it to change its position because its own evidence does not suit its case.</p>	<p>and MAG the sums they will be entitled to in the event of compulsory acquisition. This may not necessarily be what the market would pay. It would not be correct to include what the market might pay for the Aldridge land in the appraisal as this would not reflect the position the Applicant is actually in. This suggestion runs counter to both viability valuers' evidence.</p> <p>The Applicants do not consider that it would be helpful to start negotiating Prologis/MAG's possible future compensation in the Examination and it is not something that is necessary to demonstrate the DCO Scheme's viability. The Applicants note that Prologis also hasn't confirmed what it believes to be the value of its land. It's position simply appears to be that, however viable the DCO Scheme might be, the Applicant could never afford to pay for its land. Mr Cottage's Deadline 4 sensitivity analysis demonstrates how a relatively small increase in revenue and removing notional sales costs from the appraisal would more than offset the additional cost of purchasing the Prologis/MAG land. The potential for these relatively minor alterations to the appraisal were highlighted in Document DCO 4.5 [REP1-027D].</p>
6.3	<p>The viability difficulty in respect of the land south of Hyams Lane in isolation is one of SEGRO's own making. As the DWD Report explains, SEGRO's case on viability is not driven by any deficiency in the Prologis scheme or in the Southern Land - it is driven by SEGRO's own</p>	<p>Mr Cottage's sensitivity analysis demonstrates that the Applicant can afford to purchase the Prologis/MAG Land. The Applicant has already offered more than Mr Roberts' indicative £31.25 million and clearly would not</p>

	contractual commitment to overpay for the Aldridge Land, which means it must assume a significant underpayment for the balance of the land it must assemble. In effect, SEGRO are seeking a DCO to assist them in addressing their own decision to overpay. That points to a recourse driven by SEGRO's own commercial predicament, not by any compelling case in the public interest.	have made that offer if it knew it would render the DCO Scheme unviable. It is also not clear how Prologis thinks the confirmation of compulsory purchase powers would allow the applicant to avoid paying Prologis/MAG their statutory compensation entitlement. If Prologis/MAG believe that they are not being paid full compensation, they will be able to have that compensation determined by the Upper Tribunal (Lands Chamber).
6.4	With regard to the DCO scheme, at CAH2, Mr Cottage (SEGRO's viability expert) accepted that the £225,000 per acre figure for the Prologis/MAG Land was adopted for the purpose of illustrating the viability of the scheme, and that the true valuation of that land might be higher. In reality, the true value of the Prologis/MAG land is significantly higher than £225,000 per acre and of such magnitude that the prospect of the scheme becoming viable by artificially tweaking the inputs is remote. The scheme can only be considered to be marginally viable if Prologis/MAG can be made to accept the same figure as that contracted by SEGRO to be paid to Mr Aldridge for its own land, which in that case is a <i>below market</i> figure. In effect, Mr Aldridge receives a significant windfall which SEGRO expect to be funded by Prologis/MAG accepting an artificially reduced price. No evidence has been provided by SEGRO to substantiate the basis for this expectation on their part.	The fact that Prologis throws doubt on whether, even with additional revenue and avoiding sales costs, the Applicant could afford to buy its land, just demonstrates that it has not undertaken its own risk/sensitivity analysis. While Mr Roberts undertook a sensitivity analysis for the Prologis Scheme in his Deadline 3 report, he has not produced a sensitivity analysis for the DCO Scheme. This statement also again demonstrates that Prologis' position seems to be that whatever the viability of the DCO Scheme, the Applicant will not be able to afford the Prologis/MAG Land. It also provides more than a suggestion of positioning for a future compensation claim. The Applicant fully expects to pay what Prologis and MAG will be entitled to in the event of compulsory acquisition and can afford to do so. Any suggestion that the Applicant thinks it can avoid paying full compensation is nonsense.
6.5	At the May Hearings, SEGRO suggested that a viability assessment in the B2/B8 context differs in kind from a residential viability assessment. The implication being that the established approach to viability (and, in particular, the mandatory RICS Professional Standard <i>Financial viability in planning</i> : conduct and reporting) does not apply with the same rigour. That suggestion should be rejected. The core disciplines of a credible	This is incorrect and illustrates Prologis and Mr Roberts lack of understanding of the different types of viability assessment that can be undertaken. The issue is not whether the viability assessment is for a B2/B8 development or a residential development, but whether what is being undertaken is a commercial

	<p>appraisal are not peculiar to residential schemes. As already submitted in Prologis' Deadline 3 Submission at paragraphs 2.9 to 2.11, and as explained in the DWD Report, a market-based land value, a sensitivity analysis, and the disclosure of the underlying cashflows and electronic models are the means by which any appraisal, in any sector, is made capable of being tested. The asserted distinction provides no warrant for departing from the RICS Professional Standard, nor for withholding the material needed to scrutinise SEGRO's case or failing to be fully transparent. SEGRO has now, belatedly provided the underlying Argus appraisal files. That is welcome, but late disclosure does not cure the difficulty - the absence of a market-based land value (as opposed to relying on a 'what SEGRO can afford to pay' land value irrespective of market value) and a sensitivity analysis remains, and those are the very features that render an appraisal capable of being thoroughly tested.</p>	<p>viability assessment (which is relevant in this case) or a viability assessment for the purpose of determining a development's ability to provide planning contributions (which for a residential development will include affordable housing). Different RICS Professional Standards apply to the different exercises. FVA's do not adopt "a market-based land value," but a Benchmark Land Value based on Existing Use Value plus a premium. Neither Mr Cottage nor Mr Roberts are adopting this approach.</p>
7.2	<p>Highways mitigation</p> <p>A specific question was put to Prologis as to whether the "pink package" referred to by SEGRO⁴⁶ reflects the mitigation proposed in the Joint Application. Both the pink package and Joint Application mitigation appear to aim to address a similar issue (i.e. alleviate capacity issues at Finger Farm roundabout). There is limited detail available regarding the pink package however it would appear to not include the free-flow left turn provision from A453 West to A453 North as included in the Joint Application proposals. It is noted that the pink package includes dualling to Pegasus Business Park whereas the Joint Application scheme includes safeguarding for dualling on the A453 to the Pegasus Business Park and beyond to the West to the approach to the EMA Airport access.</p>	<p>The Applicant is in agreement that the 'pink package' is needed to support the longer term needs of the highway network to accommodate growth within the region, as set out within the responses to ISH1 action points ([REP1-053] Appendix 3). However, the key point here is that it is the 'green package' that is required to mitigate the impact of the EMG2 development i.e. land north and south of Hyams Lane, and the 'pink package' is not required for EMG2.</p> <p>Therefore if the Joint Application were to provide highway works in some form at the A42 / A453 / Finger Farm roundabout, and only safeguard for dualling of the A453, it would be unlikely to meet the longer term needs and the 'green package' would then have to be provided by the land south of Hyams Lane which is unviable. It is clear that the Joint Application highway works seek to mitigate their own impact in a piecemeal</p>

⁴⁶ As set out in Appendix 3 of SEGRO's Response to Hearing Action Points (DCO 7.4)

		way, and not form a part of providing a long term strategic solution to the highway needs of the area. This is also apparent from the discrepancies in layout between the Joint Application highway works and that proposed by Isley Woodhouse, the latter being aligned with the 'pink package'.
7.3	The mitigation therefore represents an equally valid alternative contribution to the same package of long-term strategic needs, and SEGRO cannot demonstrate that its own scheme is the only means by which meeting those needs can be progressed. In this regard, Prologis wishes to draw the ExP's attention to Prologis' response to ExQ2 19.0.18 wherein it has highlighted the error in seeking to draw such comparisons between the highways mitigation in the Joint Application and the DCO Scheme.	The Applicants have made it clear that the 'green package' is required to mitigate the impact of the EMG2 development (i.e. land north and south of Hyams Lane).
7.4	<i>Dualling Arrangements</i> Please refer to the submissions made in relation to draft Requirement 31 within Prologis' Written Summary of Oral Submissions at ISH3.	See the Applicants' response on this point in the response to the Deadline 2 and 3 submissions document [REP4-033] .
7.5	<i>Sustainable Transport</i> Third, the sustainable transport proposals for the Joint Application include: (a) The site design includes the provision of a new on-site Transport Hub. The facility will include a passenger interchange building which will provide passenger shelter and travel information, in addition to boarding/alighting bays and lay-by/designated waiting areas for both public services buses and an Electric Vehicle (EV) shuttle bus. There will also be electric vehicle charging available. (b) An EV shuttle bus is proposed to facilitate movement around the site and facilitating seamless integration with existing	The Applicants note the response.

	<p>public transport services. As well as the on-site bus interchange facility, several bus stops will be provided at key locations across the site, close to unit access and egress points for ease of use. It is the intention that the EV shuttle bus will serve the on-site bus stops (as well as the on-site interchange facility).</p> <p>(c) A new signalised crossing is proposed on the A453, west of the existing A453 / Beverley Road roundabout. This will facilitate movements between the application site and the public transport facilities on Beverley Road, in addition to facilitating movements between the villages of Castle Donington and Kegworth. The crossing is intended to provide direct connectivity to on-site pedestrian and cycle routes. In addition, a second signalised crossing is proposed on the A453 between the existing A453/Beverley Road roundabout and Finger Farm roundabout to support PRow users to cross the road and provide connectivity with existing infrastructure to the north of the carriageway</p> <p>(d) The permanent diversion of existing PRow L45/1 to ensure that access via this route is maintained. There will be a minor diversion of the PRow in the north-eastern corner of the site.</p> <p>(e) Cycle and pedestrian routes will be provided across the application site and will be segregated from vehicular routes where possible. Finalised pedestrian and cycle access arrangements will be determined once the proposed layout is fixed with the intention to segregate from vehicular routes where possible. In order to facilitate/encourage active travel, the application site is proposed to have secure, on-site cycle parking and shower/changing facilities.</p>	
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	<p>(f) Improvements to walking and cycling infrastructure are proposed on Beverley Road as well as new uncontrolled crossing facilities at the new primary vehicle junction off the A453, to support crossing of the A453.</p> <p>(g) Discussions regarding service diversions of existing bus services are ongoing with local bus operators in order to facilitate transport via public transport to the application site.</p>	
Appendix 1 – Response to Action Points		
AP No. 28	Please see section 4 above.	The Applicants note the response.
AP No. 29	<p>PARKlife is Prologis’ long-established customer experience and occupier support programme, designed to create logistics parks that operate as high-quality employment destinations and communities, rather than simply locations for industrial and logistics warehouse buildings. It reflects Prologis’ approach to long-term stewardship, active park management and occupier engagement, with a focus on supporting employee wellbeing, occupier success and wider social value outcomes. A selection of images illustrating this approach is available at Appendix 7</p> <p>PARKlife is a registered trade mark of Prologis, reflecting an established and identifiable approach to logistics park development focused on customer amenity, wellbeing, sustainability and community infrastructure, which has been implemented across Prologis developments in the UK and internationally.</p> <p>The PARKlife programme combines physical infrastructure, community initiatives and operational management to create attractive, sustainable and people-focused logistics environments. Key components of the programme include:</p>	The Applicants note the response.

	<ul style="list-style-type: none"> • High-quality landscaping, green infrastructure and outdoor amenity spaces – Prologis parks are designed with extensive landscaping, ecological enhancements, walking routes, seating areas and outdoor amenity spaces to improve the working environment for employees and visitors. This includes the integration of green corridors, biodiversity areas and high-quality public realm intended to support wellbeing, encourage outdoor activity and create a more attractive and sustainable employment environment. • Wellbeing, fitness and employee engagement initiatives – PARKlife delivers regular wellbeing and fitness activities across Prologis parks, including organised running clubs, fitness classes, health and wellbeing events and seasonal activities. These initiatives are intended to promote employee wellbeing, improve workplace satisfaction and support occupiers in attracting and retaining staff within a highly competitive logistics labour market. • Food, leisure and community-focused events – The programme regularly hosts food markets, pop-up vendors, charity events and community activities designed to activate the park environment and create opportunities for interaction between occupiers, employees and the wider community. This helps foster a stronger sense of place and contributes to parks functioning as active employment communities rather than isolated industrial estates. • Skills, training and employment support initiatives – PARKlife supports training, skills and employment opportunities through partnerships with occupiers, local authorities, education providers and employment agencies. This includes support for apprenticeships, employability programmes, construction skills initiatives and sector-specific training designed to connect local communities with employment opportunities generated by logistics development. 	
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<ul style="list-style-type: none"> • Customer engagement and occupier collaboration – Prologis actively manages relationships with occupiers through networking events, customer forums and ongoing engagement with businesses located on its parks. This allows operational issues, workforce challenges and opportunities for collaboration to be identified and addressed proactively, supporting long-term occupier retention and investment. • Environmental sustainability and biodiversity enhancements – PARKlife supports wider sustainability objectives through biodiversity management, habitat creation, tree planting, sustainable drainage systems and initiatives aimed at improving environmental performance across parks. These measures contribute to the creation of greener logistics environments and support wider corporate sustainability commitments. • Long-term estate management and on-site support services – Unlike developer-trader industrial development models, Prologis retains an active long-term management role within its parks. This includes ongoing maintenance, estate management, customer support and the delivery of events and initiatives through the PARKlife programme, ensuring that parks continue to evolve in response to occupier and community needs over time. <p>In the context of the Joint Application proposals, the PARKlife approach forms part of a wider vision to deliver a genuinely integrated employment and logistics destination. The Joint Application focuses on much more than the delivery of floorspace, creating a high-quality, sustainable and actively managed advanced manufacturing and logistics park capable of generating long-term economic, social and environmental benefits.</p> <p>Under the Joint Application approach, PARKlife would support the creation of a thriving people-focused employment destination incorporating high-quality green infrastructure, employee wellbeing</p>	
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	<p>facilities, skills and training opportunities, community engagement initiatives and long-term estate management. This would complement the proposed Training Hub and wider employment initiatives, ensuring that the development delivers meaningful place-based benefits for both occupiers and surrounding communities.</p> <p>Importantly, the Joint Application approach is underpinned by Prologis' proven track record of delivering and operating similar initiatives successfully elsewhere, including at RFI DIRFT, where Prologis has demonstrated the ability not only to develop strategic logistics infrastructure, but also to curate and actively manage successful long-term employment environments.</p>	
AP No. 30	Please see section 3 above.	The Applicants note the response.
AP No. 31	Please see section 5 above.	The Applicants note the response.
AP No. 32	Please see Appendix 2.	The Applicants note the response.
AP No. 33	Please see section 5 above.	The Applicants note the response.
AP No. 34	<p>There is no realistic basis on which such access could be achieved, even if it could be demonstrated to be physically possible, as it would be in direct conflict with Government policy.</p> <p>Circular 01/2022 '<i>Strategic road network and the delivery of sustainable development</i>' is the policy document of the Secretary of State in relation to the Strategic Road Network and it provides the specific planning guidance for Roadside Services including Motorway Service Areas. Paragraph 8 of the Circular notes that it is relevant to making decisions on planning and development proposals under the Town and Country Planning Act and that "<i>The policies may also be considered important and relevant to decisions on nationally significant infrastructure projects</i></p>	<p>The Applicants' view is that the southern land is capable of being accessed, subject to agreement and reconfiguration, through the motorway service area.</p> <p>The hypothesis is that this could be achieved by the existing access road into the services being extended into the land south of Hyams Lane, and the existing internal roundabout becoming the entrance into the services. The HGV parking could be reconfigured by using some of the land south of Hyams Lane to replace the parking that would be lost by construction of the access road into the land south of Hyams Lane. This effect of this would be to provide a new road (that could be adopted) from Finger Farm serving both the</p>

<p><i>(NSIPs) in the absence of a stated position in the relevant national policy statement’.</i></p> <p>Paragraphs 71 – 112 and Annex A relate to Roadside Services (which includes Motorway Service Areas ("MSA"). It notes in paragraph 71 that the primary function of roadside facilities is to support the safety and welfare of road users.</p> <p>Paragraph 86 confirms that to be an Off-line MSA, it must share a common boundary with the highway at a junction of the Strategic Road Network.</p> <p>In relation to ‘<i>access to the strategic road network</i>’ paragraph 91 states “<i>The suitability of connections to roadside facilities from the local road network will be considered on a case-by-case basis by the relevant local planning authority as part of the planning process. However, there must be no route through a roadside facility or its access link between the local road network and the SRN</i>” and paragraph 92 confirms “<i>Access to other developments through a roadside facility or from its connection to the SRN is not permitted. Furthermore, where a new connection is agreed for a proposed roadside facility, the company will expect any subsequent change in the permitted land use to be in accordance with paragraph 22 of this circular</i>”.</p> <p>The Moto Donington Park Motorway Service Area (MSA) has a single access off the Finger Farm roundabout that is solely for the MSA. As shown on the Leicestershire County Council Highway Record Enquiry available at Appendix 3 (Ref NDI/HRE/2501159) Finger Farm roundabout is a Trunk Road under the control of National Highways and hence it forms part of the Strategic Road Network. The Moto Donington Park Service Area is therefore an Off-line MSA and the above Circular advice applies to it.</p> <p>If the SEGRO development were to be accessed from the MSA access (off Finger Farm roundabout) then in order to comply with paragraph 91 of the above Circular there could be no vehicular link between the</p>	<p>services and the land south of Hyams Lane. With this in place the land south of Hyams Lane would not be accessed through the services but would share an access road to the SRN. This would need to be approved by National Highways and the DfT as appropriate.</p>
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	<p>Strategic Road Network (Finger Farm roundabout) and the Local Road Network (A453). This is to ensure that there is “<i>no route through a roadside facility or its access link between the local road network and the SRN</i>”.</p> <p>However, to comply with paragraph 92 of Circular 01/2022 (in order to protect the importance of the primary function of the Motorway Service Area which is to support the safety and welfare of road users), the Circular is clear that access to other development through such a Motorway Service Area “<i>is not permitted</i>”. In this case, therefore an access from Finger Farm roundabout to an employment development by SEGRO through the Moto Donington Park MSA would not be permitted.</p> <p>Prologis therefore consider that an access through the Moto Donington Park Motorway Service Area to an employment development by SEGRO cannot be achieved even in theoretical terms as it would be in direct conflict with the clear requirements of the Circular (which is the Secretary of State’s policy document on such matters).</p>	
AP No. 35	<p>Due to its different format, this has been submitted separately. It should be noted that these spreadsheets have been prepared by DWD on behalf of Prologis. Despite requests to SEGRO for cooperation in preparing the joint spreadsheet as directed by the ExP, Mr Cottage indicated that he would not be contributing to this exercise. DWD has therefore prepared the spreadsheet unilaterally, using consistent cost headings and retaining all formulae as requested, setting out both parties’ respective assumptions side by side to assist the ExP in understanding the areas of agreement and disagreement.</p>	<p>In relation to the DCO Scheme spreadsheet, this statement is clearly untrue as Mr Cottage’s comments are included. Mr Cottage produced an initial Excel Spreadsheet and sent it to Mr Roberts for review on 28 May 2026. On 2 June 2026, Mr Roberts sent Mr Cottage a different Excel spreadsheet. Mr Cottage checked that the spreadsheet worked, which it did other than for slightly overcalculating interest costs (reducing viability as a result), and confirmed he was happy to adopt Mr Robert’s spreadsheet. Mr Cottage returned the spreadsheet to Mr Roberts on 12 June 2026 with his comments and some alterations to the "User Instruction" tab, including noting that the spreadsheet over calculates interest. On the 14th June Mr Roberts returned the spreadsheet to Mr Cottage with some alterations and on the 15th June, Mr Cottage sent back</p>

		<p>what he believed to be the final version with a few further minor amendments to his comments. Mr Roberts acknowledged receipt and Mr Cottage heard nothing more from him on the matter. However, the version that Prologis has now submitted to the ExP is not what Mr Cottage understood to be the final agreed version, but a different version with some additional comments from Mr Roberts and the reference to the over calculation of interest in the "User Instruction" tab removed.</p> <p>Mr Roberts did not send his spreadsheet for the land to the south of Hyams Lane to Mr Cottage until 18.22 on Sunday 14 June 2026. Bearing in mind that Mr Cottage was also preparing a submission for Deadline 4, this did not give him sufficient time to properly review the spreadsheet and engage with Mr Robert's over it before Deadline 4 (16 June 2026). Moreover, while Prologis (and Mr Roberts) continue to say that the second appraisal in Document DCO 4.5 relates to the land south of Hyams Lane, as Mr Cottage has made very clear, it is an appraisal of the DCO Scheme assuming no compulsory purchase powers over the Prologis Land, which is a different thing. Not least because Mr Cottage's appraisal assumed completion of the DCO Highways Works, while Mr Roberts argues that this would not be necessary if the land south of Hyams Lane were to be brought forward separately. Therefore, until the basis of an appraisal can be agreed between the valuers, submitting an Excel Spreadsheet reflecting the agreed basis is clearly not possible and also potentially misleading. While Mr Cottage is happy to discuss this issue further with Mr Roberts, this will take more time than Mr Roberts gave Mr Cottage in the lead up to Deadline 4. It is also the case that the ExP may not</p>
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		<p>consider the appraisal relevant for the purpose of confirming the DCO Scheme's viability. Nobody is looking to promote the DCO Scheme without the Prologis Land and it appears to be agreed that such a development would be unviable. Consideration of whether the land to the south of Hyams Lane would be brought forward separately is a far more complex exercise than can be shown in an excel appraisal. The prospects of development need to be properly assessed having regard to all of the risks and uncertainties that surround the site, including the absence of planning permission, the lack of clarity around the extent of off-site highways works, whether those works would require third party land and the willingness of the current landowner to sell (as there would be no compulsory purchase powers available to force him to sell).</p>
AP No. 36	<p>The Leicestershire County Council Highway Record Enquiry available at Appendix 3, confirms that Hyam's Lane is adopted unclassified highway. As adopted highway, the surface vests in the highway authority, and it would be within the powers of the highway authority to approve any new road crossing of Hyam's Lane to provide north–south access between the northern land and the Southern Land, notwithstanding that the Book of Reference identifies the subsoil ownership as unknown. Hyam's Lane itself would not, therefore, constitute a ransom strip.</p> <p>Prologis does not consider that compulsory acquisition of Hyam's Lane would be necessary to enable development of either the northern land or the Southern Land. The mechanism for achieving such a crossing would be through the highways consent process.</p>	<p>The Applicants note the response. It is accepted that Hyams Lane is adopted highway and works could be undertaken pursuant to an agreement under the Highways Act 1980 provided such works were capable of being accommodated within the extent of the adopted highway and land secured by the person undertaking the works (i.e. the works did not require third party land). The Applicants understand that there is a public right of way on foot running parallel to Hyams Lane and care would need to be taken to ensure that it could be crossed by vehicular traffic lawfully.</p>

<p>AP No. 37</p>	<p>Please see attached at Appendix 4 the Joint Position Statement which has been agreed with the Trent Barton bus operator and submitted as part of the Joint Application's Sustainable Transport Strategy (May 2026).</p> <p>Having reviewed its previous submissions and transcripts of the March and May Hearings, Prologis cannot find any previous reference it made to a 'letter from the Trent Barton bus operator'. Within Prologis' Deadline 3 Submissions at paragraph 4.18 reference was made to ongoing discussions with Trent Barton, but no formal document recording these discussions was referred to.</p> <p>Nevertheless, Prologis trusts that the attached Joint Statement will assist the ExP in understanding the nature of those discussions and the current position between the two parties.</p>	<p>The Applicants note the Joint Position Statement submitted by Prologis in respect of discussions with Trent Barton.</p> <p>The Applicants have also undertaken sustained engagement with local bus operators regarding connectivity to EMG2, including Trent Barton and Kinchbus (both part of The Wellglade Group) as operators of the key Skylink network (Skylink Derby, Skylink Express and Skylink Nottingham), as well as engagement with other operators.</p> <p>This engagement, ongoing since 2022, has included operator input into both the location of the transport interchange and the configuration of the bus interchange. In particular, Trent Barton has reviewed the layout to ensure that Skylink services can call at EMG2 whilst minimising diversionary impacts and journey time penalties for existing passengers.</p> <p>Accordingly, the EMG2 strategy is designed to facilitate efficient bus operations, such that services can serve the site. Discussions with operators indicate that, subject to the provision of the interchange, there is a willingness to serve the development from first occupation. This is supported by a secured delivery framework through the Development Consent Order, which includes the Sustainable Travel Strategy (Appendix), a Bus Fund and oversight of delivery of the strategy and spend from the fund by the Sustainable Transport Working Group, enabling services to be adjusted and enhanced over time.</p> <p>In this context, the Applicant considers that its approach provides deliverable basis for bus service</p>
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		provision. Evidence of operator engagement can be provided if required.
AP No. 39	Please see the appendices to Prologis' Written Summary of Oral Submissions at ISH3.	The Applicants note the response.
AP No. 49	<p>An amended Transport Assessment, Travel Plan and Sustainable Transport Strategy was submitted in May 2026 which included revised PRTM outputs and VISSIM modelling along with revisions to reflect previous comments received from National Highways and Leicestershire County Council.</p> <p>Prologis are working collaboratively with National Highways and Leicestershire County Council to address residual matters and are aware of correspondence from Leicestershire County Council dated 5th June 2026 and from National Highways dated 10th June 2026. Updated correspondence has been shared by National Highways on 16th June 2026 and discussions are ongoing to draw matters to a conclusion.</p>	The Applicants note the response.
AP No. 65	Please see section 3 above.	The Applicants note the response.
Appendix 2 – Response to Action Point 39		
AP 39 1.	<p>Expected to deliver over £4.5 billion in economic value and create 1,400 jobs.</p> <p>Air Products subsequently cancelled the project in summer 2025 citing an absence of firm policy support and financial backing from the UK government.</p>	The Applicants note the response.
AP 39 2.	<p>Generating station has not been implemented despite the passage of more than a decade.</p> <p>Subsequent amendment orders have been made to extend the time limit for commencement from October 2021 to October 2026, grant the</p>	The Applicants note the response.

	benefit of the Order to Uniper UK Limited, and further amendments to the project required by Uniper prior to implementation. The latter of which was granted on 2 April 2026.	
AP 39 3.	Under the DCO, Development must commence by 7 December 2029. Currently no updates as to its construction/implementation. SSE's own website notably does not commit to its delivery stating that " <i>Keadby 3 could be operational towards the end of the decade</i> ".	The Applicants note the response.
AP 39 4.	Following financial strain with government funding being pulled the project was never lawfully commenced. Survey and preparatory works were held not to amount to "material operations" under s.155 PA 2008, and the Court of Appeal confirmed in 2022 that the DCO lapsed when development did not commence within the applicable time limit.	The Applicants note the response.
AP 39 5.	No substantive on-site implementation has taken place – time limit for commencement being 18 August 2027	The Applicants note the response.
AP 39 6.	The table above is not advanced as a comprehensive survey of all DCOs. It is a non-exhaustive and illustrative selection. Its purpose is to demonstrate that the grant of a DCO, even one with strong policy support, an experienced promoter with strong market presence and access to considerable funds and favourable prevailing market conditions, carries no guarantee of delivery. The Immingham Green Energy Terminal is a clear example of a consented scheme whose promoter subsequently withdrew funding. The evidence informs the assessment of likelihood as a proxy indicator: it confirms that non-delivery is a real-world outcome. The assessment of whether non-delivery is "likely" is, however, ultimately a fact and case specific question. The point is reinforced, not undermined, by the particular characteristics of this scheme the viability of which is strongly contested by Prologis (on SEGRO's own figures).	The Applicants note the response.

<p>AP 39 7.</p>	<p>The Strategic Rail Freight Interchange schemes on which SEGRO relies are distinguishable: the delivery of one SRFI does not establish that business and commercial development of this kind will be delivered. Taken with the viability evidence before the Examination, the evidence establishes that non-delivery, partial delivery or delayed delivery of the DCO Scheme is at least a realistic possibility, and therefore "likely" within the meaning of the EIA Regulations. The ExP has reached the same conclusion in the Rule 17 Letter and Prologis welcomes that.</p>	<p>The Applicants note the response.</p>
<p>AP 39 8.</p>	<p>As to whether the matter should be addressed within the Environmental Statement, Prologis' primary position is that the sterilisation of the socio-economic benefits of the Joint Application in the non-delivery scenario is a likely significant effect that must be assessed within the Environmental Statement against the future baseline. That is the conclusion the ExP has reached in the Rule 17 Letter, applying the broad and precautionary purpose of the EIA Regulations and treating the non-delivery scenario as falling within the definition of a project notwithstanding the absence of physical works. The DCO, including the compulsory acquisition powers that are intended to enable and are inextricably linked to the development, comprises a single project for EIA purposes, and the effects flowing from the decision to grant consent fall to be assessed whether or not the development is implemented.</p>	<p>The Applicants note the response.</p>
<p>AP 39</p>	<p>For completeness, if and to the extent the matter was considered to fall outside the scope of the EIA Regulations, Prologis' alternative position is that these effects are in any event an obligatory material consideration to which the Secretary of State must have regard. The Secretary of State cannot be sure that the DCO Scheme would be implemented; on the evidence, non-delivery, partial delivery and delayed delivery are each at least a realistic possibility. A decision to grant the DCO as applied for, without taking account of the sterilisation of the Joint Application's benefits in a non-delivery scenario, would be unlawful for failure to take account of an obligatory material consideration.</p>	<p>The Applicants note the response.</p>

AP 39	Either way, an assessment of this issue is essential, and the realistic possibility of non-delivery must be carried through into the section 122(3) compelling-case balance, which requires the Applicant to revisit and revise its Statement of Reasons.	The Applicants note the response.
Appendix 4 – Joint Position Statement		
Unnumbered	<p>Regular dialogue has taken place between the Applicant's project team and trentbarton colleagues including the following:</p> <ul style="list-style-type: none"> • March 2024 — Initial discussion regarding existing bus operations, current services and existing infrastructure supporting bus travel in the area. • February 2025 — Follow-up discussion focusing on the potential for bus service diversions, identified public transport constraints within the local network and applicant proposals for a Transport Hub and improvements to the Beverley Road stops. • August 2025 — Further discussion regarding potential service diversions into the site, including the My15 service, existing public transport constraints, and the proposed Sustainable Transport Strategy (STS) for the application site. • March 2026 — Update discussion covering recent service changes, emerging development proposals, the updated Sustainable Transport Strategy, and potential opportunities for bus service diversions into the application site. <p>These discussions have considered existing bus services in the area, supporting facilities, and how both parties can work collaboratively to promote and facilitate bus access to and from the site.</p>	<p>The Applicants note the response.</p> <p>Prologis' response confirms that a transport interchange is to be delivered; however, it will not be served by the existing, high-frequency Skylink services (Skylink Derby, Skylink Nottingham, Skylink Express).</p> <p>It is unclear which bus services will provide a direct connection to the interchange, the Sustainable Travel Strategy suggest the potential to extend the 'my15' bus service from East Midlands Airport (where it currently terminates) to the Prologis site, however there is no firm commitment to this.</p> <p>The result of the Skylink services not serving the transport interchange means employees arriving by bus will have a multi-stage off-site journey. Passengers would alight at the Beverley Road bus stops and be required to cross the A453 to access the proposed transport interchange, before transferring to the on-site shuttle service to reach their final destination.</p> <p>The Applicant has concerns regarding whether this 'bus-walk-shuttle' model is capable of delivering the 14% bus mode share set out within the Framework Travel Plan (May 2026). In particular:</p>

<p>We have discussed the nature of bus services in this area, the importance of maintaining the express nature of the Skylink services to and from East Midlands Airport and the reluctance to introduce diversions that will increase journey time. Discussions were held regarding which bus stops would most likely be used by staff, and it was concluded that the Beverley Road bus stops adjacent to the Pegasus Business Park would negate the need to divert Skylink services and are likely to be well utilised. These stops are currently well served by a range of high-frequency and strategic services, including the Skylink services.</p> <p>As a result of our discussions, a key strategy for the proposed development is to enhance connectivity to the existing Beverley Road bus stops adjacent to Pegasus Business Park in order to connect with the bus service provision. Proposed measures include enhancements to pedestrian routes between the site and the bus stops, including new pedestrian crossings on the A453 and improved crossing facilities on Beverley Road. In addition to providing access to bus services for staff, these measures will also deliver wider benefits for the local community.</p> <p>The potential diversion of existing services into the application site to serve the proposed on-site Transport Hub accessed from the A453 has also been discussed. Recognising operational constraints on the Skylink services, both parties are committed to continuing to explore opportunities for service diversions where feasible, in order to support travel by bus without adversely impacting existing service provision.</p> <p>Following our engagement, the proposed development masterplan incorporates a passenger interchange building, spaces for the development shuttle bus and a public service bus plus additional lay-over stands for the shuttle bus and a further lay-over space for a public service bus. These facilities have been designed on the basis of our discussions and will help service the development site and alleviate</p>	<ul style="list-style-type: none"> • The need to cross a strategic route such as the A453 introduces a clear disincentive to bus use, particularly for shift-based employees, those travelling at unsociable hours and during inclement weather. • There is no evidence provided by Prologis to demonstrate that schemes which require an external walk between services (particularly across major infrastructure) can achieve high and sustained levels of bus mode share. • The introduction of additional journey stages and the need to interchange would be expected to reduce the attractiveness and convenience of public transport relative to the private car. <p>These issues are materially different to the approach adopted at EMG2, where:</p> <ul style="list-style-type: none"> • Bus services and the site shuttle are co-located within a single interchange, removing the need for passengers to walk between Skylink services. • The interchange is designed to facilitate seamless transfer, thereby minimising the time to interchange between services and improving user experience. • The shuttle service operates entirely within the site, avoiding interaction with the strategic highway network. <p>In contrast, Prologis' proposed shuttle service would route along the A453 before re-entering the site via the main estate road. This introduces further risks in relation to journey time and reliability:</p> <ul style="list-style-type: none"> • The shuttle would be exposed to prevailing traffic conditions on the A453, including peak period congestion. This creates uncertainty around
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	<p>constraints in the wider area, most notably at the East Midlands Airport bus interchange. Electric charging facilities will also be provided.</p> <p>Opportunities to display real time information for passengers at the application site have also been discussed.</p>	<p>journey time reliability, which is a critical factor influencing mode choice.</p> <ul style="list-style-type: none"> Any variability or delay associated with the shuttle service could erode confidence in the overall public transport offer. <p>In this context, the Applicant considers that Prologis' proposed public transport strategy is less suitable than EMG2's fully integrated, on-site interchange approach.</p> <p>It is noted that there are proposals to potentially extend the my15 bus service from East Midlands Airport to the Prologis transport interchange, and that a Bus Fund is proposed to support opportunities for diverting services. However, it is unclear from the submitted material what level of funding would be made available, or how such funding would be governed and allocated in practice. Clarification is therefore sought on:</p> <ul style="list-style-type: none"> the overall scale of the proposed Bus Fund; the mechanism for its governance and decision-making; and the criteria by which funding would be allocated to support service diversions or enhancements. <p>It is also noted that a Section 106 contribution is referenced in respect of Travel Plan monitoring, but limited detail is provided on the wider funding arrangements to support the delivery of sustainable transport measures, including bus service provision.</p> <p>Further detail on these matters would assist in understanding the extent to which the proposed approach would provide a robust and deliverable mechanism for securing bus service provision. In</p>
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		<p>contrast, the Applicant has set out in detail in the EMG2 Sustainable Travel Strategy (Appendix A) how bus enhancements will be secured, funded managed and delivered [APP-084].</p> <p>It is noted that the Prologis transport hub is proposed to include a single bus bay for public services, a single bay for an internal shuttle service, and a bus layover space.</p> <p>In contrast, the EMG2 scheme would provide a purpose-built, high-quality passenger interchange building incorporating seating, heating, lighting, toilets and real-time passenger information. It is also designed to accommodate a higher level of service provision, including:</p> <ul style="list-style-type: none">• two dedicated bus bays for commercial bus services; and• one dedicated bay for the on-site shuttle service. <p>This is supported by the provision of electric bus charging infrastructure, delivered as part of a new purpose-built facility at EMG1.</p> <p>Accordingly, the EMG2 proposals provide both greater capacity for public bus services and a higher specification passenger environment, supporting the effective integration of high-frequency bus services from first occupation. This level of infrastructure provision is a critical factor in enabling high bus mode share at EMG1, by ensuring that services are both operationally viable and attractive to users, thereby supporting a sustained shift towards sustainable travel, hence mirroring this approach at EMG2.</p>
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Responses to ExQ2 [REP4-075D and REP4-082D]		
1.	<p>ExQ 1.0.5 – Section 35 Direction.</p> <p>The Secretary of State has no discretion to allow the development secured by the DCO to deviate from the wording of the Section 35 Direction on the basis that it is “sufficiently similar in nature and scale to remain nationally significant”. To do so would conflate two distinct statutory processes – deciding whether a development is nationally significant, and determining a DCO application within the regime. While the SoS retains the power to vary or revoke a direction under section 233 PA 2008, that power is exercisable only in response to a qualifying request and must be sought by the applicant before the examination; it cannot be used to cure jurisdictional difficulties at the decision-making stage. <i>EFW Group Ltd v Secretary of State</i> [2021] EWHC 2697 (Admin) confirms that a section 35 direction fixes the “gateway” through which a project enters the PA 2008 regime. SEGRO has made no qualifying request to vary the Direction, and a variation at the decision-making stage would deprive Affected Persons such as Prologis of important procedural safeguards.</p>	The Applicants disagree with the response for the reasons set out above and in [REP4-033].
2.	<p>ExQ 1.1.1 – Section 35 Direction.</p> <p>Prologis confirms it has not made any application for a Section 35 Direction in respect of the Joint Application, the EMG2 site or any land in the vicinity, and the reference in REP2-032 should not be read otherwise. For completeness, Prologis holds an unrelated Section 35 Direction in connection with the Daventry International Rail Freight Terminal IV, which concerns wholly different land and has no bearing on this examination; critically, Prologis is not there seeking to compulsorily acquire land being actively promoted by a commercial rival for similar development.</p>	The Applicants note the response.

3.	<p>ExQ 7.0.1 – “Ransom” value.</p> <p>The correct footnote reference is footnote 19 to paragraph 4.13 (not footnote 13), which lists a selection of cases dealing with ransom value. Full references are provided, with full judgments at Appendix 1: <i>Stokes v Cambridge Corp</i> (1961) 13 P. & C.R. 77; <i>Railtrack plc v Guinness Ltd</i> [2003] EWCA Civ 188; <i>Persimmon Homes (Wales) Ltd v Rhondda Cynon Taff CBC</i> [2004] 9 WLUK 339; <i>Snook v Somerset CC</i> [2004] 4 WLUK 104; <i>Wards Construction (Medway) Ltd v Barclays Bank Plc</i> (1994) 68 P & CR 391; <i>Batchelor v Kent CC</i> (1990) 59 P. & C.R. 357; and <i>Hertfordshire CC v Ozanne</i> [1991] 1 W.L.R. 105.</p>	<p>The Applicants note the response. Whether ransom value exists is a matter of valuation, not law. It will depend on the specific circumstances of a case, including the degree of risk that surrounds the potential for land to be brought forward for development and the extent to which development is viable.</p>
4.	<p>ExQ 7.0.2 – Alternatives.</p> <p>A joint venture was only one of several proposals Prologis made to enable delivery in this location while avoiding compulsory acquisition. Prologis does not, as its principal case, dispute that the meetings and correspondence listed by SEGRO took place; its objection is that what occurred did not amount to genuine, substantive negotiation conducted at a formative stage, and a detailed schedule of the engagement is provided at Appendix 2. Genuine negotiation requires sufficient information and an open mind, not a “take it or leave it” approach. SEGRO dismissed the Access Option as unviable without engaging – the asserted lack of viability being a function of SEGRO’s own decision to acquire the Aldridge Land at an inflated price – and failed to provide viability appraisals (not disclosed until 17 November 2025, some nine weeks after first requested) and the Aldridge option terms. No substantive negotiation occurred before the DCO application in August 2025, and SEGRO’s position was effectively “DCO or nothing”; SEGRO has therefore not discharged the CA Guidance duty to explore all reasonable alternatives, and Prologis remains willing to continue to engage.</p>	<p>See Annex F of this document in response to the Prologis response to ExQ2 Q7.0.2 setting out the engagement between the Applicants and Prologis.</p> <p>Prologis's characterisation of the engagement as lacking genuine, substantive negotiation is without foundation. As the schedule of correspondence and meetings demonstrates, the Applicants engaged with Prologis over an extended period, considered each of the proposals put forward and provided reasoned responses explaining why those proposals were not viable. The fact that the Applicants concluded that an alternative proposed by Prologis was not reasonable or deliverable does not convert a considered rejection into a "take it or leave it" approach; genuine negotiation does not oblige a party to accept terms it has reasonably determined to be unworkable.</p> <p>The suggestion that the Access Option was dismissed without engagement ignores the substantive exchanges that took place and conflates disagreement with the outcome with an absence of process. As to the timing of viability appraisals, the Applicants were</p>

		under no obligation to disclose commercially sensitive material on demand, and the provision of that material in November 2025 (prior to the examination) is consistent with its continuing engagement. The Applicants have at all times complied with the CA Guidance duty to explore reasonable alternatives, and it is Prologis's refusal to engage on realistic terms, rather than any deficiency in the Applicants' approach, that has prevented agreement being reached.
5.	<p>ExQ 7.0.4 – Exercise of compulsory acquisition powers.</p> <p>There is no existing statutory mechanism to restore an affected person's position where CA powers have been exercised but the scheme is not delivered, and a tailored private-developer equivalent of the Crichel Down Rules secured by the dDCO would not resolve the concern. The Crichel Down Rules are a non-statutory framework applying to the public sector and presuppose the exercise of powers, so do not assist here. The fundamental difficulty is timing: Prologis's loss crystallises immediately on the grant of CA powers – losing the ability to implement the Joint Application, the investment made and delivery within the Freeport window – and a right to buy back at market value years later would not restore that position. Where the ExP considers non-delivery a real risk, the appropriate response is to withhold CA powers, not to assume a future buy-back could cure the harm; the absence of any genuine restoration mechanism underlines the deficiency in SEGRO's failure to identify and assess private loss.</p>	The Applicants note the response.
6.	<p>ExQ 19.0.12 – Work packages.</p> <p>The packages of works shown on REP1-054 should not be treated as fixed or committed highway schemes; they are candidate interventions to address longer-term capacity and safety issues at M1 Junctions 23A/24/24A. Prologis is not aware that the pink, blue or red packages have been identified for any other committed project; the Joint</p>	The Applicant notes that, as set out previously, the “pink package” is under consideration as part of the Isley Woodhouse development. Their Transport Assessment [REP1-179] provides at Figure 15.2 an outline of their proposed upgrade to the A453/A42 Finger Farm roundabout and in relation to A453 dualling states at para 15.15 “ <i>The ongoing testing of</i>

	<p>Application mitigation is most closely aligned with the pink package (dualling and works at Finger Farm Roundabout), though it does not propose dualling between Finger Farm and Beverley Road roundabouts or works to the M1 mainline. National Highways has issued a holding objection, a number of points have already been addressed, and a conclusion is expected sooner than the usual three-month timeframe.</p>	<p><i>the East Midlands Growth Point scheme will include consideration of the requirement to upgrade the A453 to dual carriageway along the frontage of the EMG Phase 2 site.”</i></p> <p>The Applicant notes that the Isley Woodhouse proposals for the A453/A42 Finger Farm roundabout are different from, and are unlikely to be compatible with, those proposed within the Joint Application.</p>
7.	<p>ExQ 19.0.18 – Joint Application mitigation package.</p> <p>It would not be appropriate to compare the relative importance of the Joint Application and EMG2 mitigation packages, as the schemes differ materially in scale and the relevant test for each is whether its own mitigation adequately addresses its impacts. The Joint Application nonetheless delivers tangible benefits to the Strategic Road Network – most evident at Finger Farm Roundabout, with modelling indicating relief at Junction 24 and reduced delay on the M1 northbound off-slip – together with relief on the A453 eastbound and the safeguarding of land for potential future dualling, representing an alternative and equally valid contribution consistent with the wider strategic programme.</p>	<p>Whilst Prologis sets out what they consider to be ‘tangible benefits’ as a result of their proposals, a detailed review of their most recent amended Transport Assessment and associated documentation contains very little information on the operation of, and impacts at, M1 J24. Page 68 states that “<i>Outputs from PRTM also indicate that the increased capacity at Finger Farm roundabout helps alleviate some movements at Junction 24, by providing increased capacity on the movement from M1 South to A50 West via the A453</i>” but nothing further is mentioned. When considering their Scenario A (excluding local plan allocation sites) as a ‘best case’ (which is all the VISSIM modelling has focused on), Figure 7.11 on page 82 spells out that as a result of the proposed mitigation at Finger Farm there remains an increased delay on the A453 (S) approach to M1 J24 in the AM peak hour.</p> <p>Indeed, when focusing in greater detail on the VISSIM model assessment results for the EMG1 site access, to understand the impacts forecast at said junction which could prejudice its operation, page 255 of the amended Transport Assessment sets out that existing forecast queues on the A453 northbound and A6</p>

		<p>Kegworth bypass arms would double in the morning peak hour. No mitigation is proposed to alleviate these increases</p> <p>Given these impacts arising from the JA, for which their strategy is to <u>increase</u> flows on the A453 northbound corridor parallel to the M1 as it would be “<i>providing increased capacity on the movement from M1 South to A50 West via the A453</i>” (JA TA para 6.3.6.1), and which only assesses development on land north of Hyams Lane, it is clear that the ‘green package’ is the right and appropriate scheme to mitigate the comprehensive EMG2 development, and that the mitigation proposals in the JA do not make a meaningful contribution to the wider strategic programme.</p>
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APPENDIX 9

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

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
Response to ExQ2 [REP4-069D]		
Q1.0.5	EMIA agrees with Prologis' response to this question as set out in its Deadline 4 submission.	The Applicants note the response.
Q2.0.2	It may assist the ExP to be aware that there are 2 active crash gates at the end of Diseworth Lane (illustrated below) on the northern boundary of the airfield.	<p>The Applicants note EMA's comments.</p> <p>Diseworth Lane is a public highway (being the lane from Hemington to Diseworth prior to it being severed by EMA). It is already well used by pedestrians, cyclists and horse riders accessing the various rights of way and permissive cycle tracks accessed from it. The Applicants are not aware of any concerns raised by EMA regarding the risk to those existing users, or EMA seeking to put in place any mitigation for these risks to existing users. The Applicants do not consider that the upgrading of L57 (being somewhat north of the crash gates on Diseworth Lane) would significantly alter the level of risk especially given that the use of the lane by EMA would be in an emergency situation with 'blue lights' akin to many other road environments which see use by emergency vehicles.</p>

Those gates enable emergency vehicles based at the Airport to exit the runway at speed in the event of an incident occurring outside the Airport's perimeter fence.



Work No. 19 proposes to upgrade the footpath connecting on to Diseworth Lane, and for a short stretch utilise the same surface, before accessing the rear of EMG1.

Emergency vehicles, in particular fire engines, would egress from the airfield at pace along Diseworth Lane if needed to get to an incident. A possible conflict could arise with the users of this route. The Applicant may wish to consider whether signage may be appropriate to warn users of that risk.

Q7.0.2	EMIA agrees with Prologis's response to this question contained within its Deadline 4 submission.	The Applicants note the response.
Q7.0.4	EMIA agrees with Prologis's response to this question contained within its Deadline 4 submission.	The Applicants note the response.
Q8.4.1	The Applicants and EMIA have not yet agreed protective provisions. In its Deadline 4 submission, EMIA has included its proposed alternative version explaining why it holds that different drafting should be provided, by each specific provision.	The Applicants and EMIA are continuing negotiations regarding the form of protective provisions. The protective provisions included in the dDCO submitted at Deadline 5 represent the wording proposed by the Applicants which aligns with the proposed conditions approved by EMIA for the Joint Application, suitably adapted to apply to the DCO Scheme. The Applicants await reasoned justification why the DCO Scheme should be subject to more stringent and onerous requirements.
Q9.0.1	The Applicants and EMIA have not yet agreed protective provisions. In its Deadline 4 submission, EMIA has included its proposed alternative version explaining why it holds that different drafting should be provided, by each specific provision.	See the response to Q8.4.1 above.
Q13.0.1	EMA's preferred set of protective provisions for the dDCO and dMCO contain provisions relating to landscaping, wildlife hazard management, drainage and attenuation ponds. Provided these provisions as proposed are secured on both the dDCO and dMCO, EMA considers that the aerodrome safeguarding concerns in relation to the community park design would be suitably addressed. However, there is a risk that the attributed recreational and visual benefits attributed to the community park would be diminished if the safeguarding requirements are met. The safeguarding requirements may require management measures that would reduce the amenity value of the community park. EMA and EMIA would ask that the ExP take that into	See the response to Q8.4.1 above. The Applicants response to EMIA's comments on aerodrome safeguarding and the Community Park are provided at Appendix 7, point 4 on page 174 of [REP4-033] .

	account when (a) weighing the benefit of the community park as part of the planning balance and (b) comparing the relative benefits of EMG2 and the Joint Application.	
Q19.0.2	To assist the ExP, we note that the reference is wrong and should have been REP3-059.	The Applicants have no comments on this response. The Applicants' detailed response to EMIA's technical note is at Appendix 7, starting on page 190 of [REP4-033]
Q19.0.12	EMIA agrees with Prologis's response to this question contained within its Deadline 4 submission.	The Applicants note the response.
Q19.0.18	EMIA agrees with Prologis's response to this question contained within its Deadline 4 submission.	The Applicants note the response.
Post hearing submissions in respect of CAH2 [REP4-067D]		
5 – 8	<p>Agenda Item 3.1: Joint Presentation</p> <p>At the invitation of the Examining Authority ("ExP"), a joint presentation was made on behalf of the APs. The presentation was delivered primarily by Mr Rolinson (instructed by DLA Piper for Prologis), with an introduction by HPKC. Mr Rolinson's presentation is being covered by Prologis and EMA adopts that summary.</p> <p>EMA, however, notes HPKC's introduction. He said that at Deadline 3, EMA and Prologis sent a joint letter to the Panel [REP3-062] expressing concern about how the Rule 13 Notification [PD-016] had framed the presentation requested by the ExP. The APs' concern was that this framing risked erroneously treating the question set by section 122(3) of the Planning Act 2008 ("PA 2008") as a "beauty parade" between the DCO scheme and the Joint Application which would not be the correct approach.</p>	The Applicants response was provided in its Post Hearing Submissions [REP4-034] .

	<p>The APs submitted that understanding the potential public interest benefits of both schemes is only one element of a much bigger, multi-faceted equation. The relevant questions that must be grappled with in assessing whether there is a compelling case in the public interest for the compulsory acquisition of the APs' land include, but are not limited to, the following:</p> <ul style="list-style-type: none"> i. What is the likelihood that similar benefits will be delivered if compulsory acquisition powers are not granted, including through independent development of the southern land? ii. How likely is it that the potential benefits of the DCO scheme will in fact be delivered, and delivered in full without delay, if compulsory acquisition powers are granted? iii. If non-delivery, partial delivery or delayed delivery of the DCO scheme is judged to be a realistic scenario, what implications does that have for both the comparison of benefits and the application of the compelling case test more generally? iv. Has the Applicant demonstrated that it undertook a proper investigation of the scope for delivering the claimed benefits without the use of compulsory acquisition powers, before resorting to such a draconian measure? v. What precedent would this set for State intervention to displace the outcome of normal market competition? <p>The APs submitted that a simple itemisation or side-by-side comparison of potential benefits does not yield an answer to the ultimate question: whether, in all the circumstances, the public interest decisively demands that a commercial developer be deprived of land it is actively seeking to develop, by a commercial rival, against its will.</p>	
9 - 12	Agenda Item 3.2: Summary of case regarding compulsory acquisition	The Applicants' detailed response on section 122 and the correct test to be applied is provided in [REP4-033]

	<p>and temporary possession powers</p> <p>Overall Position</p> <p>The APs' overarching submission is that the Applicant has not demonstrated a compelling case in the public interest for any of the APs' land to be taken compulsorily. The condition in section 122(3) of PA 2008 is not satisfied. Further, in respect of land proposed to be set aside for future highway works not triggered by the DCO scheme, the condition in section 122(2) is not satisfied (see the APs' Deadline 2 response to Action Point 21). The APs' case is set out extensively in their respective Relevant Representations, Written Representations, Deadline 2 and Deadline 3 submissions.</p> <p>Approach to the section 122(3) test</p> <p>The AP's submissions on the correct approach to the section 122(3) test is set out in section 4 of Prologis' comments on Deadline 1 submissions [REP2-050D]. Parliament's choice of the word "compelling" imports the approach derived from the caselaw: the test is qualitatively different from, and materially higher than, a bare balance of advantage. The public interest must "decisively demand" the compulsory acquisition; if "any reasonable doubt on the matter, the balance must be resolved in favour of the citizen." The APs submitted that the Applicant has mischaracterised the test and seeks to set the bar too low [REP2-050D]. That error means the Applicant has misled itself when deciding whether compulsory acquisition is justified and is inviting the decision-maker to err in law.</p> <p>Please also see EMA's response to AP28 on this issue.</p>	<p>on page 93 in response to Prologis' representations which are understood to be common to Prologis and EMIA.</p>
13 - 14	<p>Preliminary point – section 35 and vires</p> <p>As set out in the Prologis Written Representations [REP1-257D] at section 3 and [REP2-050D] at section 2, the Applicant's application does</p>	<p>The Applicants' detailed response on section 35 and vires is provided in [REP4-033] on page 81 in response to Prologis' representations which are</p>

	<p>not accord with the scope of the section 35 direction. Unless and until this issue is resolved, the Secretary of State has no jurisdiction to grant development consent for the proposed development and, consequently, none to grant compulsory acquisition powers. This issue also has direct implications for the compulsory acquisition case [REP2-050D, section 5].</p> <p><i>Alternatives:</i> The APs' submissions on alternatives are set out in [REP2-050D] at section 3. Both the timing of the investigation of alternatives and the evidence produced are key. The burden is on the Applicant to demonstrate that it undertook a thorough, systematic and open-minded examination of all reasonable alternatives to compulsory acquisition (including modifications to the scheme) before deciding that a measure of last resort was justified. No evidence has been produced by the Applicant that is capable of satisfying that test. Prologis identified five alternatives representing pathways that could and should have been examined; not one was identified by the Applicant as having been explored. The Applicant's belated attempt to respond was wholly inadequate [REP2-050D].</p>	<p>understood to be common to Prologis and EMIA.</p> <p>The Applicants' detailed response on reasonable alternatives is provided in [REP4-033] on page 104 and continues to consider compulsory acquisition on page 108. Those responses are provided to Prologis' representations which are understood to be common to Prologis and EMIA.</p>
15	<p>Delivery and viability</p> <p>The likelihood of delivery (having regard to viability), the timing and the likely extent of delivery are important elements of the compelling case assessment. None of these matters can be accepted simply on the basis of assertions; they call for detailed and reliable evidence and thorough scrutiny through inquisitorial examination. The fairness of the PA 2008 system depends critically on the actions of the ExP in that regard. The APs have demonstrated in their Deadline 3 submissions that the Applicant's material is wholly inadequate and unreliable. The Applicant's own evidence and Statement of Reasons create, at least, a substantial doubt that the DCO scheme is viable. Mr Roberts' Appraisal [REP3-061] shows that, on the Applicant's own figures, its scheme is demonstrably not viable. Confirmation of compulsory acquisition powers</p>	<p>The Applicants' detailed response on viability and deliverability is provided in [REP4-033] on page 133 and Annex L in response to Prologis' representations, which are understood to be common to Prologis and EMIA.</p>

	would prevent implementation of development on the Prologis Land without delivering the promised development in its place.	
16 - 18	<p>Comparison to the 'no-CA' world</p> <p>The starting point is that there is a willing, capable and highly experienced developer actively promoting at least equivalent development on the very land the Applicant wishes to acquire compulsorily. In the no-CA world:</p> <ol style="list-style-type: none"> i. planning permission is likely to be forthcoming for the Joint Application scheme and would be implemented rapidly; ii. by the time the Secretary of State makes his decision on the DCO application (and probably much sooner), North West Leicestershire District Council's decision on the Joint Application will have been made; iii. compulsory acquisition is plainly not needed to facilitate delivery of equivalent benefits from that land; iv. the Joint Application will deliver some benefits over and above those attributed to the EMA/Prologis Land in the SEGRO Application (for example, an on-site Training Hub modelled on Prologis' DIRFT Training Hub, and increased floor area of 135,000 m² compared to 120,000 m²); and v. development is likely on the southern land in the no-CA world (supported by Mr Roberts' evidence on viability). <p>The APs emphasised that the correct comparison is not between the DCO scheme and (a) no development or (b) only the Joint Application development. The more likely position absent compulsory acquisition powers is either: (a) the Applicant enters into a joint venture arrangement with the APs (a DCO-based alternative to compulsory acquisition) because this would be commercially attractive without</p>	<p>The Applicants note the response but disagree that the compulsory acquisition powers are being sought inappropriately to provide a commercial advantage to one developer over another, rather than to secure development that would not otherwise come forward.</p> <p>The Applicants' detailed response on section 122 and the correct test to be applied is provided in [REP4-033] on page 93 in response to Prologis' representations.</p> <p>The EMIA is unable to say with any certainty that the Joint Application will come forward or that it will be implemented rapidly. The timetable for determination of the Joint Application continues to slip and, given the outstanding objections from National Highways and Leicestershire County Council, it cannot be said with any certainty that it will be determined before the DCO Application is determined.</p> <p>Even if the Joint Application is consented and is regarded as viable / feasible, the benefits delivered as part of the Joint Application scheme are also less than the DCO Scheme. EMIA has no basis on which to say that equivalent benefits would be delivered (for example, the Green Package will not be delivered and such highways improvements as the Joint Application scheme will deliver, are limited and in no way comparable to the wider benefit that the Green Package will deliver).</p> <p>Nor has EMIA provided robust evidence that the southern land would likely be developed in the no</p>

	<p>compulsory acquisition powers; or (b) development on the APs' land via the Joint Application and, soon thereafter, development on the southern land via a separate planning permission. Well-established and proportionate alternative mechanisms exist for co-ordination and comprehensiveness without recourse to compulsory acquisition. It should be emphasised that these points relate to the application of the compulsory acquisition tests and are distinct from any questions as to the proper approach to the environmental assessment of the SEGRO scheme.</p> <p>In substance, the APs submitted that compulsory acquisition powers are sought inappropriately to provide a commercial advantage to one developer over another, rather than to secure development that would not otherwise come forward.</p>	<p>compulsory acquisition world. The Applicants have provided their own evidence to confirm that it would not be viable.</p>
19 - 21	<p>Adverse public interest implications</p> <p>The frustration of the Joint Application scheme benefits is a substantial public interest consideration on the detriment side of the balance. The harm arises from the point at which the Joint Application scheme is approved and becomes permanent once compulsory acquisition powers are granted. This must be assessed alongside the uncertainty of delivery of the DCO scheme itself. The Applicant seeks state-sanctioned expropriation of a commercial rival's land to achieve a commercial opportunity it could not obtain through an open competitive bid. Its purpose is to develop land in essentially the same manner as its commercial rival; that, the APs submitted, cannot amount to a compelling case in the public interest.</p> <p>The APs noted that the submissions made by MLF during the hearing regarding private developers having compulsory purchase powers were concerned with regeneration CPOs under section 226 of the Town and Country Planning Act 1990, which are materially different from the circumstances of this case. As explained in the Prologis Written Representations at section 5 and EMA's Post CAH1 Submissions</p>	<p>The Applicants' have responded to the ExP's Rule 17 letters [PD-021, PD-024 and PD-025], which invited the Applicants to consider 'delivery' and 'non-delivery scenarios', by submitting an updated Chapter 4 and Appendices 4B and 4C at Deadline 5.</p> <p>The Applicants earlier detailed response regarding public benefits vs private loss was provided in [REP4-033] on page 119, and the Applicants' response on socio-economic issues was provided in [REP4-033] on page 156. Those responses were provided to Prologis' representations, which are understood to be common to Prologis and EMIA.</p>

	<p>[REP1-220, §9], for the UK Government to authorise such a step poses a material risk to foreign direct investment. It would set a troubling precedent and chill the appetite of other investors.</p> <p>SEGRO suggested during the hearing that this was a jury point. This is far from a jury point. It is the very reason Parliament requires there to be a compelling case in the public interest. It is why the use of what the courts have called "draconian powers" should be as a last resort and the Courts have said any doubt should be resolved in favour of the land owner. SEGRO's entire response is that the use of compulsory purchase is ordinary. It is a 'nothing to see here' defence. But that is a complete failure to properly apply the tests and a failure to recognise that, whilst compulsory purchase powers are usually used in DCOs, they are nationally significant schemes and most are providing infrastructure. This is by contrast, a commercial scheme for a private operator. SEGRO's response is another example of it failing to engage in the substance of the compulsory purchase tests.</p>	
22 - 23	<p>Conclusion on the statutory tests</p> <p>Drawing together the foregoing, the APs' conclusions on the statutory tests are as follows:</p> <ul style="list-style-type: none"> i. Section 122(2) of PA 2008 requires that the land is required for the development to which the development consent relates, or is required to facilitate, is incidental to that development. In respect of Plots 1/7, 2/2 and 2/3, these are subject to the safeguarded area for the future A453 dualling [REP2-008D, dDCO, p.51; R31] [REP1-024D]. That dualling does not form part of the DCO development; it relates to a third party's future schemes. Compulsory acquisition is sought over land where the Applicant's commitment (under Requirement 31) is, essentially, to do nothing other than safeguard. Such land is not "required" for the DCO development, does not "facilitate" it, and is not "incidental" to it. Any landscaping proposed on 	<p>The Applicants' detailed response compulsory acquisition and the correct test to be applied is provided in [REP4-033] on page 108 in response to Prologis' representations which are understood to be common to Prologis and EMIA.</p>

	<p>that safeguarded land cannot be required as it is acknowledged that it may be removed to facilitate a later and different scheme.</p> <ul style="list-style-type: none"> ii. There is no need for compulsory acquisition to deliver industrial and logistics development. The public interest is entirely blind as to who delivers the benefits. There is no benefit in the Applicant specifically delivering them – a factor that would usually be powerful but is simply not present in this case. iii. Paragraph 8 of the CPO Guidance requires that all reasonable alternatives must be explored. Where reasonable alternatives exist, a compelling case cannot be shown. The <i>Prest</i> case illustrates this point (see [RR-013D, §§8.3–8.4]). iv. Paragraphs 12 and 13 of the CPO Guidance address private loss and the importance of viability evidence. There is at least a doubt over delivery of the DCO scheme, and there is clear private loss flowing from the grant of compulsory acquisition powers which would effectively prevent the Joint Application development from proceeding. v. All that remains of the Applicant's case is the assertion that a single developer is required for the delivery of site-wide infrastructure. That assertion is wrong [RR-013D, §§8.13–8.17]: there are well-established means of pooling contributions and delivering large complex sites through co-ordinated development. The avoidance of piecemeal development comes nowhere near establishing a compelling case in the public interest. <p>For those reasons, the APs submitted that compulsory acquisition powers cannot be justified and there is no compelling case in the public interest for the acquisition of the APs' land.</p>	
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<p>24 - 30</p>	<p>ExP Question 1</p> <p>The ExP asked whether the contended socio-economic benefits of the Joint Application could be displaced by the DCO scheme upon its delivery (the delivery scenario), and therefore whether the Environmental Statement ("ES") must treat such displacement as a likely significant effect of the project.</p> <p>EMA's position is that for the purposes of the Environmental Impact Assessment ("EIA"), "likely" connotes a real risk, rather than a probability. This is established by the authority of <i>R (on the application of An Taisce) v Secretary of State for Energy and Climate Change</i> [2014] EWCA Civ 1111 at [12]: a real risk means more than a bare possibility but does not require proof that effects will probably occur. In any given case, a number of outcomes may be "likely" as so defined, and the ES should assess each of them.</p> <p>The socio-economic benefits of the Joint Application would be displaced upon the grant of the DCO with compulsory acquisition powers. The Applicant's Counsel appeared to suggest that "likely" means "extremely probable"; if so, that was wrong as a matter of law.</p> <p>For the reasons explained in EMA's Written Representations, implementation of any planning permission for the Joint Application is only likely once the shadow of compulsory acquisition is lifted. Despite the APs' appetite and willingness to proceed, the commercial risk for customers would be unacceptable whilst the threat of compulsory acquisition persists. The relevant effect flows from the decision to approve the project including all authorisations needed (i.e. development consent and necessary powers including compulsory acquisition).</p> <p>If planning permission for the Joint Application is granted by the time the Secretary of State determines the DCO application, the issue of likelihood is straightforward. Absent a decision to grant compulsory</p>	<p>The Applicants' have responded to the ExP's Rule 17 letters [PD-021, PD-024 and PD-025], which invited the Applicants to consider 'delivery' and 'non-delivery scenarios', by submitting an updated Chapter 4 and Appendices 4B and 4C at Deadline 5.</p> <p>The Applicants earlier detailed response regarding socio-economic matters was provided in [REP4-034] at Appendix 1 on page 49.</p>
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	<p>acquisition powers, it would be at least probable that the Joint Application development would be implemented.</p> <p>If the decision on the Joint Application is still pending, the Secretary of State needs to judge whether there is a real risk that such development would be authorised and implemented in the no-CA world. As Mr Rolinson's planning report demonstrates, both authorisation and implementation are highly likely and the test of real risk plainly would be met.</p> <p>In the delivery scenario, the benefits of the Joint Application are also displaced. This is relevant to the overall assessment of socio-economic effects on a net basis. Even on the best case for the Applicant, it is necessary to understand what would be displaced in order to understand the required "netting off". This analysis is necessary but not sufficient; it remains necessary also to consider what would happen to the southern land absent compulsory acquisition.</p>	
31 - 39	<p>ExP Question 2</p> <p>The ExP asked whether the definition of "project" for EIA purposes is contingent upon physical works; whether in a non-delivery scenario the relevant effects would still fall within the definition; and whether the sterilisation of socio-economic benefits should be treated as a likely significant effect and assessed in the ES.</p> <p>EMA's position is that the definition of "project" comprises "development" as defined, which includes physical works, although it need not. A project can include a change of use or intensification; it can also include the continuation of an existing use.</p> <p>In <i>Inter-Environnement Wallonie v Conseil des Ministres</i> [2020] Env LR 9 at [71]– [72], the European Court of Justice held that a legislative act extending the life of a nuclear power station engaged EIA because it was</p>	<p>The Applicants earlier detailed response regarding socio-economic matters, including consideration of the definition of a "project" was provided in [REP4-034] at Appendix 1 on page 51.</p>

"inextricably linked" with upgrading works needed, even though further decisions were required. It said:

*"71. In the light of those various factors, **measures such as those at issue in the main proceedings cannot be artificially dissociated from the work to which they are inextricably linked when assessing**, in the present instance, whether they constitute a project within the meaning of the first indent of art.1(2)(a) of the EIA Directive. **It must therefore be held that such measures and the upgrading work inextricably linked thereto together constitute a single project** within the meaning of that provision, subject to findings of fact that are for the referring court to make.*

72. The fact that the implementation of those measures requires the adoption of subsequent acts in respect of one of the power stations concerned, such as issue of a new specific consent for the production of electricity for industrial purposes, does not change that analysis." (our emphasis)

The Court's language – "*artificially dissociated*" – was carefully chosen. The EIA framework is designed for a broad approach ensuring environmental protection, not a narrow legalistic approach that avoids scrutiny.

In this case, there is a single legislative act (the DCO as a statutory instrument) which includes both development consent and other authorisations (including compulsory acquisition) intended to enable development. Those elements are inextricably linked and comprise a single project for EIA purposes. The assessment of adverse socio-economic effects cannot properly ignore the environmental effects flowing from the decision, whether or not the proposed development is ultimately implemented. Whether direct or indirect, the effects are effects of the decision that allows development to proceed and are inextricably linked to the physical works for which consent is sought.

In many cases adverse effects will occur from physical activity, but that is a matter of causation and case-specific analysis, not a principle of law. There is no legal principle confining the requirement to assess adverse effects to situations where physical works are carried out. The same point applies to other DCO provisions (for example, the stopping up or diversion of rights of way). Where a DCO requires measures to facilitate development, the socio-economic impacts of those measures must be assessed in EIA. Not to do so would be wholly artificial and would fail to reflect the actual environmental impacts experienced by those most directly affected.

This is an issue of law, not judgment. The decision-maker's judgment must be exercised within the correct legal framework. If the identification of the project is artificially constrained, the decision-maker will go wrong in law.

Even putting aside the EIA obligation, the socio-economic effects are, in any event, an obligatory material consideration. If the Secretary of State were to grant the DCO without taking account of the sterilisation of benefits in a non-delivery scenario, the decision would be unlawful for failure to take account a material consideration which is obviously material.

The Secretary of State cannot be sure that the DCO scheme would be implemented. A non-delivery scenario is at least a realistic possibility, as is partial or delayed delivery. Any assessment of the compulsory acquisition case must consider the implications of those scenarios. The Secretary of State needs to be advised of the ExP's conclusions and recommendation in light of those implications. One way or another, assessment of this issue is essential.

<p>40 - 46</p>	<p>Exp Question 3</p> <p>The Exp asked whether the non-delivery scenario should be assessed, given that the Applicant contends it is not likely, and asked how many DCOs had been consented but never delivered.</p> <p>It would be obviously wrong, as a matter of basic principle, for an inquisitorial body to simply accept an applicant's assertion on this point. To do so would involve a failure of its duty to examine and test the case, whether or not the point is actively contested. In this case, the point is actively contested by the APs (both of whom are experienced commercial developers) with detailed written evidence. Non-delivery is at the very least a realistic possibility.</p> <p>EMA (together with Prologis) considered the request for information on DCOs that had not been delivered. Whilst the list is not comprehensive, a selection of cases known to the APs' teams includes numerous examples. These examples are clearly not on all fours with the current application as such there is a limited degree to which these examples are directly relevant but (a) the Exp asked for examples and (b) they make the generic point that not all schemes come to fruition including NSIPs. Further, this is a relatively unusual DCO application (a business and commercial scheme) and there are no examples of such schemes having been granted a DCO and implemented.</p> <p>Business and commercial DCOs are fundamentally different from the usual DCO (for a bridge, road, or power station – which are all-or-nothing propositions based on public financing or a strike price). Business and commercial schemes are different in that decisions over implementation may be staged and implementation may be partial. Demand-led development with individual units is different from, say, a power station (all or nothing) or a Strategic Rail Freight Interchange (where expensive rail infrastructure is only possible with sufficient commercial units). Moreover, as commercial schemes with no public subsidy, they stand or fall on commercial viability; the evidence on viability in this case is not</p>	<p>The Applicants' have responded to the Exp's Rule 17 letters [PD-021, PD-024 and PD-025], which invited the Applicants to consider 'delivery' and 'non-delivery scenarios', by submitting an updated Chapter 4 of the Environmental Statement (Document DCO 6.4 / MCO 6.4) and Appendices 4B and 4C (Documents DCO 6.4B and 6.4C / MCO 6.4B and 6.4C) at Deadline 5.</p> <p>The Applicants earlier detailed response regarding socio-economic matters, including consideration of the definition of a "non-delivery scenario" was provided in [REP4-034] at Appendix 1 on page 52.</p>
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encouraging. Pure business and commercial schemes are much more likely to end up with partial or delayed implementation.

The following examples of consented-but-not-implemented DCOs were identified:

- i. Immingham Green Energy Terminal – a green energy terminal and hydrogen production facility, promoted by ABP and Air Products. Expected to deliver £4.5 billion of economic value and 1,400 jobs. DCO granted 6 February 2025. Air Products cancelled the project in summer 2025, citing the absence of policy support and government financial backing.
- ii. North Killingholme Power Project – a gas-fired generating station promoted by C.GEN Killingholme Ltd. DCO granted 11 September 2014. Not implemented despite a decade having elapsed; amendment orders were sought to extend the time limit and transfer to Uniper.
- iii. Keadby 3 Carbon Capture Power Station – a gas-fired CCGT with carbon capture (approximately 910 MW) promoted by SSE Thermal and Equinor. DCO granted 7 December 2022. Must commence by 7 December 2029. No updates on construction have been published; SSE's website states the project "*could be operational towards end of decade*".
- iv. Tidal Lagoon Swansea Bay – an approximately 320 MW tidal lagoon promoted by Tidal Lagoon (Swansea Bay) plc. DCO granted 9 June 2015. Funding was pulled; the project was never lawfully commenced. The Court of Appeal confirmed in 2022 that the DCO had lapsed.
- v. Manston Airport – reopening as a dedicated air freight facility (10,000+ cargo movements per year). DCO granted 18 August 2022 (redetermined after the original grant on 9 July 2020 was quashed in February 2021). No substantive

	<p>implementation has taken place; the time limit is 18 August 2027.</p> <p>vi. <u>International Advanced Manufacturing Park (IAMP), Sunderland</u> – promoted by two local planning authorities with a section 35 direction. The Councils owned little of the land initially; landowners were resistant. The Councils subsequently acquired approximately one third. Despite infrastructure going in early, only a couple of units have been built. The Councils obtained variation and subsequently revocation of the section 35 direction; part of the site has proceeded under planning permissions. Less than half the site has been developed a decade later. This demonstrates that business and commercial projects of national significance are more susceptible to commercial headwinds than traditional NSIPs.</p> <p>The conclusions that can be drawn are:</p> <ul style="list-style-type: none"> i. Business and commercial projects of national significance are more susceptible to commercial headwinds than NSIPs for basic needs; ii. Promoters and occupiers may prefer the TCPA process (IAMP); iii. Neither a section 35 direction, nor planning policy, nor planning permission guarantees delivery; iv. Changing commercial markets impact viability for business and commercial schemes more than for traditional NSIPs; and v. When the evidence is considered as a whole (both the specific viability evidence in this case and the general examples 	
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	<p>above), it is not credible for the Applicant to claim that a non-delivery scenario could not happen.</p> <p>The non-delivery scenario should therefore be assessed accordingly.</p>	
47 - 49	<p>Exp Question 4</p> <p>The Exp asked whether, if further socio-economic assessment is required for delivery and non-delivery scenarios, the Applicant must re-visit the compelling case test in the Statement of Reasons.</p> <p>In EMA's view submitted that the consequences identified in the Exp's questions do necessarily flow from the answers. The Applicant should reassess its case and revise its Statement of Reasons to reflect this critical shortcoming. It should also take the opportunity to deal with the other fundamental flaws identified by the APs. The Applicant has approached the compelling case test on the basis of a significant misunderstanding of its requirements; that error infects the whole of the Statement of Reasons.</p> <p>Further, the Applicant has not correctly identified and appraised the individual elements of the test (for example, its approach to alternatives) and this renders the Statement of Reasons unfit for purpose. There are real and multi-layered problems: the test has been misunderstood and misapplied (the scales are tilted, not flat – it is a compelling case that is required); and the ingredients put into those scales are also wrong (see responses to the above questions). These matters need to be addressed.</p>	<p>The Applicants' have responded to the Exp's Rule 17 letters [PD-021, PD-024 and PD-025], which invited the Applicants to consider 'delivery' and 'non-delivery scenarios', by submitting an updated Chapter 4 of the Environmental Statement (Document DCO 6.4 / MCO 6.4) and Appendices 4B and 4C (Documents DCO 6.4B and 6.4C / MCO 6.4B and 6.4C) at Deadline 5.</p>
50 - 53	<p>Exp Question 5</p> <p>The Exp asked whether the counterfactual that development on the southern land would come forward under a planning application is too speculative.</p> <p>There are two important preliminary points in response:</p>	<p>The Applicants note that the Exp has since dismissed the counterfactual scenario in its Rule 17 letter [PD-021].</p> <p>The Applicants earlier detailed response regarding socio-economic matters, including consideration of the</p>

	<p>i. The question was framed in a way that does not reflect how the APs have expressed their case. The submissions about the likelihood of development on the southern land coming forward in a no-CA/no-DCO scenario were not advanced on the basis that this should form the baseline for EIA. What was said about EIA concerns the Prologis/MAG land only. In respect of the southern land, the issue is raised in the context of what would happen if no compulsory acquisition powers are granted – which is necessary to understand to properly to evaluate the claimed benefits of compulsory acquisition. If land to be acquired and the southern land would likely be developed in any event, there is little benefit from compulsory acquisition powers. The point is made about how the compelling case should be approached, not as an allegation that the EIA is inadequate.</p> <p>ii. The PINS guidance on cumulative impact does not assist here. That guidance has a specific purpose derived from the EIA Regulations obligation to account for cumulation with other existing or approved projects. It is concerned with a different question arising in a different legal context from the statutory constraint preventing the Secretary of State from including compulsory acquisition in the DCO unless a compelling case is established.</p> <p>In order to form a judgment on the compelling case, it is necessary for the Secretary of State to consider the extent to which relevant public interest benefits are likely to be realised absent compulsory acquisition. This obligation cannot be controversial; it implicitly underlies the Applicant's own assertion in the Statement of Reasons that the southern land in isolation is not economically viable. It requires the decision-maker to make an informed judgment based on the facts.</p> <p>The policy position is supportive of development in this location and is increasingly so (as demonstrated by Mr Rolinson's Planning Statement).</p>	<p>definition of a "counterfactual position" was provided in [REP4-034] at Appendix 1 on page 54.</p>
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	<p>For the issue to arise, the Secretary of State will first have concluded that the Applicant's development on the southern land is acceptable in the public interest. It would therefore be inherently improbable (or impossible) that equivalent development on that land would be judged unacceptable if a planning application were made. Mr Roberts' evidence shows that development is likely to be economically viable and attractive to a developer. These are matters of direct relevance to which appropriate and significant weight should be attached.</p>	
54	<p>Viability</p> <p>A number of questions were asked in relation to viability. The Applicant is due to respond in writing to the APs viability work at Deadline 4. The APs will, in turn, provide a detailed response to the Applicant's position in light of the Deadline 4 materials.</p>	<p>The Applicants' detailed response on viability and deliverability is provided in [REP4-033] on page 133 and Annex L in response to Prologis' representations, which are understood to be common to Prologis and EMIA.</p>
55 - 59	<p>Agenda Item 4.1: Statutory undertakers</p> <p>EMA is a statutory undertaker pursuant to Schedule 2 of the Airports Act 1986 (as defined by the Acquisition of Land Act 1981) and is the Aerodrome Safeguarding Authority for East Midlands Airport. The Applicant seeks compulsory powers over land held by EMA as airport operator, including Plot 2/6 over which Works 14b and 14c are proposed (which works form part of the Active Travel Link) (see Sheet 2 of the Land Plans [APP-028D] and Sheet 2 of the Works Plans [APP-033D]).</p> <p>EMA's position on the Active Travel Link is set out in: [REP1-216D] at paragraph 5(a)–(h); [REP1-218-D]; [REP1-219]; and [REP1-220] at paragraphs 30–33. The Airport does not accept that the Applicant has demonstrated sufficient need to justify the Active Travel Link and certainly not for the compulsory acquisition of its land for that purpose.</p>	<p>The Applicants have clearly set out the importance and need for the active travel link (ATL) in the responses to EMA's Deadline 1 submissions [REP2-032].</p> <p>The Applicants have liaised with EMA to minimise the land take for the ATL as summarised in the responses to EMA's Deadline 2 and 3 submissions [REP4-033] and as set out in the change request (see the Applicants' covering letter submitted at Deadline 5 and note detailing the changes (Document DCO 7.18).</p>

Without prejudice to that primary position, the Airport is working with the Applicant to identify delivery by agreement if the Secretary of State finds the Active Travel Link to be required as mitigation.

EMA's analysis showed that part of the Active Travel Link as originally proposed cut across EMA operational land (currently used for car parking and reserved for future runway apron expansion), which would have caused serious detriment to the Airport's operations. That was not the Applicant's stated intention, and the Applicant has re-aligned the route to avoid operational land. At the time of the hearing, revised Land and Works Plans had not yet been submitted and the extent of Plot 2/6 was yet to be reduced.

EMA maintains its objection on operational land grounds but expects the matter to be capable of resolution. There remain, however, two further points of objection:

- i. Lack of need – the level of anticipated use of the Active Travel Link is very low and insufficient to justify compulsory acquisition; and
- ii. Alternatives – active discussions are ongoing with the Applicant to find a way forward without compulsory acquisition, and this should be possible. Options include an undertaking by EMA to dedicate the surface as highway (noting that there are important utilities beneath the surface which would need to be protected) in the event that consent is granted and the need for the Active Travel Link is established.

60 - 62	<p>Protective Provisions</p> <p>EMA confirmed that discussions regarding protective provisions are ongoing. The chronology of those discussions is as follows:</p> <ul style="list-style-type: none"> i. On 24 March 2026, a meeting took place between Kate Bedson (SEGRO) and Alistair Andrew (EMA), at which the principle of protective provisions was discussed, together with the need for greater detail than the EMG1 consent (owing to a change in regulations). ii. On 7 April 2026, EMA submitted drafted protective provisions. iii. On 6 May 2026, an email was received from Kate Bedson with revised protective provisions stated to be 'consistent' with the proposed planning conditions for the Joint Application. <p>EMA was due to respond to the latest drafting shortly. EMA made two points. First, protective provisions for the protection of a statutory undertaker are principally for the statutory undertaker to identify the form of protection required. Secondly, whilst EMA recognises that the proposed protective provisions were based on the Joint Application planning conditions, the distinction between planning conditions and protective provisions in a development consent order needs to be reflected in the drafting.</p> <p>EMA confirmed that this is an area of active discussion and not one where there should be a failure to agree.</p>	<p>The Applicants and EMIA are continuing negotiations regarding the form of protective provisions.</p> <p>The protective provisions included in the dDCO submitted at Deadline 5 represent the wording proposed by the Applicants which aligns with the proposed conditions approved by EMIA for the Joint Application, suitably adapted to apply to the DCO Scheme. The Applicants await reasoned justification why the DCO Scheme should be subject to more stringent and onerous requirements.</p>
Post hearing submissions in respect of ISH3 [REP4-066]		
2	Agenda Item 3: Legal basis of determination of the DCO application and the relationship to the environmental statement	The Applicants note the response.

	EMA agreed with and supported the submissions made by Hereward Phillpot KC on behalf of Prologis in relation to this agenda item.	
3	<p>Agenda Item 4.1</p> <p>The ExP led a discussion as to the latest position on traffic modelling for the proposed development. Mr Pratt stressed that EMA needed further clarity on modelling outputs in order to be able to understand the capacity and effect of traffic on the junctions providing access to the airport.</p>	BWB, on behalf of the Applicants, met with SCP, on behalf of EMIA, on 12 June 2026 to discuss their outstanding queries and followed up with responses on 15 June 2026, together with formally responding to the queries raised at Deadline 4 [REP4-033] .
4 - 7	<p>Agenda Item 4.2</p> <p>This agenda item was for the ExP to explore what assessment has been undertaken of the effects of the construction of the proposed development on surrounding network, with particular emphasis on overnight and weekend users of the network. Jon Bottomley from EMA responded to questions from the ExP relating to how traffic movements associated with freight, passengers and staff are distributed through a 24 hour period, explaining seasonal and daily peaks. EMA welcomed the ExP's suggestion that the 24/7 nature of airport operations and its strategic importance means that it should be addressed in more detail in the Applicant's traffic management plan, to "make it more clear that it is going to be able to deal with those peaks and troughs we've had described to us".</p> <p>Counsel for the Applicant sought to move away from that proposition by referring to how EMG1 inter-acted with airport operations. However, the very obvious difference is that EMG2 would impact the junctions on the A453 which provides the main access to the airport, whereas EMG1 did not. EMA therefore remains concerned about both the lack of information available about the impacts on those junctions and the Applicant's apparent disregard for the importance of the airport. EMA note that LCC shared their concerns about the construction impacts on the airport.</p>	<p>See responses at points 4.5 below with regard to the availability of information.</p> <p>Construction traffic matters are dealt with in the updated Construction Traffic Management Plan (CTMP) issued at Deadline 4 [REP4-017D].</p>

	<p>EMA stressed that they do not have a full set of information necessary to determine the full range of impact of both construction and operation of EMG on the airport. EMA noted that it may well be that information exists and has been shared by the Applicant with the highway authorities. If so, EMA would like to see it as well.</p> <p>In relation to the development of CTMPs, EMA is concerned that the Applicant could seek to agree these with the highway authorities without including EMA in those discussions. EMA therefore has no confidence in that sole proposed means of managing future impacts. EMA is grateful to the ExP for making this matter a subject of an action point.</p>	
8 - 10	<p>Agenda Item 4.3</p> <p>Agenda item 4.3 involved a discussion of the various 'works packages' relating to the highway network around junctions 23A to 24A of the M1 and their deliverability in light of the proposed development. In this context, Mr Carmody raised a number of queries about clearances for abnormal loads and whether routing of such vehicles may have to change as a result of the Applicant's works. The ExP encouraged EMA and the Applicant to have that discussion offline and referred to the Applicant responding "in due course" at Deadline 4.</p> <p>Under agenda item 4.4, the ExP sought the responses of the applicants, National Highways and Leicestershire County Council (LCC) to the critique of the Transport Assessment submitted by East Midlands Airport in relation to traffic effects around the airport. EMA welcomed the statement by LCC that "it was a thorough and well put together note" and National Highway's confirmation that they held a similar view. EMA was disappointed that the ExP did not probe the Applicant at all on this matter during the hearing as the agenda had indicated, instead giving them until Deadline 4 to respond. That is especially disappointing given that the overriding theme of EMA's assessment was that the Applicant should have provided sufficient information to enable EMA to</p>	See response at points 4.5 and AP No. 42 below.

	<p>understand the highways impacts of EMG2 on the airport during construction and operation in its application, but has still not done so.</p> <p>Mr Pratt raised a number of concerns about modelling outputs across a number of junctions, excessive queuing (notably on the southbound offslip of J24 of the M1) and limited mitigation. Once again, the ExP indicated that EMA should discuss the matter with the Applicant, rather than seek to explore it during the hearing. Counsel for the Applicant confirmed they would prefer to respond in writing at Deadline 4.</p>	
11 - 15	<p>Agenda Item 4.5</p> <p>Agenda item 4.5 related to the Applicant's Road Safety Audit. Mr Carmody highlighted a number of concerns about the completeness of the data and design needed to undertake a safety audit, including the fact that not all of the departures from standard have been taken into account. Again, EMA was directed by the ExP to have a conversation outside the hearing with the Applicant.</p> <p>EMA then made two specific requests of the ExP. First, in order to give EMA the confidence that it will receive from the Applicant the information it needs to inform its position, EMA respectfully requested that the ExP had regard to the list of missing information on traffic and transport identified at Appendix 3 of its Deadline 3 submission (REP3-059) and use it as a basis for requesting information from the Applicant in the ExP's next round of written questions so that the information is available for the benefit not just the airport but for all parties to the Examination.</p> <p>Secondly, EMA asked the ExP to consider holding an issue specific hearing on traffic and transport in August to allow more than the hour or so spent on the first morning of ISH3 for any outstanding matters relating to impacts on the airport to be examined in the round.</p> <p>The ExP declined or deferred those requests, saying that they were expecting the Applicant's response at Deadline 4 and suggesting they would be able to remedy any omissions by the Applicant through the use</p>	<p>The Applicants have set out its response to the list of purported missing information within the Deadline 2 and 3 responses [REP4-033]. The Applicants note that much of the purported missing information has been available from the start of the Examination and was supplemented at Deadline 1. The Applicants are of the view that EMA have had sufficient time to review and understand the EMG2 traffic and transportation assessment and highway design proposals (it should be noted that the first substantive response from EMA on these matters was only at Deadline 3). However, the Applicants' team have had direct dialogue with EMA and their consultant outside of the formal Examination to assist further.</p> <p>The Applicants have submitted an updated dDCO at Deadline 5 including updated wording for Requirement 33.</p> <p>The Applicants and EMIA are continuing negotiations regarding the form of protective provisions. The protective provisions included in the dDCO submitted at Deadline 5 represent the wording proposed by the Applicants which aligns with the proposed conditions approved by EMIA for the Joint Application, suitably</p>

	<p>of a further round of written questions later in the Examination. Further, the ExP stated that they "haven't put our minds to whether there will be hearings in August, let alone what they might be about".</p> <p>EMA expressed its disappointment with that response. Again, the relevant information should have been provided by the Applicant as part of their application and should not still be outstanding. The ExP's third round of written questions (if any) are timetabled for issue on 14 July 2026 with a deadline for response of 28 July 2026 – over four months after the start of the Examination and only two weeks before the final week of hearings, if indeed the ExP chooses to hold any.</p>	<p>adapted to apply to the DCO Scheme.</p>
16 - 18	<p>EMA agreed with and supported the submissions made by Hereward Phillpot KC on behalf of Prologis in relation to this agenda item.</p> <p>EMA reserved its position in relation to Requirement 33 and the Applicant's yet-to-be-provided Operational Environmental Management Plan. EMA noted that this may have implications for aerodrome safeguarding matters. EMA welcomes the ExP's request to the Applicant to liaise with EMA in relation to this matter.</p> <p>In relation to protective provisions for the dDCO EMA confirmed that constructive discussions have taken place with the Applicant which create some confidence that progress can be made.</p>	<p>The Applicants note the response.</p>
19	<p>Agenda Item 11: Draft Material Change Order</p> <p>EMA confirmed that it is trying to reach an agreed position with the Applicant on the substance of a set of protective provisions for the dDCO, which it would then seek to have incorporated into the dMCO as well.</p>	<p>The Applicants and EMIA are continuing negotiations regarding the form of protective provisions.</p> <p>The protective provisions included in the dDCO submitted at Deadline 5 represent the wording proposed by the Applicants which aligns with the proposed conditions approved by EMIA for the Joint Application, suitably adapted to apply to the DCO Scheme. The Applicants await reasoned justification</p>

		why the DCO Scheme should be subject to more stringent and onerous requirements.
Response to Deadline 2 and 3 Submissions [REP4-068D]		
4.	<p>Procedural fairness</p> <p>4.1 EMA and EMIAL agree with and endorse the concerns raised in section 2 of Prologis' D4 submission relating to procedural fairness. EMA and EMIAL have voiced concerns on this subject previously, particularly in relation to SEGRO's persistent failure to provide information:</p> <p>4.1.1 At Deadline 1, in paragraph 6a of our Written Representation (REP1-216D);</p> <p>4.1.2 In section 3 of our Deadline 2 submissions (REP2-049D); and</p> <p>4.1.3 In section 5 of our Deadline 3 submissions (REP3-059).</p> <p>4.2 In addition to the above matters, EMA and EMIAL wish to highlight the points below in relation to ISH3.</p> <p>4.3 The traffic and transport impacts of EMG2 are matters of critical importance to EMA and EMIAL – particularly so to EMA as airport operator. The importance of surface access to the Airport has been made clear previously and was set out at length in section 4 of our Deadline 3 submission (REP3-059).</p> <p>4.4 EMA was therefore disappointed that:</p> <p>4.4.1 So little time was devoted to the topic during ISH3, particularly given there was adequate time for this important topic to be explored further:</p>	<p>The Applicants note the response and strongly disagree with it.</p> <p>The Applicants have not persistently failed to provide information. They are responding to all matters raised as thoroughly and as soon as possible. The Applicants have met with EMA / EMIAL to review and discuss their queries and respond to concerns. This included meeting the transport consultants appointed on behalf of EMA / EMIAL, a matter which EMA / EMIAL says is of critical importance to them and yet their transport consultants only engaged with the Applicants at Deadline 3.</p> <p>EMA / EMIAL will be aware that the DCO process is primarily a written one. They have had more than ample opportunity to make written representations and, whilst they indicate that they were disappointed little time was devoted to highways issues at the ISH3, this was not raised by them at the time.</p> <p>The Applicants strongly disagree that there is information missing from its application. Similarly, the Applicants do not agree that the emerging statements of common ground between the Applicants, Leicestershire County Council and National Highways, are opaque or "lacking in detail". If EMA / EMIAL requires further information, then it is open to them to request it from the Applicants.</p>

	<ul style="list-style-type: none"> a) At the start of the first day of ISH3, the ExP explained that the day's proceedings would conclude at 17:00 (Transcript, Part 1 @02:17). A number of matters were dealt with before the first break. The hearing resumed after that break at 11:30. It was at that point that the ExP turned to agenda items 4.1 to 4.5 relating to traffic and transport: those of evident interest to EMA. The ExP drew that part of the agenda to a close after just an hour and a quarter, out of a desire to "start another topic area" (Transcript, Part 2 @1:15:21). b) On more than one occasion during the hearing, the ExP hurried Interested Parties along, for example at 1402 on day 1 ("quickly please, because we've got a lot to get through"). c) It was therefore a surprise that on day 1 of ISH3, the ExP adjourned the hearing at 15:44. On day 2, the hearing began at 1000 and concluded around 13:00. That left over half a day of hearing time in which highways matters relating to the airport could have been explored at more length. <p>4.4.2 The ExP appears unconcerned by the volume and significance of information identified by EMA as missing from SEGRO's application, which leaves EMA (and presumably others) unable to understand the highway impacts on the airport, as indicated by the following:</p> <ul style="list-style-type: none"> a) the ExP was unsympathetic to EMA's request during ISH3 that the missing information which is critical to understanding those impacts (identified in Appendix 3 of REP3-059) might form the subject-matter of one of the ExP's second written questions to SEGRO, suggesting that if it was not forthcoming at Deadline 4 "then there is a room for any third round of questions" yet with the ExP uncertain whether that would be in July or August, and seemingly 	
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	<p>unconcerned that this information should have been contained in SEGRO's application so that Interested Parties could scrutinise it prior to the start of the Examination;</p> <p>b) the ExP invited EMA to raise its concerns directly with SEGRO outside the hearing, rather than choose to probe potential impacts on the airport itself; and</p> <p>c) the ExP was unsympathetic to EMA's request for a future hearing dedicated to understanding the traffic and transport impacts on the airport.</p> <p>4.4.3 The position is exacerbated by the opacity of the emerging statements of common ground between SEGRO, Leicestershire County Council and National Highways, which as the ExP pointed out are "lacking in detail" which makes it difficult to probe issues. The ExP suggested some statements of common ground left them "flying in the dark". They also highlighted that SOCGs needed to be more informative to facilitate third party engagement on the issues. This lack of transparency is particularly relevant to EMA being able to understand how NH and LCC have understood the highway impacts on the Airport in moving towards an agreed position with SEGRO. Again, this is a concern that EMA has raised previously and labelled as a "chilling effect" on the participation of Interested Parties: see paragraph 5.8 of our Deadline 3 submission (REP3-059).</p>	
Appendix 1		
P252, P253	As set out in throughout our responses (para 2b of our WR (REP1-216D), paragraphs 4.5-4.8 of our D3 submission (REP3-059) and as part of our oral presentation at ISH3), East Midlands Airport is the	As set out above, the ATC survey undertaken in November 2022 on the A453 across the EMG2 and EMA site frontages has been summarised to

	<p>largest dedicated freight airport in the UK. 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>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 be disrupted by overnight roadworks and operational traffic related to the Proposed Development.</p> <p>Although the applicant acknowledges the 24-hour operation, it has failed to acknowledge that EMA has a business-critical peak that falls outside of the network peak and there still remains insufficient information to understand the impacts of the Applicant's proposed extensive highway works and operation of EMG2 will impact the Airport, and how any proposed mitigation will temper those impacts, e.g., during overnight road closures for construction work.</p> <p>Despite EMA repeatedly identifying the absence of this information during the examination period (see section 9 of our RR (RR-013D), section 6 of our WR (REP1-216D) (and section 5 of our summary to the WR (REP1-217D) and section 5 of our D3 submission (REP3-059)), highlighting its absence at ISH3, and engaging with the Applicant directly since ISH3, the information needed to understand those impacts remains outstanding.</p>	<p>understand when peak flows occur on the A453 (and therefore peak activity to/from the airport). The following table summarises the weekday average flows and 7-day average flows across all 24 hours.</p>
P263	<p>EMA's position remains that the protective provisions in the 2016 Order for EMG1 do not fully reflect current aerodrome safeguarding requirements.</p> <p>Please refer to:</p>	<p>The Applicants and EMIA are continuing negotiations regarding the form of protective provisions.</p> <p>The protective provisions included in the dDCO submitted at Deadline 5 represent the wording</p>

	<ul style="list-style-type: none"> • RR-049M paragraph 4.6. • REP1-216D section 8, paragraph q • Verbal confirmation by Pinsent Masons LLP for EMA during ISH3, reflected in our written post hearing submissions for that hearing. 	<p>approved by EMIA for the Joint Application, suitably adapted to apply to the DCO Scheme. The Applicants await reasoned justification why the DCO Scheme should be subject to more stringent and onerous requirements.</p>
Appendix 2		
AP No. 28	<p>Please see the Prologis Response under the heading Compulsory Acquisition Test which EMA adopts.</p> <p>SEGRO has consistently sought to paint the use of compulsory purchase powers as ordinary and common place. Indeed, SEGRO's entire response to the APs case has been a 'nothing to see here' defence. That is not a defence at all but an encouragement to the ExP not to properly scrutinise, which is, of course, the ExP's role. It is a means by which SEGRO encourages the ExP not to properly apply what was said by the Courts in the Prest case (on which see EMA's RR [RR-013D, §§8.1-8.5]. Moreover, the simple fact that in another case (or any number of other cases) an acquiring authority has been able to demonstrate through its case-specific evidence that the demanding tests set by Parliament have been met does not assist SEGRO in this case.</p> <p>SEGRO's approach is not only a failure to properly apply the tests and but also to recognise that, whilst compulsory purchase powers are usually used in DCOs, they are nationally significant schemes and, generally, provide critical infrastructure such as roads, railways and power stations. This is not such a scheme. Rather it is a commercial scheme for a private operator.</p> <p>SEGRO suggested that the 'answer' in this case was the judgment of Mr Justice Harrison in <i>The London Borough of Bexley v Secretary of State for the Environment, Transport and the Regions</i> [2001] EWHC Admin 323. It was said that that case shows</p>	<p>The Applicants' detailed response to compulsory acquisition and the correct test to be applied is provided in [REP4-033] on page 108 in response to Prologis' representations which are adopted by EMIA.</p>

that compulsory purchase powers can be granted to support one scheme over another where there were competing private developers. If that is what was being urged on the ExP, it was wrong.

In that case compulsory purchase powers were granted in relation to a supermarket scheme where there was another supermarket scheme that did not require such powers. However, the compulsory purchase scheme offered more certain prospects that the redevelopment would proceed and more certain prospects that there would not be delay in implementing the scheme, as well as specific planning advantages relating to the effect on neighbouring properties and pedestrian access.

First, the acquiring authority in that case was not a private developer but a local planning authority seeking to use its compulsory purchase powers under the Town and Country Planning Act to redevelop an area. It had partnered with a private operator to deliver the scheme, but the private operator was not to be awarded compulsory purchase powers. That is very different to circumstances in which a private developer itself seeks compulsory powers against a commercial rival to achieve a competitive advantage it failed to achieve through normal open market competition.

Secondly, compulsory purchase powers were required in that case to unlock the land and deliver the developer. That is not the case here – the APs actively want to develop the land and have said that they are prepared to work with SEGRO to deliver the scheme without the use of compulsory purchase powers.

Thirdly, the relative benefits in the Bexley case cannot have any sway in this. By way of example, in that case the scheme requiring the powers was the more certain and more likely to be delivered earlier. That is not the case here. Delivery will be achieved earlier through the Joint Application.

The decision-maker must apply the compelling case test and be satisfied that the compulsory purchase order is justified on the facts and

	<p>merits of this case. The elements of that particular supermarket scheme that the Secretary of State preferred were a factor in the balance in that case and no more.</p> <p>The APs have been urging the ExP to consider carefully what are the additional benefits of the compulsory acquisition scheme in this case where in that scheme did not come forward there is a likelihood that substantially similar benefits would be delivered on the APs land and that the land south of Hyam's Lane would also come forward given that access would be established through the Joint Application, the benign policy position (and allocation), the Free Market window and general demand for this form of development allied with the Prologis viability assessment that shows on SEGRO's own terms that site to be deliverable. The APs position accords wholly with Bexley and SEGRO is wrong to think Bexley is some kind of answer to their needs.</p>	
AP No. 30	Please see the Prologis response under the heading "Section 53, Vires and Campus" which EMA adopts.	The Applicants' detailed response on section 35 and vires is provided in [REP4-033] on page 81 in response to Prologis' representations which are understood to be common to Prologis and EMIA.
AP No. 31	Please see EMA's CAH2 post hearing submissions paragraphs 31-39 under the heading "ExP Question 2".	The Applicants' earlier detailed response regarding socio-economic matters, including consideration of the definition of a "project" was provided in [REP4-034] at Appendix 1 on page 51.
AP No. 32	Please see EMA's CAH2 post hearing submissions paragraph 44. Please also see the Prologis response which provides similar information in tabular form and with important caveats and context which EMA adopts.	The Applicants table of DCOs, including non-implemented DCOs, was provided in [REP4-034] at Appendix 1, Annex 2 on page 57.
AP No. 33	<p>Please see EMA's CAH2 post hearing submissions:</p> <ul style="list-style-type: none"> • Paragraphs 47-49 under "ExP Question 4" • Paragraphs 50-53 under "ExP Question 5" 	The Applicants' have responded to the ExP's Rule 17 letters [PD-021, PD-024 and PD-025], which invited the Applicants to consider 'delivery' and 'non-delivery

		<p>scenarios', by submitting an updated Chapter 4 and Appendices 4B and 4C at Deadline 5.</p> <p>The Applicants note that the ExP has since dismissed the counterfactual scenario in its Rule 17 letter [PD-021].</p> <p>The Applicants earlier detailed response regarding socio-economic matters, including consideration of the definition of a "counterfactual position" was provided in [REP4-034] at Appendix 1 on page 54.</p>
AP No. 34	Please see Prologis' response. There is no realistic basis on which such access could be achieved, even if it could be demonstrated to be physically possible, as it would be in direct conflict with Government policy.	The Applicants have no further comments beyond those provided in [REP4-035] .
AP No. 35	Due to its Excel format, this has been submitted separately as part of Prologis' Deadline 4 submission.	The Applicants refer to its submissions in [REP4-035] . The Applicants have responded to Prologis representations in [AS-003D] by letter dated 24 June 2026 which was provided to Prologis and EMIA is awaiting an examination library reference.
AP No. 36	Please see Prologis' response to this question which provides the position of Leicestershire County Council and confirms that Hyam's Lane is adopted unclassified highway. Accordingly, it would be within the powers of the highway authority to approve any new road crossing of Hyam's Lane to provide north-south access between the northern land and the southern land, notwithstanding that the Book of Reference identifies the subsoil ownership as unknown. Hyam's Lane itself would not, therefore, constitute a ransom strip. As such, compulsory acquisition of Hyam's Lane is not necessary to enable development of either the northern land or the southern land.	The Applicants' position is set out in the responses to the ISH3 action points [REP4-035]
Appendix 3		

AP No. 39	Please see Prologis' response to this action point included as part of their Deadline 4 submission.	The Applicants position and supporting case law provided in response to AP39 is set out in [REP4-035] .
AP No. 42	<p>the future delivery of a motorway crossing bridge under Package 4, particularly if the Package 4 alignment and its connection to the A453 remain unchanged.</p> <p>The road from Package 4 bridge once on the west side of the M1 would need to drop quickly in levels to tie in with the A453 based on the original alignment. Level information for the Package 4 works has not been provided by the Applicant. However, this appears constrained and difficult to achieve if the designers complied with the vertical design requirements, as it is only a short distance between the M1 northbound off-slip and the A453. Leaving that aside, there would be a significant releveling/raising of the ground required around each of the Package 4 bridge embankments to support the raised road level. The DCO submission does not take this into consideration (where it 'overlaps' with the Package 4 route) and instead closely matches the existing ground levels.</p> <p>The DCO application (even with a substandard headroom to the DCO bridge), requires approx. 200m to change in road level from the bridge to existing ground (based upon the provided long section information). There is less than a 50m distance for the Package 4 link road to achieve the same and match the existing ground levels at the same location, which appears too steep to achieve the required standards. The standards specified in DMRB document CD109 states in paragraph 5.1 that the required gradient on an all-purpose single carriageway road can be a maximum of 8% which indicates an 8m drop in road level would require a minimum of 100m.</p> <p>(ii) More detailed design information has been provided for EMG2, including long sections from the M1 northbound diverge taper, across the proposed A453 bridge, and onward to the A50 northbound merge.</p>	<p>The Applicants have provided details of how the proposed M1 NB to A50 WB link, including the bridge over the A453, would interface with the potential future 'red package' (package 4) in the response to ISH3 action point 41 [REP4-035].</p> <p>The Applicants have undertaken a detailed assessment of the A453 'underbridge' option, which is found at Appendix 27 of the Transport Assessment [REP1-035] & [REP1-037].</p> <p>In relation to abnormal loads EMA do not appear to have fully answered the ExP's question at ISH3 action point 42, specifically how the proposed bridge with minimum clearance of 5.84m could affect abnormal (high) loads to and from EMA.</p> <p>The Applicants have based the bridge clearance of 5.84m on the high load route HiR13a, an 18' (18 foot) high load route, details of which are provided within Appendix 27 of the Transport Assessment [REP1-035] & [REP1-037], and the departure from standard has been agreed by NH on this basis. The Applicant notes that HiR13a is the only high load route in this area, and for wider context the plan showing the high load routes throughout England is found at Annex A along with the route 'grid' details for HiR13a. Based on this the Applicant notes that other roads in this area e.g. the M1 and A453 to Nottingham are not high load routes and that on these routes the standard bridge clearance of 5.3m would typically apply. As such the Applicant</p>

<p>The long section indicates that between Chainages 0m and 700m the proposed link road generally follows the existing ground profile. Between approximately Chainages 700m and 950m, the road rises at the maximum practicable rate within design standards to meet the proposed bridge location and intersection with the A543.</p> <p>As the vertical alignment of Package 4 is unknown, it is not currently possible to determine whether sufficient clearance would exist between the two schemes. Additional clearance may be achievable by lowering the EMG2 link road south of its bridge; however, further investigation would be required. Any reduction in levels would likely need to be accommodated further south, as the alignment appears constrained to the north by the proposed overbridge and to the south by the M1 carriageway.</p> <p>An alternative EMG2 arrangement shown within the Package 4 information replaces the</p> <p>A453 bridge crossing with an underpass beneath the A453. This option could provide greater flexibility to lower the EMG2 alignment and increase separation between the two schemes. However, the impact on surrounding infrastructure and overall feasibility would require further assessment.</p> <p>(iii) For structures located on recognised high-load routes, design standards typically require a minimum headroom of 6.45m plus any allowance for road sag curvature (6.45m + S) (DMRB document CD127 para. 4.1). As the sag curve information has not been provided, this assessment considers only the base requirement.</p> <p>The proposed clearance of 5.84m is therefore below the standard requirement of 6.45m + S. It is understood that a Departure from Standard has been submitted and agreed by the Overseeing Organisation but as we don't have sight of the mitigation measures proposed it is not clear what has been agreed. Such a submission would typically consider the impact on affected vehicles, alternative routing</p>	<p>does not understand EMA's commentary regarding abnormal (high) loads using the M1.</p> <p>The Applicant considers that EMA have, through the use of the publicly available NH high load route mapping and high load route grid, with the proposed minimum bridge clearance for the new bridge of 5.84m clearly stated within the EMG2 application documents (e.g. the A453 Bridge Plan [APP-053D]), sufficient information to understand the impact on EMA, if any.</p>
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	<p>arrangements, and warning signage. No supporting information on these matters has been provided.</p> <p>An alternative route between the M1 and the A453 exists south of East Midlands Airport and may provide a suitable diversion for northbound abnormal loads. For southbound movements from M1 Junction 24, this would potentially require vehicles to continue to M1 Junction 23 before returning northbound. The EMIA team would need to review the departure agreed and the alternative routes before it can confirm the operations of the airport would not be adversely affected.</p>	
Appendix 4		
<p>Response to ExQ 8.4.1 and 9.0.1</p> <p>3.</p>	<p>Since the 2016 Order the CAA guidelines and standards have been significantly tightened. As such, the protective provisions in the 2016 Order are not a reliable starting point to reflect the current regulatory environment. EMA has identified a number of issues with the version of the protective provisions present in the 2016 Order, which reduce the level of protection that it should be entitled as airport operator under current standards. These terms proposed by SEGRO could also expose EMA to risk of non-compliance with the up to date CAA guidelines and standards.</p>	<p>The Applicants note the comments made and accept that the scope of protective provisions has moved on since the EMG1 DCO was made in 2016. The Applicants therefore have no objection to the protective provisions in both the dDCO and dMCO being updated.</p> <p>The protective provisions included in the dDCO submitted by the Applicants at Deadline 5 reflect the wording approved by EMIA for the Joint Application, suitably adapted to apply to the DCO Scheme. As set out in [REP4-033], the Applicants consider this to be proportionate to what EMIA is seeking from the Joint Application and the Isley Woodhouse application.</p> <p>The Applicants will continue to engage with EMIA with a view to agreeing the form of protective provisions if possible.</p>
<p>Response to ExQ 8.4.1 and 9.0.1</p>	<p>Consequently, EMA has prepared a new version of its protective provisions, which mirrors much of the detail in the Management Strategy for the Safeguarding of East Midlands Airport from the 2016 Order. It is considered that the new version of the protective provisions will not</p>	<p>See response above.</p> <p>The Applicants consider that the EMA proposed protective provisions go beyond necessary controls</p>

<p>4.</p>	<p>result in an increased burden on the Applicant in terms of submission of material – however it will provide a more robust framework within which EMA can expect details to be submitted, in addition to restrictions on the authorised development reaching certain milestones until such detail is provided and approved. Without these controls, EMA’s protective provisions are unable to offer sufficient protection to the airport undertaking, which poses considerable aerodrome licensing and aerodrome certification and safety risks.</p> <p>The way that the new EMA protective provisions are intended to operate is split into 3 distinct parts:</p> <ul style="list-style-type: none"> a) Part 1 - The Applicant and EMA agree an Aeronautical Safeguarding Assessment prior to any application being made by the Applicant under requirement 7 (detailed design approval). The Aeronautical Safeguarding Assessment acts as the outline Management Strategy for the safeguarding of East Midlands Airport, under which details need to be submitted and approved prior to commencement of the authorised development within a phase. b) Part 2 – Prior to the commencement of the authorised development within a phase, the Applicant will submit and EMA will approve the details to be approved under the Aeronautical Safeguarding Assessment (e.g. elevations and coordinates of buildings, wind shear assessments, glint and glare matters, lighting and bird hazards etc). <p>Part 3 – Other matters such as surface access restrictions, aerodrome liaison groups and dispute resolution.</p>	<p>and seek to unduly restrict development coming forward. The protective provisions should be necessary and proportionate to protect the operation of the airport only.</p> <p>The Applicants disagree that the protective provisions proposed by EMA will not result in an increased burden on the Applicants in terms of submission of material. The Applicants will continue to engage with EMIA with a view to agreeing the form of protective provisions if possible.</p>
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APPENDIX 10

RESPONSE TO SUBMISSIONS MADE BY PROTECT DISEWORTH

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
ExQ2 Responses [REP4-096D]		
Q1.2.1	<p>Community park</p> <p>In light of annexure 1G in the responses to the ExP's written questions [REP1-054] the applicants have provided a plan showing the areas across the site where gradients are greater than 1 in 8. Given the extent of this across the northern part of the open space area, could the applicants explain how this would be made accessible for all, and particularly how those requiring lesser gradients travelling across the open space to the north and the A453 so that they would be able to access this.</p> <p><i>Protect Diseworth (PD) Response: PD notes and agree with the challenge of 'accessibility.' Steep slopes would preclude people in wheelchairs, young families and those with accessibility issues using the park. The community park plans highlight that it would not be inclusive to all. Given the inclusion of such high bunds, PD would question whether such areas could be meaningfully used as part of the community park, given it is assumed that the bunds are a noise mitigation measure and serve an alternate purpose. In any event PD would continue to question whether a community park so close to the A453, associated with HGV movements and associated noise, would be an attractive and therefore well utilised space.</i></p>	<p>The Applicants have clarified the gradients on the paths in response to the ExP question [REP4-036] and this confirmed that no barriers to access are anticipated, including for those who are more vulnerable and may have existing mobility issues.</p> <p>The proposed Community Park has a range of functions, as do the bunds which form part of its eastern edge. In addition to serving as a new community facility, the Park itself serves as part of the landscaped buffer proposed to separate the proposed built development from the village of Diseworth. In this way it serves in part as mitigation for not only potential noise effects, but also visual effects, The bunds have a similar range of functions, as well as forming part of the wider structural landscaping which will frame the new development site (and help support biodiversity gains).</p> <p>The Applicants provided a response to EXQ2 Q1.2.1 at Deadline 4 [REP4-036] and remain of the view that the proposed Park includes a mix of facilities and character areas which will appeal to, and be accessible to, a wide range of local user groups within the</p>

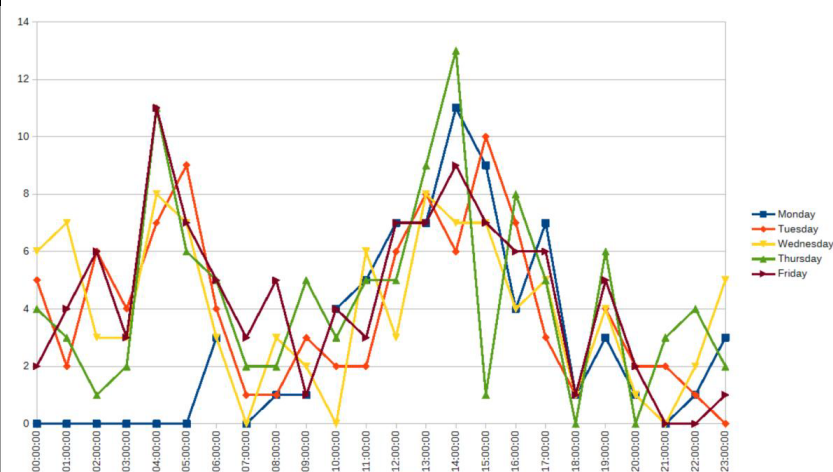
		community. That previous answer refers to gradients across the site and to the inclusion of a further path link within the Park to avoid the steeper paths focused around the northern part of the site. The updated Community Park Plan (DCO 2.16) includes this change.
Q2.0.1	<p>Design review</p> <p>In its response to ExQ1 2.0.5 [REP1-054] the applicants have resisted the inclusion of Design Review within the detail of the design, considering that the Design Code provides sufficient protections. The response only refers to buildings and does not address the question of highway structures, which were referenced in the question.</p> <p>The applicants are asked to respond to the original question in respect of highway structures.</p> <p>NWLDC and NH are asked for their views as to whether Design Review should be a mandatory requirement within the design process.</p> <p><i>PD Response: As noted in our verbal submissions at ISH3, PD are of the view that design issues relating to the Part 2 works (Commercial Development) have thus far been given limited consideration, in the application submission documentation and in any questions and/or discussions during the examination process. PD considers that the Applicant is seeking to do the minimum possible at this stage. Whilst noting that a Design Code is proposed, as presented within the Design Approach document, this appears to have a narrow remit, focusses more on the internal aspects of the site and buildings and gives less consideration to the wider impacts of the scale and height of development. A design review panel would provide more flexibility and to ensure 'challenge' is presented to how any development would integrate into the surrounding local landscape, reflecting the sensitivity of Diseworth, as a residential conservation area village, lying in proximity to the Order Limits. As an</i></p>	<p>The Applicants have provided responses to the Design Review issue at Deadline 4, including Action Point 60.</p> <p>These further comments from Protect Diseworth indicate that they view the potential role of any Design Review as being able to reopen dialogue or debate about the scale and height of development on the site. These fundamental parameters for the scheme are to be set by the DCO if approved (with reference to the Parameters Plan which would be a certified document), and would not be subject to change or amendment through any Design Review which would focus instead on layout, colours and materials, etc. See also NWLDC's response on the same point at Deadline 4. The response reflects Protect Diseworth's lack of understanding about the role of a Design Review process.</p>

	<i>alternative, the Design Code, could be revised to enable a more iterative process, that includes a commitment to putting the scheme before a Design Review Panel.</i>	
Q8.3.2	<p>Requirement 19 – Construction hours</p> <p>In sub-paragraph (1) it is not clear whether the three permitted ‘out-of-hours’ exemptions fall as part of the “unless otherwise agreed by the local planning authority” or separately. Could this be clarified.</p> <p>In exception (c), the ExP considers that the word “significant” lacks precision and asks the applicants to consider alternative terminology.</p> <p>PD Response: <i>PD would also welcome clarification on the out-of-hour exemptions, but repeats its ongoing concerns about construction working hours, the Applicant’s proposal to invoke a defence to statutory proceedings relating to noise as part of the Draft DCO and the lack of justification behind the proposed construction working hours, given the potential significant noise effects during the construction stage.</i></p>	The Applicants’ response to Q8.3.2 at Deadline 4 confirmed that any ‘out of hours’ construction works would be subject to agreement with the LPA, and that the wording of requirement 19 would be amended in the dDCO submitted at Deadline 5.
Q11.0.2	<p>Hyam’s Lane sequential assessment</p> <p>Action Point 54 of ISH3 [EV08-016] requires the applicants to explain how appendix 12A assesses setting where intervisibility is absent, including consideration of approach (kinetic) experience and group value, and, if necessary, to provide a targeted addendum or update to appendix 12A.</p> <p>Historic England’s response to the Examining Panel’s rule 17 request [AS-081] identifies a sequential, route-based assessment along Hyam’s Lane, supported by a narrative and a sequence of images or visualisations, as a proportionate and appropriate approach.</p> <p>In light of this, can the applicants please confirm whether they will provide such a sequential Hyam’s Lane route-based assessment as part of their response to action point 54 by deadline 4. Please also confirm</p>	The Applicants’ updated Environmental Statement Appendix 12A was submitted at Deadline 4 [REP4-026] . There is clearly some inherent overlap between heritage and landscape and visual issues, and this is clear from the updated assessment and narrative contained in the updated Appendix which helps inform a wider understanding of the Applicants’ assessment of the local relationships and effects associated with movement along Hyam’s Lane. A Hyams Lane Kinetic Assessment Accurate Visual Representation is also enclosed at Annex D of this document.

	<p>the proposed format of this material (for example, a targeted addendum or revision to appendix 12A, or a standalone note clearly signposted to it), and whether its inclusion would result in any change to the conclusions in ES chapter 12 or appendix 12A.</p> <p>PD Response: <i>Whilst noting that this question relates to heritage assessment, as per our submissions during ISH3 and as summarised in the written summary of verbal representations, Hyams Lane is considered important in understanding the sequential experience associated with the proposed development and resulting impacts in respect of landscape and visual, alongside heritage.</i></p>	
Q18.0.1	<p>Community Development Fund</p> <p>In their response to ExQ1 Q1.2.11 [REP1-054] the applicants indicate that it is proposed to provide a community development fund in the sum of £200,000. The applicants have stated that “it is offered beyond and in addition to any required mitigation or other obligations and is voluntary on the part of the DCO Applicant.” Could the applicants explain whether this should have any weight in the planning balance bearing in mind paragraph 4.11 of the NNNPS? Using the same criteria, could the applicants explain what would be necessary to make it “required,” in the last sentence of the response.</p> <p><i>PD Response: PD consider that it should be afforded no weight whatsoever in the planning balance, given it is a voluntary suggestion, subject to change, there is no means to bind the Applicant to such a commitment as part of the Draft DCO and therefore the financial sum could be altered or withdrawn at any</i></p>	As explained in the Applicants' response to this question, the Applicants agree on the role of the fund in the planning balance.
Q19.0.2	<p>Traffic modelling</p> <p>Can both NH and LCC comment on the critique of the TA as provided by EMIA in [REP3-058]? If there are proposals for any of the specific</p>	The TWG insisted on 1600 to 1700 hours trip rates being adopted in the PRTM modelling work, even though evidence had been provided showing that 1700

junctions commented upon then could these be identified along with information as to whether they have been secured.

PD Response: PD note that in respect of traffic modelling as referred to by EMIA (within REP3-059) there are assumptions made on aircraft movements being typically during the early hours and late hours of the day, which is not the experience of the local community. PD have undertaken an assessment of the number of aircraft that generate landside passenger movements (a departing aircraft generates landside movements 2 hours before take-off and an aircraft arrival generate landside movements one hour after landing). These are presented in the graph below:



It is evident that during the morning peak hour (08:00-09:00) airport related traffic is low but during the later afternoon period (16:00-17:00), the number of passenger movements is higher. This matches the experience of residents of Diseworth using the network. PD are also conscious that large B8 developments can also generate high levels of

to 1800 hours trip rates already provided a robust, worst-case.

These were then assessed with the 1700 to 1800 hours background evening peak hour in PRTM, which is the only hour assessed in said model because it represents the worst-case evening peak hour.

This therefore generates a robust worst-case assessment as a result; i.e. the worst-case evening peak hour development trips combined with the worst-case evening peak hour background flows.

	<p><i>both light and heavy vehicle movements during the same 16:00-17:00 period; indeed, the B8 trip generation rates that have been used in the PM peak hour model are those for the 16:00-17:00 period (see Appendix 11 of the EMG2 TA). This may lead to a situation in the future when the combined trips of the airport and the proposed development lead to more traffic on the local network (A453 and Finger Farm roundabout) during the 16:00-17:00 period than has been assumed for the 17:00-18:00 period. This is a further reason for the Applicant to provide details of the traffic surveys that could be used to compare 16:00-17:00 existing flows with 17:00-18:00 existing flows, for transparency and so that the potential impacts of the proposed development can be fully understood.</i></p>	
<p>Q19.0.5</p>	<p>Potential mitigation</p> <p>In its D3 submission [REP3-058] LCC notes increases in traffic on the former A6 Derby Road, Kegworth and through the centre of the village of Castle Donington. The applicants are asked to explain its response to this comment in light of paragraph 5.283 of the NNNPS.</p> <p><i>PD Response: PD note that LCC comments on the increases in traffic flows on Derby Road, Kegworth and through Castle Donington resulting from a pro-rata uplift in flows associated with the mezzanine floor space. This question only identifies these two locations. However, the same source document (PRTM 2023 Sensitivity Test, REP1-058) also identifies significant increases on The Green (+107 vehicles in the PM peak) with the mezzanine floor space. PD consider that all relevant parts of the road network should be considered in the context of Para. 5.283 of the NNNPS ('The applicant should provide evidence that the development improves the operation of the network and assists with capacity issues'.)</i></p>	<p>The Applicants' response to Q19.0.5 sets out its position on this issue – in short, the Applicants do not consider these potential impacts are likely because they are based on a scenario without any benefit from extensive Travel Plan measures.</p> <p>In terms of the A453/The Green, for the reasons set out in the Transport Assessment [REP1-031 to REP1-050], no mitigation is proposed at this location because there are not predicted to be any unacceptable impacts from the EMG2 development.</p> <p>However, dialogue is ongoing with LCC regarding potential additional proportionate measures.</p>

<p>Q19.0.6</p>	<p>Local directional signage</p> <p>In response to ExQ1 Q19.0.5 [REP1-054] the applicant referred the ExP to article 18 of the dDCO [REP2-008D]. However, this only allows for additional signage, it does not mandate it when necessary.</p> <p>Given the changes in traffic identified in the 'PRTM 2023 Sensitivity Test Technical Note and Local Road Network Impact Assessment Note' [REP1-058] on the former A6 Derby Road, Kegworth and through the centre of the village of Castle Donington, and the comments from LCC in its D3 submission [REP3-058], the applicants are asked either to come forward with specific proposals, which should be secured, or to include a mechanism so that the local highway authority can require additional signage if, at its absolute discretion, it considers it necessary.</p> <p><i>PD Response: Whilst PD note the intentions of this question, we consider that additional signage is unlikely to prevent rat-running along Grimes Gate if there are long delays at the A453/The Green junction.</i></p>	<p>The Applicants are not proposing additional signage within Diseworth.</p> <p>Dialogue with LCC Highways regarding where additional signage may be of value is ongoing.</p>
<p>Q21.0.2</p>	<p>Overland exceedance flows and use of weirs</p> <p>In response [REP1-051D] to Protect Diseworth on the routing of overland exceedance flows, the applicants set out that weirs would direct such flows to avoid sensitive receptors. Please can the applicants provide further information about the proposed use of weirs, and how their design and implementation to mitigate overland exceedance flows would be secured in the dDCO?</p> <p>PD Response: PD note this question and would highlight the importance of the exceedance routes and drainage infrastructure which control the routes to be maintained-in-perpetuity. Any mechanism within the dDCO should reflect this.</p>	<p>The Applicants' response to Q21.0.2 confirms that agreement of the final drainage strategy is secured in Requirement 17, with paragraph 3 of that requirement referring to the need to provide and agree long-term maintenance details.</p>

Post hearing submissions, including written summaries of oral cases (if required) [REP4-095D]		
1.	<p>“Diseworth is a small conservation village of approximately 600 residents situated immediately adjacent to the proposed EMG2 development.</p> <p>Residents are not opposed to economic growth, logistics, or investment in the East Midlands, but this Examination must decide whether this is the right development in the right location.</p> <p>Our position is that it is not.</p> <p>The cumulative impacts on Diseworth — from industrialisation, traffic, noise, visual intrusion and loss of countryside separation — are simply too severe for this location.</p> <p>The adopted Local Plan does not allocate this land south of the A453 for development. Indeed the Local Plan specifically recognises Diseworth as a conservation village, and recognises the importance of the open countryside surrounding villages like ours.</p> <p>Even North West Leicestershire District Council officers themselves acknowledge that development on this site would create “substantial” environmental impacts. They warned that this land currently provides important separation between Diseworth and surrounding infrastructure development and forms part of the countryside setting of the conservation area.</p> <p>They also warned of fundamentally changed views, significant disturbance from 24-hour operations, noise, traffic and lighting impacts on residents.</p> <p>That is not Protect Diseworth saying this.</p> <p>That is the local authority’s own assessment.</p>	The Applicants note the response.

	<p>Yet despite those concerns, the East Midlands Freeport designation appears to have transformed agricultural land surrounding Diseworth into land now assumed to be available for industrial expansion.</p> <p>Residents had no meaningful involvement in that process and the amended Freeport proposal including this land was conducted in total secrecy without any public consultation.</p> <p>The result is that Diseworth now faces progressive encirclement by strategic warehousing and freight infrastructure.</p> <p>And EMG2 does not exist in isolation.</p>	
2.	<p>The village also faces the proposed Isley Woodhouse new settlement immediately to the west — a proposed development of up to 4,500 homes, creating the 3rd biggest town in North West Leicestershire</p> <p>Residents are therefore not just facing this single development proposal, but the combined effects of airport expansion, Freeport expansion, strategic warehousing, major highway pressure, and now an entirely new settlement surrounding the village. The Examining Panel has a duty to take this cumulative impact into consideration. This is not a just a small extension to an existing employment site.</p> <p>This is a transformational change to the character of an historic village.</p> <p>And the impacts are not theoretical.</p> <p>The Applicant's own Environmental Statement confirms that construction activity would continue for more than five years, including approximately two and a half years of major earthworks immediately adjacent to residential properties.</p>	The Applicants note the response.

	<p>The applicant's own assessments show construction noise levels approaching thresholds where temporary rehousing measures can become necessary.</p> <p>Residents are being asked to accept years of major earthworks, construction noise, lighting and disruption immediately beside their homes.</p> <p>Operationally, the nearest warehouses would sit less than 250 metres from houses in Diseworth.</p> <p>Buildings of extraordinary scale would permanently dominate views from homes, gardens and public footpaths, fundamentally altering the village's rural setting. Residents would no longer look out onto open countryside, but onto a heavily industrialised logistics landscape operating day and night.</p> <p>Traffic is perhaps the clearest example of why this is fundamentally the wrong location. Junction 24 of the M1 is already one of the busiest and most constrained strategic junctions in the region.</p> <p>The A453 is not just another A road to be fed into a piece of modelling software. It is the main arterial route to both the UK's largest freight airport and a major leisure venue at Donington Park Circuit. Residents already experience severe congestion associated with these sites and gridlock occurs when more than a couple of planes land in close proximity or a race event or music festival takes place. This is a route already under significant pressure.</p>	
3.	<p>Critically, the concerns around traffic and transport are now echoed by the East Midlands Mayor and East Midlands Freeport themselves.</p> <p>Their recently published report states that Junction 24 "will soon be operating beyond capacity" and that without intervention it "will become a barrier to growth."</p>	<p>The Applicants note the response and refer to their previous responses to Protect Diseworth at [REP1-051D] and [REP4-033].</p>

	<p>The report also acknowledges that development at two of the Freeport's three strategic sites is already constrained by Junction 24 capacity limitations.</p> <p>Most importantly, the report identifies that a future strategic highway intervention costing up to £350 million may be required to future-proof the junction.</p> <p>That raises a simple but fundamental question for this Examination:</p> <p>If strategic authorities themselves now acknowledge that Junction 24 is approaching failure without massive future intervention, how can this proposal reasonably conclude that the cumulative impacts on local communities are acceptable?</p> <p>This Examination is not simply deciding whether more warehousing should exist somewhere in the East Midlands.</p> <p>It is deciding whether this scale of development should be imposed immediately adjacent to a small conservation village already under intense cumulative pressure.</p> <p>For Diseworth, the impacts are permanent, transformational and irreversible.</p> <p>Once the countryside buffer is lost, once the village becomes dominated by surrounding logistics infrastructure, that change cannot be undone.</p> <p>Residents therefore respectfully ask the Examination Authority to conclude that this proposal represents the wrong development in the wrong location, and that alternative locations should be considered that would not impose such severe human impacts on an existing community.</p>	
4.	At your first meeting in March, Diseworth Parish Council's chair complained that most site references in SEGRO's DCO and its	The Applicants note the response but disagree with the sentiment expressed. The Applicants have

	<p>competing applicant, East Midlands airport/Prologis, were to land south of the A453 or land to the west of Finger Farm Roundabout.</p> <p>That encapsulates Diseworth’s sense of this matter; that it is being treated largely as an irrelevance by combined political and corporate interests, to be ignored if possible and given minimal regard at best. There is no other logical explanation for this application being made on this site. In short, Diseworth feels steam rolled – bullied.</p>	<p>endeavoured to engage and work with the local community at Diseworth and to address the impacts of the DCO Scheme on Diseworth through the design of the DCO Scheme.</p>
5.	<p>First, SEGRO has no apparent experience of constructing such a development so close to a settlement of our type. As evidence, the nearest structure in Lockington on the north side of the existing site is nearly twice as far as that in Diseworth and moreover, the shapes of the respective villages mean that far more of Diseworth will be directly affected. Similarly, when asked to provide a “comparable,” Segro gave its RFI project close Milton Mansor in Northamptonshire but here again, the closest building is over twice the distance for that proposed for Diseworth and that, not on the steeply sloping site we have here.</p> <p>Whilst personal relations between the individuals are professional, the village feels that it is corporately being paid scant regard in the application documents with little or no response to our representations. One example only, why is Segro resisting using what we are advised as a higher industry-standard for control of highly intrusive noise during the construction phase?</p> <p>And what of the Freeport? We think we would not be here were it not for the Freeport designation which is being used as a crutch for this application. Even on its own terms of encouraging economic growth and job creation, it should fail. The claimed relocation of its anchor tenant, Maersk, is self- evidently a displacement project rather than creation of new jobs.</p> <p>Moreover, from the time the village became aware of the Freeport designation, it has been treated with barely concealed disdain by the</p>	<p>The Applicants note the response. The Applicants are highly experienced developer with an excellent track record of delivering largescale development in different locations working within the constraints of those locations including proximity to local communities. SEGRO as an organisation is committed to working with local communities to be a good neighbour who support each other. SEGRO recognises that it needs to work with and secure support from local communities to deliver long-term economic and social benefits in the communities where they operate.</p>

	<p>public sector bodies involved in the project. One of our previous submissions refers to the EMF chair saying that the expectation was that “something would happen on the site,” and that the Freeport was “looking for more than merely sheds,” and this in 2023, long before the initial joint application. Equally, repeated FOI attempts to try to find out what consideration was given to Diseworth after the rejection the first Freeport proposal have all ducked the issue.</p>	
6.	<p>NWLDC, first refused and only when compelled by the IC to whom I’d complained produced 4 emails one of which said, “looks like EMAGIC’s a done deal.” Even now, MHCLG is trying another defence, claiming commercial confidentiality even though the decision was taken four years ago.</p> <p>Again, to take one example, BEIS wrote to the Chief Exec of LCC in December 21 saying</p> <p>“I seem to remember that this was a huge bone of contention for members when the initial Freeport bid was being put together. It would be helpful to know what has changed that makes this site more likely to be brought forward for Freeport development in the near future?”</p> <p>The answer wasn’t disclosed and Diseworth continues to ask why? Why the continuing lack of transparency? What inconvenient facts about the panicked exercise between December 21 and January 22 are being withheld?</p>	<p>The Applicants note the response but consider that these are not issues for comment by the Applicants.</p>
7.	<p>Additionally, there is hard evidence (now given to the Information Commissioner) that the former Chief Executive of Leicestershire was directly and personally involved in the resubmission of the amended Freeport proposal including the Diseworth land in late 2021 and early 2022.</p> <p>All of this is in the context of a planning officer of NWLDC telling the local plan committee in November 2024.</p>	<p>The Applicants note the response but consider that these are not issues for comment by the Applicants.</p>

	<p>“The environmental impacts of development are likely to be substantial. The land in its current, undeveloped state creates important separation between Diseworth and the infrastructure related development to its north and east. Linked to this is the role it has providing a countryside setting to Diseworth Conservation Area and thereby undermining its legibility as a stand-alone village set within its agricultural context. Views from PROW through and close to the site will be fundamentally changed. Further, the scenic long-distance views to the south of the parcel and beyond will be affected. There is also the prospect of significant disturbance to Diseworth residents from 24-hour operations on site, principally from noise (including from traffic) and lighting.</p> <p>Because of all of this, Diseworth challenges the objectivity of the local authority statutory consultees, NWLDC and Leicestershire County Council. In our view, both are hopelessly conflicted. Our impression is that they simply seem to have taken “as read” the bulk of what Segro has claimed in many cases.</p>	
8.	<p>Why has this application and that of its competing partner happened? In our view because the Freeport is desperate to claim success on this agricultural site, a Freeport where both consultees are strategic partners in the Freeport project and where one of them (LCC) has been the accountable body since the start of the project announced without notice in February 2022. All of this suits the two protagonists who are using the Freeport to try get a totally unsuitable application “over the wire” which in other circumstances wouldn’t see light of day.</p> <p>In recent directions, you decided that you would visit the village unaccompanied. I would urge you to do so after these hearings to see for yourself the care the villagers take of their homes, homes in a vibrant community with roots, and in some cases specific families, going back centuries and remaining a lively and caring place; one now facing the existential threat brought by this development.</p>	The Applicants note the response but consider that these are not issues for comment by the Applicants.

	You will also see many signs with the words “Wheat fields not Warehouses” and more specifically, “Stop SEGRO.” That is precisely what Diseworth asks you to do. Reject this application.	
REP4-094D - BC0410001-001214-Protect Diseworth - Summary of Verbal Representations at ISH3		
2.	On the basis of the letter dated 2.6.26 from the ExP, we note that the ExP agree with the verbal submissions made by PD and other IP’s in relation to the importance of disaggregating effects relating to Part 1 and Part of the Draft DCO. Given that conclusion and as the verbal submissions from PD are a matter of public record, we do not repeat those detailed points within this written summary document.	No response required.
3.	PD raised the concern that the decision had been made to adopt actual rather than demand flows from the strategic modelling (see para. 6.4 on pdf p.381 of APP-082). The implication of this is that if parts of the network being modelled are over capacity in one or more of the modelled scenarios, the modelled flows would only include the trips that are able to enter the network (if any trips were unable to enter the network they would be identified as unreleased trips). Once the flows are extracted from the strategic model for input to the VISSIM model, there is no further opportunity for any <i>demand</i> trips that are not included in <i>actual</i> trips to enter the network. This is likely to occur when additional highway capacity is provided in the form of the proposed mitigation.	National Highways requested the use of actual flows for the modelling, which was agreed with the Transport Working Group to inform the subsequent agreed VISSIM modelling work.
4.	A very similar concern has been raised by National Highways' consultants, JSJV. The VISSIM 2019 EMFM Sensitivity Test Modelling Technical Note (REP1-059) deals with a number of concerns raised by NH including Substantive issue 5 that states: <i>'JSJV believes that a constrained network in the EMFM is either holding significant volumes of traffic up in queues or distorting natural traffic routing (possibly both), especially in the longer term (i.e. 2038) resulting</i>	The strategic modelling outputs were agreed with Transport Working Group. In addition, it should be noted that any constraints identified in the EMFM model are issues identified with general growth in the area as opposed to development impact. Furthermore, development flows have been assigned on top of furnished flows to exclude for any rerouting of

	<i>in varying rather than comparable traffic flow changes across the network'. (REP1-059 para. 2.1)</i>	development traffic and to assess the full impact of the proposed scheme.
5.	<p>BWB's response is as follows:</p> <p><i>'6.22 With regards to substantive issue 5, It appears that in general there is an increase in flows between 2028 and 2038 at the points shown in the diagram at section 3.6 of NH's Technical Note included in Appendix 2 [points on the M1 northbound and southbound]. Even though there may be a capacity constraint between locations 1 [M1 northbound south of A50] and 6 [M1 southbound south of Junction 23A] of said diagram on the M1 in EMFM, the updated 2019 EMFM sensitivity test Stage 2A VISSIM modelling utilises flows from the extents of the network, primarily from locations 2 [M1 southbound north of Junction 24] and 5 [M1 northbound south of Junction 23A] for M1 southbound and northbound movement respectively. These appear to operate at a reasonable VoC. Furthermore, any distortion in routing along the M1 is assumed to be routing via the A453 instead. Because the VISSIM model utilises dynamic assignment, it can take into account such routing choices.</i></p> <p><i>6.23 A review of the forecast flow change between Stage 2a and Stage 1A indicates that there is a reduction in traffic flows on the A453 between Finger Farm and M1J24, with a similar increase noted on the M1. As a result, whilst there is a constraint on the M1, there is sufficient capacity on the A453 to allow an equilibrium to be achieved in terms of traffic flows. Given that there is this route choice within the EMFM model, it should have allowed for all traffic wanting to route through the network to be accounted for, either via the M1 or A453'. (REP1-059 paras. 6.22 and 6.23)</i></p>	No response required.
6.	The response is couched in general terms, focuses on the M1 and concludes that the model ' should ' have allowed for all traffic.	No response required.

7, 8.	<p>PD met with BWB highways consultants outside of the Hearing and have subsequently exchanged information in pursuit of agreement on this matter. PD remains concerned that the modelling results are not consistent. Summary data tables based on the most recent modelling have been sent to BWB. The concerns that have been raised comprise the following:</p> <ul style="list-style-type: none"> • The numbers of additional trips within the model that result from the addition of the proposed EMG2 development are not consistent. In the AM peak hour, the number of additional trips ranges from 609 trips to 1,516 whereas in all cases it would be expected that the number would be in the region of 900-1,000; • The effect of the proposed mitigation works is shown in most modelling scenarios to increase the number of trips within the area. However, in the 2038 PM situation the number of trips is seen to reduce. This is not logical; • The effect of adding Local Plan growth should be to increase the number of trips within the model but in the 2028 situation, trips are shown to decrease. Again, this is not logical. <p>A request for clarification has been forwarded to BWB and the outcome of discussions will be reported in due course.</p>	<p>To clarify, Vehicles Arrived represents the number of vehicles that have successfully reached their destination, while Latent Demand represents the number of vehicles that were unable to enter the VISSIM network during the modelled period. The information not directly captured by these metrics is the number of vehicles that are already within the network but have not yet reached their destination by the end of the simulation period.</p> <p>It should be noted that all VISSIM model inputs and strategic model outputs have been reviewed over a considerable period of time and agreed by NH. The results clearly demonstrate that, with the proposed mitigation measures in place, a significantly greater number of vehicles are able to reach their destinations compared with the scenario without the EMG2 development and its mitigation.</p>
9.	<p>PD raised the concern that the modelling of the A453/The Green junction was showing long queues and delays in the <i>with development</i> situations and there is a risk that drivers will seek to avoid these delays by using the alternative route through the sensitive Diseworth village (Conservation Area and primary school) via Grimes Gate that provides an alternative route that is only 100m longer than the route via the A453/The Green junction.</p>	<p>See response below.</p>

11.	<p>BWB suggests that the potential adverse impacts on Diseworth resulting from rat-running will be mitigated by the proposed improvements to the strategic road network (SRN). A further assessment has been undertaken by BWB comparing free flow travel times between areas to the south and east of the site via Diseworth and via the SRN. The assessment is not, however, compelling since drivers will not be operating in a <i>free flow</i> situation. The route from the south-east (Shepshed, Hathern, Loughborough) via the SRN would make use of the Kegworth Bypass. The modelling shows that the Kegworth Bypass approach to the A453 (EMG1 roundabout) is, and will remain, subject to long queues. The modelling shows that with development and mitigation, the queues at this point in the network get longer in most situations. Queues at the Finger Farm roundabout A453 southbound approach are also shown to increase, even with the proposed mitigation.</p>	<p>It is anticipated that the majority of traffic would route via M1 Junction 23 towards Finger Farm Roundabout, rather than via the Kegworth Bypass. The VISSIM modelling indicates that this approach experiences only minimal levels of queuing thereby supporting this.</p> <p>Furthermore, it should be noted that the queue results presented in the VISSIM Modelling Report [REF] represent worst-case conditions. The Mean Maximum Queue is calculated as the average of the maximum queues recorded within each five-minute interval throughout the peak hour, whereas the Maximum Queue represents the single highest queue recorded at any point during the peak hour. Again, all such modelling work has been reviewed, and agreed, by the Transport Working Group over a considerable period of time.</p>
12, 13.	<p>The evidence therefore suggests that the proposed mitigation will not lead to a reduction in rat-running through Diseworth. It is also pertinent to note that from the south-east direction, if drivers choose to route via The Green, they are much more likely to access the A453 via Grimes Gate and therefore impact directly on the most sensitive part of the village, rather than continue further to access the A453 via The Green.</p> <p>This concern has been reported back to BWB. If further evidence is produced, it will be reported in due course.</p>	<p>Building on the above, and with regards to the 74 development trips forecast to access the site via The Green in EMFM which was questioned in the TA post the more detailed Junctions 11 assessment, BWB are of the opinion that traffic would reroute via the A42 and Finger Farm, or A42 and A453 than The Green or Grimes Gate.</p>
14.	<p>Travel Plan Targets: PD raised a concern that the Travel Plan targets are not ambitious because the historic mode share of single occupancy car users at the EMG1 site has been shown to be 42% (2022) whereas the 10 year target for EMG2 is proposed to be 56%. It was suggested that more recent EMG1 Travel Plan monitoring survey results have shown that the EMG1 Travel Plan is ‘back on track’.</p>	<p>The Applicants note the response but consider the targets to be appropriate.</p>

15.	<p>Information relating to the results of the EMG1 2025 Travel Plan monitoring surveys are now available in Appendix 5 (<i>ISH1 Action Point 23 – Note on car sharing and operation of the sustainable Transport Strategy for EMG2</i>) of Document DCO7.4/MCO7.4 <i>Applicant’s Response to Hearing Action Points</i>. This shows the single occupancy vehicle (SOV) mode share in 2025 as 47% and compares this with the average of the previous 5 years (48%). In the five paragraphs of text the fact that the SOV mode share is below target (68%) is referred to five times. The applicant states, ‘<i>Whilst fluctuations in SOV were identified in 2023 and 2024 [SOV mode shares of 51% and 56%], the Applicant would reiterate that in these years the site was still ahead of target [68%] and no further interventions were requested by the Sustainable Transport Working Group</i>’ (3rd para.). The applicant therefore confirms that the target (68%) is the main driver for further interventions. This confirms SD’s concern that an unambitious target for the EMG2 Travel Plan would be inappropriate.</p>	<p>The Applicants note the response but consider the targets to be appropriate.</p>
16.	<p>PD has also received clarification from Haskoning (the author of the Travel Plan). This makes the point three times that funding of the EMG1 Travel Plan has continued despite targets having been met. Although this could be taken as a welcome approach, it also emphasises the fact that if targets are not set at a challenging level, there is a risk that funding will end as soon as targets are achieved.</p>	<p>The Applicants note the response but consider the targets to be appropriate.</p>
17.	<p>A453 Toucan Crossing: PD expressed concern that the A453 Toucan crossing has been modelled as if it is called once every 4 minutes and drivers are faced with only an 8 second red time, insufficient to allow pedestrians and cyclists to safely cross (see REP1-058 pdf p.100).</p>	<p>The VISSIM model extract is presented in Annex B which should assist with their understanding as to how the Toucan crossing has been assessed.</p> <p>The Toucan crossing was agreed by the Transport Working Group in the agreed EMFM and VISSIM modelling work to be modelled every 4 minutes on average, with a crossing time of 8 seconds, and total intergreen time of 13 seconds. The reference to 8 seconds red time appears to be a typo; this should be 8 seconds crossing time. The capacity of A453 was</p>


		coded in by the strategic modelling consultants on the basis of 21 seconds red time in total for traffic to cater for the forecast demand of the crossing.
18.	PD has liaised with BWB to clarify this matter. BWB has stated that the Toucan crossing has been modelled with a pedestrian/cyclist green time of 8 seconds and an intergreen time of 13 seconds giving a total vehicle red time of 21 seconds.	See response to 17 above.
19.	PD has raised concern that this is not consistent with the statement (see REP1-058 pdf p.100) that the crossing reduces the capacity of the A453 from 1,700 vehicles to 1,650 vehicles, consistent with an assumption that drivers are held back for 8 seconds out of every 240 seconds (a 3.3% decrease in capacity). If vehicles were faced with a 21 second delay every 240 seconds the capacity of the A453 should reduce to around 1,550 vehicles. PD has requested evidence of the modelling inputs to establish the precise specification that has been used.	See response to 17 above.
20.	At the meeting with BWB it was suggested that the Travel Plan targets rely on a reduction in pedestrians and cyclists. The Travel Plan targets, however, show active travel (pedestrians and cyclists) mode share <i>doubling</i> from 1% in the opening year and year 3 to 2% in years 7 and 10 (see Table 4-1 of APP-085).	No response required.
21.	BWB has responded to PD's initial concerns by stating that pedestrians and cyclists are expected to originate in Diseworth and Castle Donington rather than Kegworth. This is not a convincing argument since pedestrians and cyclists from Castle Donington would use the crossing and Kegworth is closer to the site than Castle Donington.	The Applicants' position is that the purpose of the active travel link is to connect to Castle Donington and Kegworth.
22.	The applicant is proposing to provide pedestrian and cycle routes within the site, a new 3.0m shared use pedestrian/cycleway along the southern side of the A453 from the Hunter Road roundabout to the proposed A453 Toucan crossing, the crossing itself, a widened existing footway/cycleway on the northern side of the A453 between the Hunter	See response to 17 above.

	<p>Road and Finger Farm roundabout and a new 3.0m shared use facility following the alignment of the former A453 on the western side of the existing A453 north to the EMG1 access roundabout to link with existing pedestrian and cycle crossing facilities that provide access to a route into Kegworth. The TA shows that Kegworth and part of Castle Donington lie within a convenient cycling distance of the site. The Toucan crossing would also cater for potential walk trips between the EMG1 and EMG2 sites (~2km) and would, presumably, be available for residents within Diseworth who may wish to access the airport or EMG1 or Kegworth and people who may wish to access the motorway service area from the north. The significant investment in facilities for active travel modes indicates that the number of journeys on foot or by bicycle is not expected to be trivial.</p>																			
23.	<p>The EMG2 development is expected to employ around 4,000 people. To suggest that the level of pedestrian and cycle movement between the site and areas to the north of the A453 would be extremely limited is difficult to sustain.</p>	See response to 17 above.																		
24.	<p>The following table summarises the predicted traffic flows on the A453 between the Hunter Road and Finger Farm roundabouts in the various scenarios. The applicant has provided the information. The data are referenced in the EMFM 2019 Forecasting Report (paras. 3.7.2 of Appendix 41 of TA – APP-082) but are not included in the document:</p> <p>Table 4: Modelled Traffic Flows on A453 East of Site Access/passenger car units (pcu)</p> <table border="1" data-bbox="376 1137 1319 1369"> <thead> <tr> <th rowspan="2">Scenario</th> <th rowspan="2">Year</th> <th rowspan="2">WoD/WoD</th> <th colspan="2">AM Peak</th> <th colspan="2">PM Peak</th> </tr> <tr> <th>EB</th> <th>WB</th> <th>EB</th> <th>WB</th> </tr> </thead> <tbody> <tr> <td>1A</td> <td>2022</td> <td>WoD</td> <td>767</td> <td>1,110</td> <td>985</td> <td>720</td> </tr> </tbody> </table>	Scenario	Year	WoD/WoD	AM Peak		PM Peak		EB	WB	EB	WB	1A	2022	WoD	767	1,110	985	720	See response to 17 above.
Scenario	Year				WoD/WoD	AM Peak		PM Peak												
		EB	WB	EB		WB														
1A	2022	WoD	767	1,110	985	720														

		2023	WoD	800	1,156	1,035	659
		2024	WoD	807	2,303	1,046	1,270
		2028	WoD	890	1,157	1,098	706
		2038	WoD	818	1,192	1,406	796
		2028	WD	1,026	1,431	1,634	985
		2038	WD	882	1,393	1,704	1,031
	1B	2028	WoD	828	1,190	1,085	656
		2038	WoD	918	1,328	1,180	868
		2028	WD	1,007	1,461	1,643	930
		2038	WD	986	1,421	1,642	1,107
	2A	2028	WD	1,098	1,655	1,657	1,012
		2038	WD	1,165	1,666	1,712	1,065
	2B	2028	WD	1,051	1,674	1,627	983
		2038	WD	1,094	1,700	1,662	1,140
<p>Red Shading: over capacity assuming 8 second red time every 240 seconds</p> <p>Orange Shading: over capacity assuming 21 second red time every 240 seconds</p>							

25.	<p>The red shaded cells identify where the predicted flow on the A453 exceeds the saturation flow (1,650 pcu – see pdf p.100 of REP1-058) assuming vehicles face a red signal at the crossing for 8 seconds every 240 seconds. The orange shaded cells show further situation where the link would be over capacity if vehicles were stopped for 21 seconds every 240 seconds. It is clear that in many scenarios the A453 is predicted to operate above maximum capacity (flows in excess of 1,550 or 1,650 vehicles). If the crossing were to be called more frequently than once every 4 minutes, there would be a further reduction in capacity.</p>	See response to 17 above.
26.	<p>It is concluded that the modelling, predicated on a very low level of pedestrian and cycle movement, is incorrectly accounted for in the traffic modelling. The modelling that has been undertaken indicates that the A453 would operate over capacity in several of the modelled scenarios. If the operation of the Toucan crossing were to be properly accounted for in the modelling and the frequency of use of the crossing increased, the degree and frequency of the A453 operating over capacity would further increase.</p>	See response to 17 above.
27.	<p>Traffic flows on the section of the A453 between the site access and the Finger Farm roundabout are expected to be at (or above) the limit of what a single carriageway is able to accommodate assuming free-flow conditions. The introduction of a Toucan crossing interrupts this flow and will lead to a rapid build-up of queuing that has the potential to lead to safety concerns at the Beverley Road and Finger Farm roundabouts. If the modelling has underestimated the time that traffic would need to be stopped, potential serious safety implications may have been overlooked. If it proves impossible to provide sufficient crossing time for pedestrians and cyclists, these vulnerable groups could be put at risk and the Travel Plan undermined.</p>	See response to 17 above.

28.	As stated above, PD has requested evidence from BWB of the assumptions that have been made regarding the modelling of the Toucan crossing. This will be reported in due course.	See response to 17 above.
29.	<p>PD did not have the opportunity to comment on the distinction between 'surveyed and non-surveyed' viewpoints and positional accuracy during the hearing. However, PD has sought expert advice on 'verifiable views' and would wish to point out the following potential errors within the methodology, which the Applicant should address or seek to clarify:</p> <ul style="list-style-type: none"> • The section heading (Paragraph 3.0 of Appendix 10a) says 'Type 4 Photomontages' but the text (Paras 3.1 and others) and the summary table (paragraph 3.14) both classify them as Type 3 under TGN 06/19. • As such, it would appear to PD that the montages are not Type 4 they are in fact Type 3. • Paragraph 3.8 says surrounding context modelled from 'LIDAR DSM 1m' but the summary table says 'LIDAR DTM 1m'. There is the same error in the night-time section. • DTM is Digital Terrain Model and DSM is Digital Surface Model. <p>Digital Surface Models (DSM) capture the elevation of all features above ground, while Digital Terrain Models (DTM) represent the bare earth surface without any objects. As such, it would be helpful for the Applicant to clarify what they have used.</p>	The Applicants note the response.
30.	As such, based on the potential errors indicated above, PD have the following views:	The Applicants note the response. See response to point 29 above.

	<ul style="list-style-type: none"> • For a DCO project you would normally expect Type 4 for sensitive receptors – which is surveyed with Global Navigation Satellite System for accuracy. • EMG1e and all the night-time VPs are sub-3m accuracy (using a phone). They are noted as that, but none could be argued to meet Type 4. So, in summary they are not Type 4. • In order to have confidence in the reliability of the methodology which informs the assessment, the Applicant should address all apparent errors and deploy the use of type 4 visualisations, rather than type 3. 	
31.	<p>On the issue of whether the LVIA adequately addresses the sequential experience, PD noted that fundamentally we do not agree it addresses the sequential experience. PD referred to Hyams Lane being the central public route through the OL area and its historic resonance, as shown on the 1ST Addition Maps (See Figure 1 below) and is part of what would have been the connecting foot route between Diseworth and Keyworth.</p> 	The Applicants note the response. See response to point 29 above.
32.	PD made the following additional points on sequential views.	See response to point 29 above.

	<p><u>Viewpoint locations</u></p> <ul style="list-style-type: none"> • This question should be considered by way of the representative views, photomontages, and the narrative in the text. • Representative views are selected to stand in for a group of visual receptors (e.g. residents along a street, or users of a footpath) who share broadly similar views. • The montages should be proportionate to the development and the sensitivity of the receptor. 	
33.	The narrative of the assessment should explain the full experience for these receptors, referencing the representative views to support that description and assessment. The narrative should describe any sequential experiences. Sequential views (e.g. along a road or path) are particularly important where a receptor moves through the landscape. Static montages alone may not adequately capture that experience.	See response to point 29 above.
34.	PD concluded its comments on sequential views by confirming that it does not consider the viewpoints are representative, so as to inform the sequential experience and do not capture locally important views.	See response to point 29 above.
35.	With regard to night time visual effects, again PD were not afforded the opportunity to comment and as such, would make the following points. With reference to Paragraph 0 of this document, we would repeat that there is a question mark over the night time viewpoints. In this regard, PD consider that a confident conclusion can be reached on the accuracy of the assessment. PD would also make a further point that proposed buildings have not been presented to their full height in the photomontages, again undermining confidence in interpreting the full extent of the scale and height buildings and now they impact upon the village of Diseworth.	See response to point 29 above.

36.	<p><u>Cultural Heritage</u></p> <p>PD noted during the hearing that the Applicant to be overly reliant on older data to inform their heritage assessment and to determine the impact upon heritage assets within the village of Diseworth.</p>	<p>The Applicants have agreed all aspects of the Heritage Assessment methodology with the Heritage advisors to NWLDC and with Historic England this is recorded within the relevant Statements of Common Ground [REP4-045 and REP4-055].</p>
37.	<p>Further to this, whilst not being present at the hearing PD note that Historic England (HE) made representations to the ExP in an email dated 12.5.26, which confirms there is no current agreement between HE and the Applicant on the impacts upon the Diseworth Conservation Area and the assets contained therein.</p>	<p>The Applicants have been in discussions with Historic England, and a Statement of Common Ground has been agreed which will be submitted at Deadline 5.</p>
38.	<p><u>Design (Item 8 of the Agenda)</u></p> <p>PD noted that much of the design discussion relating to the highway elements and associated infrastructure associated with the proposed development. PD expressed concern that there was no discussion relating to the commercial elements, that will directly and demonstrably effects the local community. PD noted that there had been no discussion and challenge on the Applicant's approach to design development for the new proposed commercial buildings, with much of the written narrative relating to the 'functional' nature of 'big shed' buildings, but little evidence as to how the design concepts had been informed and influenced by the scale and form of the existing village of Diseworth, in respect of height, scale and design of buildings and façade treatments proposed, amounted to no more than 'window dressing.'</p>	<p>The Applicants disagree with the comment. Extensive discussions have been undertaken in respect of the design of the buildings on the EMG2 Main Site and this is reflected in the Design Approach Document [REP2-022].</p>
39.	<p><u>Draft Development Consent Order (Item 10 of the Agenda)</u></p> <p>PD set out their concerns pertaining to noise impacts and the control of noise, particularly during the construction period. Reference was made to the RR's of PD (Ref: RR-025D) and its previous suggestion that the ExP remove the provision relating to the protection from statutory</p>	<p>The Applicants note the response.</p>

	<p>nuisance as currently contained within the Draft DCO (Article 37). PD further expressed concerns relating to requirements (19 and 20) confirming the outstanding concerns relating to construction working hours, the impacts of noise during construction and the suitability of controls within the DCO to ensure residential amenity is safeguarded. PD confirmed they looked forward to the opportunity to discuss matters of noise in any further ISH's.</p>	
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APPENDIX 11

RESPONSE TO SUBMISSIONS MADE BY AMANDA HACK MP

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
1.	<p>I am writing to outline concerns, shared by myself and the local community, regarding Development Consent Order BC0410001 for the proposed development south of East Midlands Airport. After reviewing the documentation and engaging with residents and community groups, I believe several aspects of the proposals require further scrutiny. However, the main issue is the initial allocation of this site as a Freeport Site.</p>	<p>See the response from East Midlands Freeport [REP4-070D].</p>
2.	<p>It is unclear from the documentation provided in the original business plan when the site was incorporated into the 'Freeport' land designation. How and where place-based schemes are applied really does matter, and there is a concern that the site in Leicestershire was an 'additional' site rather than part of the original proposal. Many residents, including Protect Diseworth, have also been working to determine the question of whether this land should ever have been included within East Midlands Freeport. The site is open agricultural land, forming a long-established rural buffer between the airport and nearby villages. Its separation from existing commercial zones raises doubts about the logic of incorporating it into the 'Freeport' site, which is intended to support port-related development. As the only inland Freeport in the UK, East Midlands Freeport was always going to be managed differently to the other 11 sites which are around seaports, however, the UK Government has highlighted that there are some key principles:</p> <p>"Our port regions have proud industrial heritages and strong economic potential, but in many cases are doing less well than the rest of the</p>	<p>See the response from East Midlands Freeport [REP4-070D].</p>

	<p>country. Freeports are all about securing their economic future, and that of the UK as a whole, by reorienting regional economies towards innovative, low-carbon sectors like renewables and advanced manufacturing. They will put us at the forefront of the green industrial revolution and create high-quality jobs all across the UK, in the communities where they are needed most.”</p> <p>Of the 3 sites in the East Midlands Freeport, we have:</p> <p>A site in South Derbyshire – this site is adjacent to the Toyota Car Manufacturing site, with the intention to expand this corridor as an automotive, aerospace, logistics and advanced manufacturing.</p> <p>Rushcliffe, in Nottinghamshire– is a site of the Radcliffe Power station. The last coal fired power station in the UK to close, to be transformed from an energy-generation site into a zero-carbon technology, manufacturing and innovation hub.</p> <p>North West Leicestershire – appears to be inconsistent with principles normally used to define strategic development boundaries. Freeport status is intended for well-connected sites suited to high-value economic activity, yet the land south of the airport lacks the infrastructure, landscape characteristics, and planning context associated with such designations. In addition, Freeports were quite clearly about promoting economic growth in areas doing less well; this part of Leicestershire does not meet this criteria. The DCO does not provide a clear, evidence-based justification for why this specific location is essential to the project.</p> <p>Community groups have questioned whether the boundary was drawn to enable speculative expansion rather than meet demonstrable operational need, and the absence of transparent criteria risks undermining confidence in the process.</p> <p>The proposed development would also result in the loss of farmland and the erosion of the rural setting of Diseworth, Long Whatton and the</p>	
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	surrounding areas. This land maintains separation between settlements, preserves local character, and supports biodiversity. Once industrialised, the change would be irreversible, and villages would lose an important part of their identity and landscape context.	
3.	Residents have also raised wider concerns about the impacts of the development, including the adequacy of traffic modelling, increased HGV and service-vehicle movements, environmental effects on air quality, noise, and biodiversity, and limited evidence that the scheme would deliver high-quality employment. Many feel consultation has lacked clarity and meaningful engagement. These issues highlight the need for careful examination of both the site's suitability and the broader implications of the proposals.	<p>The Applicants note the response and refer to their previous responses on these points.</p> <p>The traffic modelling work has been agreed with the Transport Working Group post detailed input from them over a period of years, hence all such transport related matters have been thoroughly considered and assessed.</p>
4.	I would also like to draw to your attention the outstanding planning application on part of the site from Manchester Airports Group (MAG), which is yet to go before the North West Leicestershire District Council (NWLDC) Planning Committee. You can find a copy of my objection to this application on the planning portal of NWLDC under reference 24/00727/OUTM.	The Applicants note the response.
5.	Finally, it has to be considered, that North West Leicestershire District Council has approved more Warehouse capacity than any other District/Borough Authority in Leicestershire in recent years, and the logistics sector already employs 21,000 people locally. This growth, whilst positive in reference to job creation, has been detrimental to the landscape and is causing concerns to residents from across the constituency. I am ambitious about our economy and the quality of jobs we create in our area and am concerned that this proposal will not deliver what we need.	The Applicants note the response.
6.	I therefore ask that the points raised consistently by residents and community groups, are given full and careful consideration during the examination of this DCO.	The Applicants note the response and confirm that it has given due consideration to all points raised by residents and community groups.

APPENDIX 12

RESPONSE TO SUBMISSIONS MADE BY ANDREW PRIESTLEY

Submissions received at Deadline 4 [REP4-097D]		
No.	Matter	Applicants' Response
1.0	In additional to the formal response of Kegworth Parish Council (Interested Party Reference: whose submission I wholly endorse as council Chairman, I have the following personal comments.	The Applicants note the response.
2.0	<p>With regard to the submissions (REP3 - 059, the EMA submission at Deadline 3), traffic modelling and issues around M1 J23A (Finger Farm roundabout).</p> <p>Historically when J23A opened there was a single lane slip road from the M1 to the A42 south, the highway itself was built with two lanes however the left hand lane was hatched out. The slip road from the roundabout to A42 South merged in the left lane of the slip road which was a dedicated lane for that route. Not long after the Junction was opened it was found that traffic built up from the exit was backing up onto the M1 at peak hours causing a hazard. The Junction layout was modified such that there were then two lanes exiting from the M1 south and traffic from the J23A slip road was forced to merge into the traffic from the M1.</p> <p>The Merging zone from the J23A slip road is very very short as there immediately follows a 2 lane bridge over the M1. The geometry of the slip road is also not favourable due to it being on a bend with a substantial change in gradient and the target traffic you merge with has minimal advanced visibility due to earthwork embankments. As a design this slip road is not fit for purpose and represents the least worst option in terms of highways risks short of major infrastructure improvements.</p>	<p>The Applicants note the response; however, the transport modelling has been undertaken based on the existing layout of J23A.</p> <p>The transport modelling considers the existing layout of J23A including the merge to the A42. The PIC records show no evidence of any patterns of clusters of collisions at this location and the VISSIM modelling confirms that there will be no problems at the merge location as a result of EMG2.</p>

	<p>An obvious solution would be to add a lane to the bridge over the M1 to allow a normal merging distance.</p> <p>Anecdotally as a daily user of that junction for a substantial period of years I do not tend see HGVs using that slip road and I am of the opinion the route from EMG1 to the A42 south is via J24 and the M1.</p>	
3.0	<p>My questions of the applicant are as follows</p> <p>a) What is the preferred/advised routing for HGVs from EMG1 to the A42 South?</p> <p>b) What is the proposed/preferred routing for HGVs from EMG2 to the A42 South?</p> <p>c) What do the traffic models assume as the routing for these traffic flows?</p> <p>d) What if any consideration has been given to this issue in the application?</p> <p>I would be most grateful if this issues could be addressed during the examination.</p>	<p>The most direct route for HGVs from EMG1 and EMG2 to the A42 southbound is via Finger Farm (J23A). The distribution pattern presented in Table 30 of the TA [REP1-031 to REP1-050] showed that 26% of HGVs would route via the A42. The PIC records presented in the Highway Safety Position Statement showed only two slight PICs at the merge on A42 over 5 years.</p> <p>The VISSIM model includes the merge onto the A42 and therefore this has been modelled in detail and confirms there are not expected to be any issues.</p>

APPENDIX 13

RESPONSE TO SUBMISSIONS MADE BY JOHN RAYMOND SUTTON

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
Deadline 4 Submission [REP4-099D]		
1.	<p>Principle of development</p> <p>Here I amplify the fourth point in my response document at “Deadline 1” (REP1 - 280). The applicant response (REP2-032) referred me to the Planning Statement (APP-222). However that does not address my fourth point that the EMG2 site and other nearby sites were designated for strategic warehousing in the Draft NWLDC Local Plan after the Regulation 18 consultation and as recently as 19 November 2025.</p>	<p>The focus of this follow-up point to the points made in REP1-280 is on the scope and brief for the work undertaken by ICENI for the Leicestershire Authorities to prepare an evidence base to help inform the current round of Local Plan reviews. Questions about the process and issues given consideration by NWLDC in progressing the emerging Local Plan after the Regulation 18 consultation process are best answered by NWLDC. However, in the Applicants' experience it is entirely normal and appropriate for Local Planning Authorities to make decisions about proposed site allocations throughout the plan preparation process. It is not uncommon for Regulation 18 plans to include no site allocations at all (with broad areas of search or general locations often used at that stage), with such decisions taken around the time of Regulation 19 Plans following due consideration of representations received, other material considerations, and evidence available. Relevant considerations would in the Applicants' view include the aspirations and objectives of the Freeport, as well as economic and market analysis provided by its own consultants, as well as by other third parties.</p>

2.	<p>A divided Freeport</p> <p>In terms of looking for where this development should go, it is of great concern to local people on this northern periphery of Leicestershire and periphery of North West Leicestershire that we are almost in a confined and hermetically sealed strategic planning area. This dates back to the Leicester and Leicestershire Strategic Plan of 2018 as cited by the applicant in their planning statement. It does not appear that Leicestershire and North West Leicestershire have interpreted 'duty to cooperate' very generously in respect of the northern boundary. This is in spite of having a Freeport that straddles the boundary with the East Midlands Combined County Authority (EMCCA), which is a mayoral authority.</p>	<p>The Applicants note these comments and narrative about local government boundaries and how the 'duty to cooperate' is being discharged across administrative boundaries but has no response to make.</p>
3.	<p>The integrity of the wider spatial development area</p> <p>The EMCCA area reaches South to the river Trent and across it as well, and includes the power station, the Ratcliffe site, which is part of the Freeport, whereas Leicestershire contains the EMAGIC (Airport and SEGRO) site, and this is a huge anomaly in terms of the integrity of, and responsibility for, infrastructure, investment and strategic direction.</p> <p>What we have here is incremental planning, albeit a DCO application, without a full consideration of cumulative and strategic impacts and prior infrastructure requirements. My question to the Panel is "What will you do to ensure that, in the later stages of the Examination, we get some comments from EMCCA who are now the Accountable Body for the Freeport?"</p> <p>EMCCA already has a spatial plan which identifies a 'Trent Arc' of development centred on the M1 artery, as far as the Leicestershire boundary, and only a couple of kilometres away from J24. The Leicester and Leicestershire Statement of Common Ground on strategic warehousing, now approved, fails to consider the implications of the northern boundary issue. Yet the famed "Golden Triangle" does not</p>	<p>The Applicants note this narrative regarding the boundary of the EMCCA area, its relationship with the Freeport geography, and those bodies playing a leading role in strategic planning and economic development issues.</p> <p>The only explicit question posed appears to be targeted at the ExA. These are not considered issues for the Applicants to respond or comment on.</p>

	<p>stop at the River Trent. The M1 runs through both local authority areas, and presents an essential material national and local planning issue. In REP1-280 I mention the then good practice example of the collaborative and integrated approach of the East Midlands Development Corporation from 2021-2024.</p>	
4.	<p>Spatial development strategy areas</p> <p>The government has been consulting on Spatial Development Strategy (SDS) areas recently, focused especially on areas like Leicestershire that were not already previously designated through prior local government devolution arrangements. The SDS consultation from Feb 12th to March 26th ran almost in parallel with the consultation on options for new unitary authorities in Leicester and Leicestershire. Local councils chose not to publicise the SDS consultation, a fact I have ascertained after extensive questioning - the evidence is available should the ExP request it.</p> <p>Having found the SDS consultation link by chance, my contribution to the MHCLG consultation included a suggestion that Leicestershire should form a single SDS and mayoral area with EMCCA. Because of the lack of local publicity I was one of very few residents or councillors at NWLDC to engage.</p>	<p>The Applicants note this narrative regarding national Spatial Development Strategies and decisions taken about the groupings of local authorities working together in that context. These are not issues for the Applicants who have no response to make.</p>
5.	<p>What decisions have already been made?</p> <p>The core of the MHCLG view of the SDS area consultation, received in writing via Amanda Hack MP on 19 May 19 2026 is:-</p> <p><i>“This consultation was part of an early stage of policy development to seek views on proposed spatial development strategies (SDSs) geographies. The consultation was published on GOV.UK and open to all interested parties to respond. ...</i></p> <p><i>This was not a statutory consultation and there was no prescribed list of statutory consultees, nor a formal requirement to notify specific bodies.</i></p>	<p>As above, the Applicants note this narrative regarding national Spatial Development Strategies and decisions taken about the groupings of local authorities working together in that context. These are not issues for the Applicants who have no response to make.</p>

	<p><i>The approach taken was proportionate to its purpose as an exploratory consultation to gather initial views and inform policy making.</i></p> <p><i>The Government has no plans to withdraw or re-run the consultation. Responses received are being carefully considered and will inform the Government response and next steps.”</i></p> <p>This stands in contrast to an online statement welcoming comment from businesses and representative bodies.</p> <p>It is important to note that MHCLG already listed Leicester, Leicestershire and Rutland as a separate SDS in the consultation document. Further, on 12 February 2026 MHCLG wrote to the Leicestershire authorities and Rutland inviting them to form a Foundation Strategic Authority (FSA) and they accepted the invitation on 17 March 2026 their letter shows that while the consultation was still going on.</p>	
6.	<p>Chronology related to this development in those location</p> <p>Without attempting exact dates but relying on an approximate order, it is hard to judge the Principle of Development when the wider decision making framework of events bearing on spatial planning in this location and listed below has been so haphazard and reasons for decisions and timings so nuanced. Chicken and egg are scarcely identifiable:-</p> <ul style="list-style-type: none"> • NWLDC partners in East Midlands Development Corporation • EM Freeport designated and announced by government after addition of EMG2 site with Leicestershire as accountable body • EMCCA agreed as a mayoral authority and announced by government • NWLDC Draft Local Plan Reg 18 consultation • East Midlands Development Corporation, a cross boundary organisation, is wound up in favour of EMCCA 	<p>The Applicants note this narrative and list of procedural or planning milestones over recent years in this part of the East Midlands which captures some of the dynamism and activity seen as part of the wider agenda to progress economic and planning strategies for this strategically significant part of the Midlands and wider UK economy.</p>

	<ul style="list-style-type: none"> • Applicant begins the NISP process • NWLDC extends Draft Local Plan timeline • EMCCA spatial plan emerges, followed by transport plan • DCO Pre Examination period begins • Significant large sites in close proximity to EMA added to Draft Local Plan by NWLDC eighteen months after Reg 18 consultation finished including the EMG2 site • MHCLG invites Leicester, Leicestershire and Rutland to form an FSA to commence spatial planning as a separate entity • EMCCA becomes the Freeport Accountable Body • NWLDC Draft Local Plan Reg 19 consultation announced • Interdependent and interlocking Traffic and Transport questions remain within all plans at every level 	
Post hearing submissions, including written summaries of oral cases (if required) [REP4-100D]		
1.	<p>Strategic and operational impact of a incremental and piecemeal proposal</p> <p>What we seek is a comprehensive Transport Impact Assessment, agreed by all relevant parties and suitable for submission to the Secretary of State, that demonstrates that, either, the local and wider network impacts can be accommodated on the existing road and public transport networks, or, identifies exactly what improvements are needed, what form those would take, and at what cost. Certification of the outcome from National Highways and the County Highway authorities is required, no ifs, no buts.</p> <p>Our reading of the situation is that the scale of works required to ensure acceptable levels of service and avoid oversaturation, especially the improvements to the wider highway and trunk road network, is substantial and likely to run into many hundreds of millions, if an acceptable solution can be found at all. The point has been well made we do not have a clear, comprehensive and definitive set of proposals and costings to consider.</p>	<p>A significant amount of transport modelling has been carried out that demonstrates how the proposed mitigation strategy would be suitable and ensure that the EMG2 development can be accommodated without resulting in any unacceptable impacts.</p> <p>The transport modelling has been undertaken on a highly robust basis, with trip rates that are significantly higher than what has been recorded at EMG1 and without any of the benefits from the Travel Plan.</p>

2.	<p>Artificial limitation of strategic boundaries</p> <p>To take one practical point, we have not heard from Nottinghamshire County Highways or the East Midlands Mayor or Derbyshire County Highways, all of whom have a strong strategic interest in the A453, the A50 and the M1....and, for that matter, in the last item at 4.6 sustainable transport.</p>	<p>Nottinghamshire County Council have been in attendance at the TWG meetings dating back to April 2022. A Statement of Common Ground has been produced and confirms that all matters are in agreement [REP1-077].</p> <p>EMG2 is expected to have very limited impacts on the highway network in Derbyshire, as evidenced in the Transport Assessment which shows very small traffic flow increases along the A50 towards Derby [REF]. Derbyshire County Council were original members of the Transport Working Group but stopped attending in 2023 when it was apparent that the impacts evidenced on their highway network were of no concern to them.</p>
3.	<p>Security of finance</p> <p>The cost element is important. If the applicant is to pick up the costs of its proposals, then it is important that a financial appraisal is submitted demonstrating that the EMG2 DCO development can absorb these costs and remain commercially viable. If it needs public sector intervention, then that alone must raise serious doubts about whether a Development Consent Order should be granted for the site. If however, an underpinning assumption is that a public contribution will be made to the cost of the relevant work, two further consequential questions are raised. First is the funding available within national and local road and infrastructure budgets? Second, where is the Transport Economic Assessment that demonstrates that any such spending offers optimum value for money in the view of National Highways, the County Council and the East Midlands Mayor?</p> <p>Surely these matters should have been dealt with at the application stage and available for detailed scrutiny during this examination? We would argue their absence is sufficient reason to dismiss the DCO application or</p>	<p>The Applicants note the response and confirm that a viability appraisal has been submitted with the DCO Application [REP1-027D].</p>

	invite the promoters to resubmit when they are fully able to address all highways and public transport matters.	
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APPENDIX 14

RESPONSE TO SUBMISSIONS MADE BY MERVYN JOHNSON

Submissions received at Deadline 4 [REP4-101D]		
No.	Matter	Applicants' Response
Unnumbered	In respect of the site visits made the record of the route taken by the inspectors seems to omit a journey on Clements Gate and Long Holden (a continuation of CG) Diseworth. The impact of development will be severe viewed on this route. Please take this journey.	The Applicants note the response.

APPENDIX 15

RESPONSE TO SUBMISSIONS MADE BY NATHAN ALTON

Submissions received at Deadline 4		
No.	Matter	Applicants' Response
1.	<p>A Deadline 4 update from Nathan Alton on investigations of the impact the Kegworth Bypass has had on flooding in Kegworth along the watercourses down to the River Soar in response to ExP Q21.0.1</p> <p>Increased flooding in Kegworth since the construction of the bypass as the subject of my representation RR-030D and others (RR031D, RR037D, RR038D), then picked up in ExP Written Questions 1 and 2. I spoke at the OFH on 13 May 2026. The bypass design and construction were signed off by the Highways and Flooding Authority, Leicestershire County Council. Our experience as a group of residents speaks into the security of arrangements for the necessary flood risk mitigation, design and construction work, and sign-off for EMG2 at Diseworth and should be of continuing interest to the ExP</p> <p>Background</p> <p>It is suggested that the construction of the bypass has increased the severity of flood water and likelihood of flooding</p> <ul style="list-style-type: none"> • from the high ground and catchment basin to the South of Kegworth and • along the line of the watercourse which crosses Foxhills, • following roughly the line of Whatton Road, • across my property at the corner of Broadhill Road, • down to London Road and • then into the River Soar. 	<p>The western part of the Kegworth bypass discharges surface water to a small ordinary watercourse which is located between the fields and the rear gardens of Langley Drive, this also receives runoff from the surrounding farmland as well as the surface water sewers from Langley Drive. Severn Trent Water asset records identify that the watercourse enters culvert near to Foxhills, and it remains in culvert through Kegworth as part of the public surface water sewer network until outfalling to the River Soar. The culverted reach through Kegworth receives surface water runoff from the developments and residential area located to the south of Ashby Road/the High Street.</p> <p>The Kegworth Bypass is located upstream of the reported flooding incidents; it was built upon land that is part of the natural catchment which feeds into the open reach of the watercourse. The drainage system for the bypass discharges water at a controlled rate equivalent to the former greenfield runoff rate (QBAR). The excess water is stored within an attenuation basin until such time that it can drain down at the restricted rate. As a result, the bypass will not have added to or exacerbated existing issues.</p> <p>The watercourse is not modelled in detail by the</p>

	<p>There is a further shorter line of affected drainage that follows New Brickyard Lane from the bypass.</p> <p>Timeline</p> <p>I have experienced flood water across the curtilage of my property since moving in 2022. Other residents concerned have lived in Kegworth for many years. After years of trying to engage, we finally achieved a site meeting at Foxhills with LCC officers present on 25 March 2026. Cllr Ray Sutton succeeded in getting the Applicant to release relevant drainage design and certification documents for the bypass on 8 May 2026. Since the OFH on 13 May 2026, I have been contacted by and engaged with the Applicant, culminating in a site visit to my property on 2 June 2026.</p> <p>Key locations and members of the working group of residents (anonymised) currently investigating this issue with LCC and the Applicant</p> <p>Foxhills: “J” built his bungalow in Foxhills over 50 years ago. Foxhills lies below the level of the bypass balancing pond, J1’s rear garden is a central vantage point for the extensive catchment basin. He witnessed the EMG1 changes to drainage systems across the upper catchment, including an immediately adjoining installation. He has monitored drainage performance and an increasing risk of uncontained flood water entering his own and nearby properties before it enters a culvert under the road.</p> <p>Upper Whatton Road: “D” is one of many residents whose houses have the open ditch section of the watercourse in their back gardens.</p> <p>Broadhill Road: Nathan Alton – under adverse conditions I have had to take action day and night to prevent floodwater from entering my house as it passes from the upper open ditch section of the drain and into a culvert which crosses the road and continues down the hill.</p>	<p>Environment Agency (EA) or the Lead Local Flood Authority (LLFA). In such circumstances, the EA’s surface water flood risk dataset can provide an indication of the potential flood risk. These datasets show the potential probability of flooding which could occur when rainwater does not drain away through the normal drainage systems or soak into the ground but lies on or flows over the ground instead. The accompanying figure ref: EMG2-BWB-WAT-ZZ-XX-D-W-0015 found at Annex C presents two surface water datasets published by the EA, as follows:</p> <ul style="list-style-type: none"> • The 2014 Updated Flood Map for Surface Water (uFMfSW). This dataset was published before the Kegworth Bypass was constructed and so is representative of the pre-construction conditions. • The 2025 Risk of Flooding from Surface Water (ROFSW). This dataset was published after the Kegworth Bypass was constructed, and so is representative of the post-construction conditions. <p>The two surface water flood risk datasets do not model the local public sewers or the culverted section of the watercourse in detail, and while their individual modelling parameters differ slightly, the overall modelling approach is very similar which allows the relative pre- and post- bypass flood risk to be compared. It can clearly be seen that the two datasets illustrate very similar flood extents through Kegworth downstream of the bypass. Therefore, it can be concluded that a flood risk existed in this location before the bypass was ever constructed, the necessary antecedent and storm conditions may have just not previously occurred to generate the flooding that has been observed more recently.</p>
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<p>Lower Whatton Road: “G”, a retired senior LCC Highways engineer who has spent a lifetime in the family home on the lower corner of Broadhill Road. He remembers the open ditch to the front verge of his property being culverted.</p> <p>London Road (the former A6 and the main southern entrance to Kegworth): “J2” takes action personally during storm conditions to raise an off-road manhole cover to alleviate the inadequate drainage system that can no longer cope with the water at this lowest point. Additional run-off from New Brickyard Lane accompanied by gravel is an increasing and aggravating problem. London Road can and does become impassable.</p> <p>Current outstanding questions as compiled by “G” and willingly received by the Applicant</p> <ol style="list-style-type: none"> 1. The Flood Risk Review which compares risk of flooding before and after bypass is concerning as it shows the watercourse from Foxhills to Broadhill Road to be piped up. This is not correct. It is piped up under Foxhills which I believe to be a 600mm diameter then it goes back to open ditch and then further downstream through Nathan Alton's Garden it is piped up, but only 225mm diameter. 2. The question has to be asked what diameter pipe was selected for the comparison of before and after bypass conditions. I suspect it was 600mm to give the best outcome. 3. We need the input data that was used for the report of flooding risk before and after bypass. 4. The fact that it shows the watercourse to be piped up, demonstrates that no survey or walk-through assessment was carried out to check the suitability for the bypass drainage outfall – true or false? 5. The plan with the balancing pond shows that there is a significant natural catchment to the west of the bypass including the land with the 	<p>The flood storage offered by the bypass’ attenuation basin is evident in the 2025 ROFSW data.</p> <p>As previously set out, none of the EMG2 DCO works (including highway works) or the EMG1 MCO works will drain into the drainage network east of the M1 into which the Kegworth Bypass drains. As such the Applicant does not agree that this matter should in any way be connected to either the EMG2 DCO or EMG1 MCO.</p>
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	<p>airport landing lights I have highlighted this with blue hatching in an attachment.</p> <p>6. The only way the rain water from the natural catchment can get to the downstream side of the bypass is through the 450mm diameter culvert which drains into the balancing pond. In my opinion it is unusual to have natural catchment water going into a balancing pond dealing with the impermeable surface of the carriageway and cycleways. Has it been allowed for in the calculation?</p> <p>7. I have been asking for copies of the balancing pond calculations in order that we can check the volume of the pond, both in theory and what was actually constructed. We don't have the calculations at present.</p> <p>Conclusion</p> <p>I hope that the ExP will continue to pursue drainage issues for EMG2 with the Applicant, LCC and other relevant parties (Severn Trent and Environment Agency) until they are satisfied that potential post project questions about drainage performance cannot arise should the SoS approve the DCO. I hope that this cameo of our current position in Kegworth helps.</p>	
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ANNEX A

**National Highways high and heavy load grids map for abnormal loads
and High load grid for HiR13a**

Heavy and High Routes

National Highways	Motorway	All purpose
Trunk Road		S/cw D/cw
Non-National Highways A-Road D/cw		
Non-National Highways A-Road S/cw		
Non-National Highways B-Road		
Heavy Load Route		
High Load Route		

Classification	12 Axles - Gross Trailer Weight	14 Axles - Gross Trailer Weight
A+	406.04T	480.60T
A	325.12T	360.68T
B	280.42T	315.98T
C	269.24T	304.80T
D	264.16T	299.72T
E	259.08T	294.64T
F	223.52T	259.08T
M25	300,000kg on 12 Axles	

High Load Grid Routes: 18' or 20' vehicle running height.

Full details of the classification vehicle's configurations are available from the National Highways. Routes on this map should not be taken as permission to move. The correct notification process must still be followed

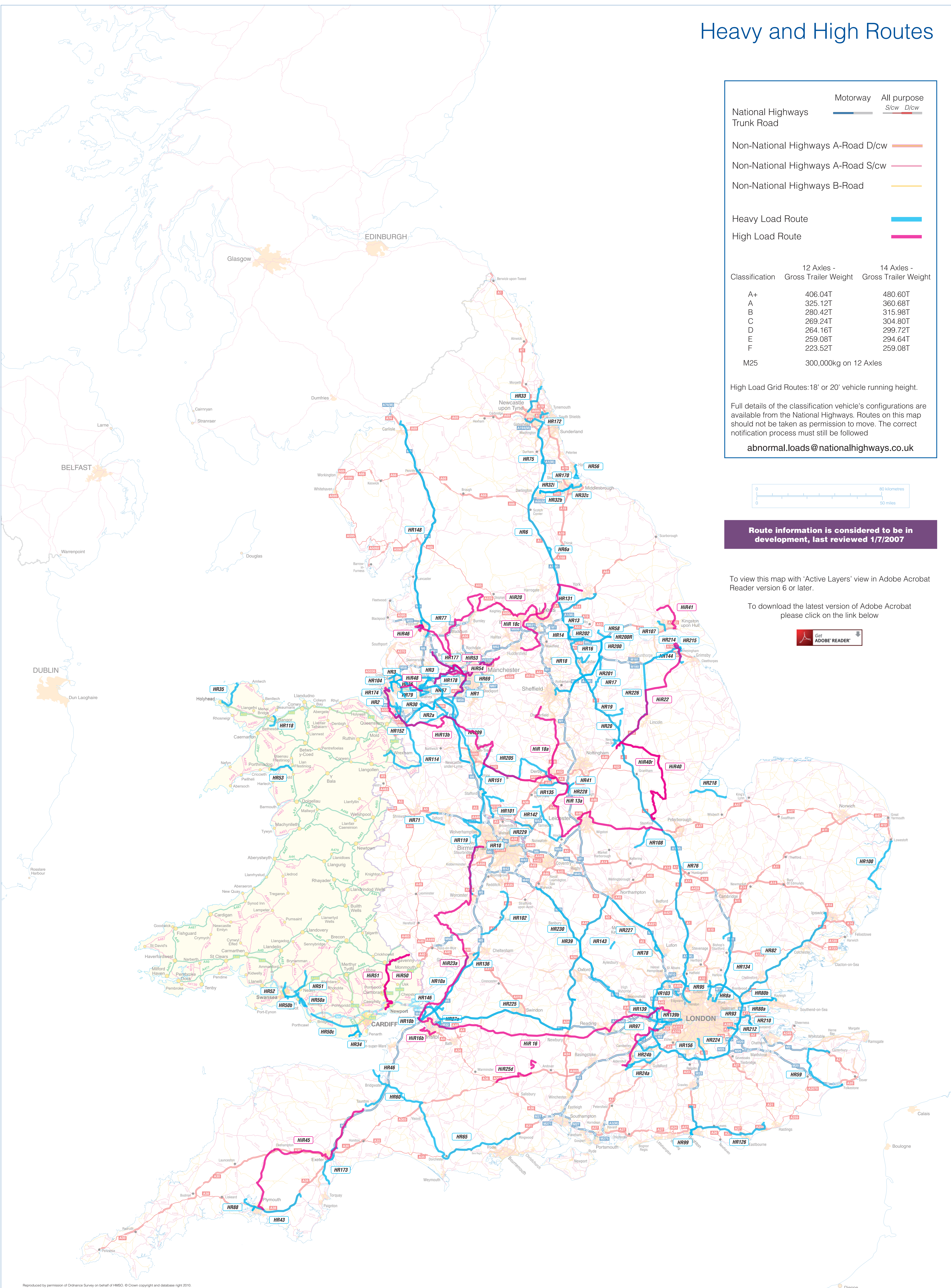
abnormal.loads@nationalhighways.co.uk



Route information is considered to be in development, last reviewed 1/7/2007

To view this map with 'Active Layers' view in Adobe Acrobat Reader version 6 or later.

To download the latest version of Adobe Acrobat please click on the link below



HIGH ROUTE 13A Wansford to Stoke on Trent

From Wansford , R26 A1/A47 to Stoke on Trent, A50/A520

Weight Group:L Height Limit:18'

13A/1	TL	A47	HA MAC AREA 6 (1/6/2006), Cambridgeshire Constabulary (5/7/2006), Leicestershire Constabulary (26/5/2006)
13A/2	MERGE	A47 Peterborough Rd, Glaston Rd, Morcott Rd, Uppingham Rd	Leicestershire County Council (24/3/2006), Leicester City Council (16/6/2006), Leicestershire Constabulary (26/5/2006)
13A/2	TR	A563 Colchester Rd, Hungarton Boulevard, Thurmaston Lane, Troon Way	Leicester City Council (16/6/2006), Leicestershire Constabulary (26/5/2006)
13A/3	TR	A607 Melton Rd, Newark Rd	Leicester City Council (16/6/2006), Leicestershire Constabulary (26/5/2006)
13A/4	TL	A46 Leicester Western Bypass	Leicester City Council (16/6/2006), Leicestershire County Council (24/3/2006), Leicestershire Constabulary (26/5/2006)
13A/5	TL	A50 Groby Rd	Leicester City Council (16/6/2006), Leicestershire Constabulary (26/5/2006)
13A/6	TR	A563 New Parks Way	Leicester City Council (16/6/2006), Leicestershire Constabulary (26/5/2006)
13A/7	TR	A47 Hinckley Rd, Leicester Rd, Normandy Way	Leicester City Council (16/6/2006), Leicestershire County Council (24/3/2006), Leicestershire Constabulary (26/5/2006)
13A/8	TR	A447 Ashby Rd, Hinkley Rd, Ibstock Rd, Hinkley Rd, Melbourne Rd, Wash La	Leicestershire County Council (24/3/2006), Leicestershire Constabulary (26/5/2006)
13A/9	TL	A511 Ashby Rd	Leicestershire County Council (24/3/2006), Leicestershire Constabulary (26/5/2006)

HIGH ROUTE 13A Wansford to Stoke on Trent

From Wansford , R26 A1/A47 to Stoke on Trent, A50/A520

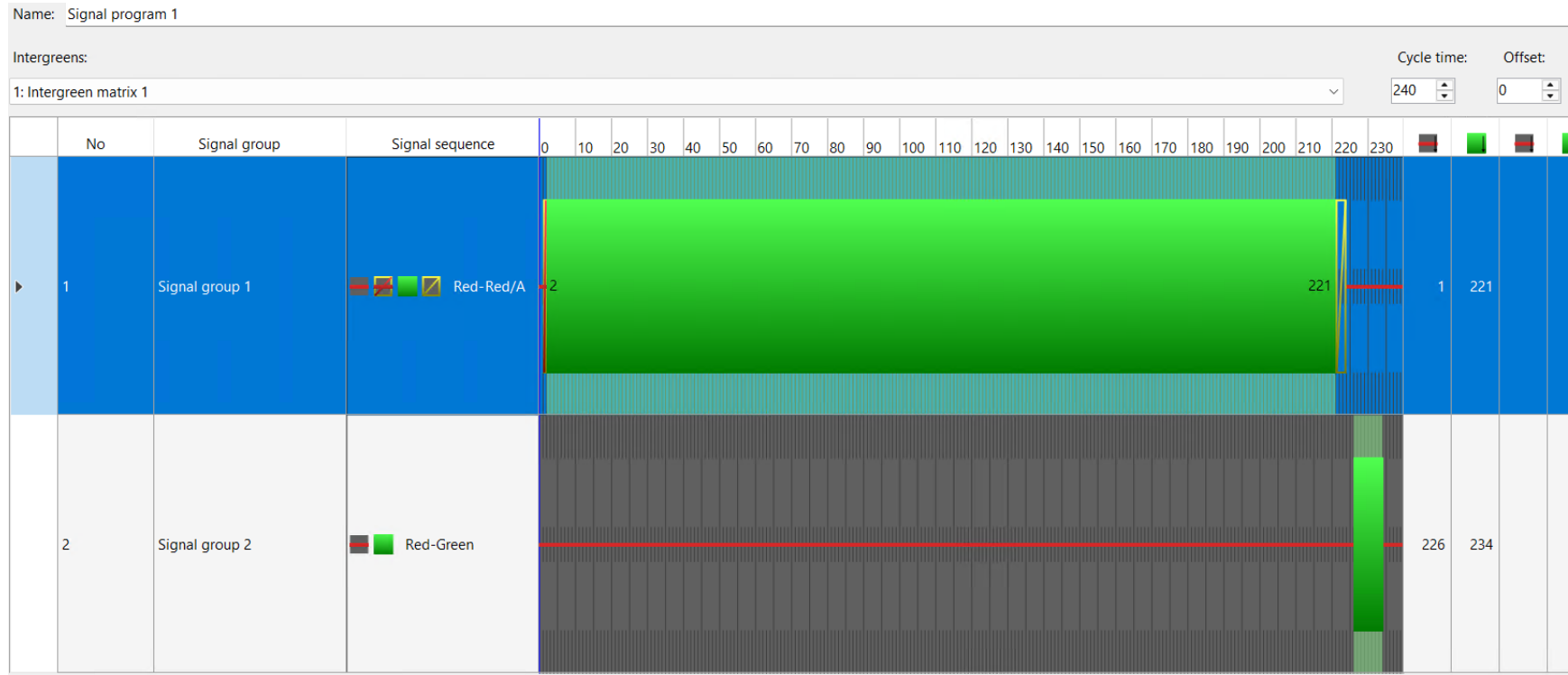
Weight Group:L Height Limit:18'

13A/10	TR	A42	6.05m Route limit at A42 16.4, Doctors Lane Bridge.	Leicestershire County Council (24/3/2006), HA MAC AREA 11 (15/9/2006), Leicestershire Constabulary (26/5/2006)
13A/11	TL	A453 Ashby Rd	No restriction on Northbound	Leicestershire County Council (24/3/2006), HA MAC AREA 11 (15/9/2006), Leicestershire Constabulary (26/5/2006)
13A/12	TL	A50	5.81m Route limit at interchange with B5460.	HA MAC AREA 11 (15/9/2006), Leicestershire Constabulary (26/5/2006), Derbyshire Constabulary (23/5/2006)
13A/13	TR	A6 Shardlow Rd	19'	HA MAC AREA 7 (6/7/2006), Derbyshire Constabulary (23/5/2006)
13A/14	TL	A5111 Harvey Rd, Osmaston Park Rd, Warwick Ave, Manor Rd	5.66m	Derby City Council (10/7/2006), Derbyshire Constabulary (23/5/2006)
13A/15	TL	A38 Uttoxeter New Rd, Derby Rd		Derby City Council (10/7/2006), Derbyshire County Council (12/5/2006), Derbyshire Constabulary (23/5/2006)
13A/16	TR	A516		Derby City Council (10/7/2006), Derbyshire County Council (12/5/2006), Derbyshire Constabulary (23/5/2006)
13A/17	TR	A50		DBFO AREA 28 (15/9/2006), Staffordshire County Council (19/5/2006), Derbyshire Constabulary (23/5/2006), Staffordshire Police (21/4/2006)
13A/18		A520		Staffordshire County Council (19/5/2006), Staffordshire Police (21/4/2006)

ANNEX B

A453 Toucan crossing VISSIM model extract

A453 Toucan crossing VISSIM model extract



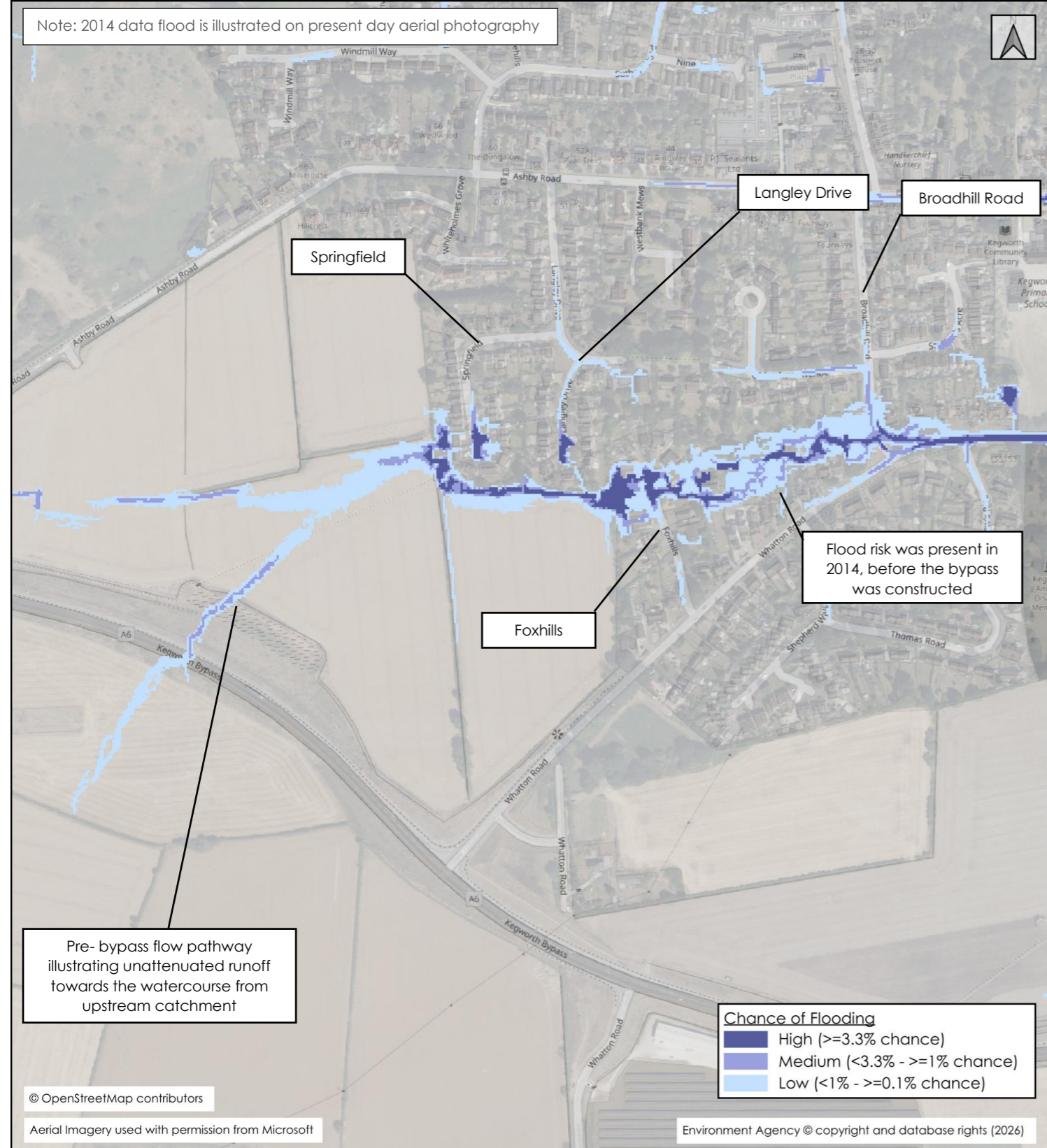
ANNEX C

**Drawing EMG2-BWB-ZZ-XX-D-W-0015 – Flood risk
comparison pre and post Kegworth Bypass**

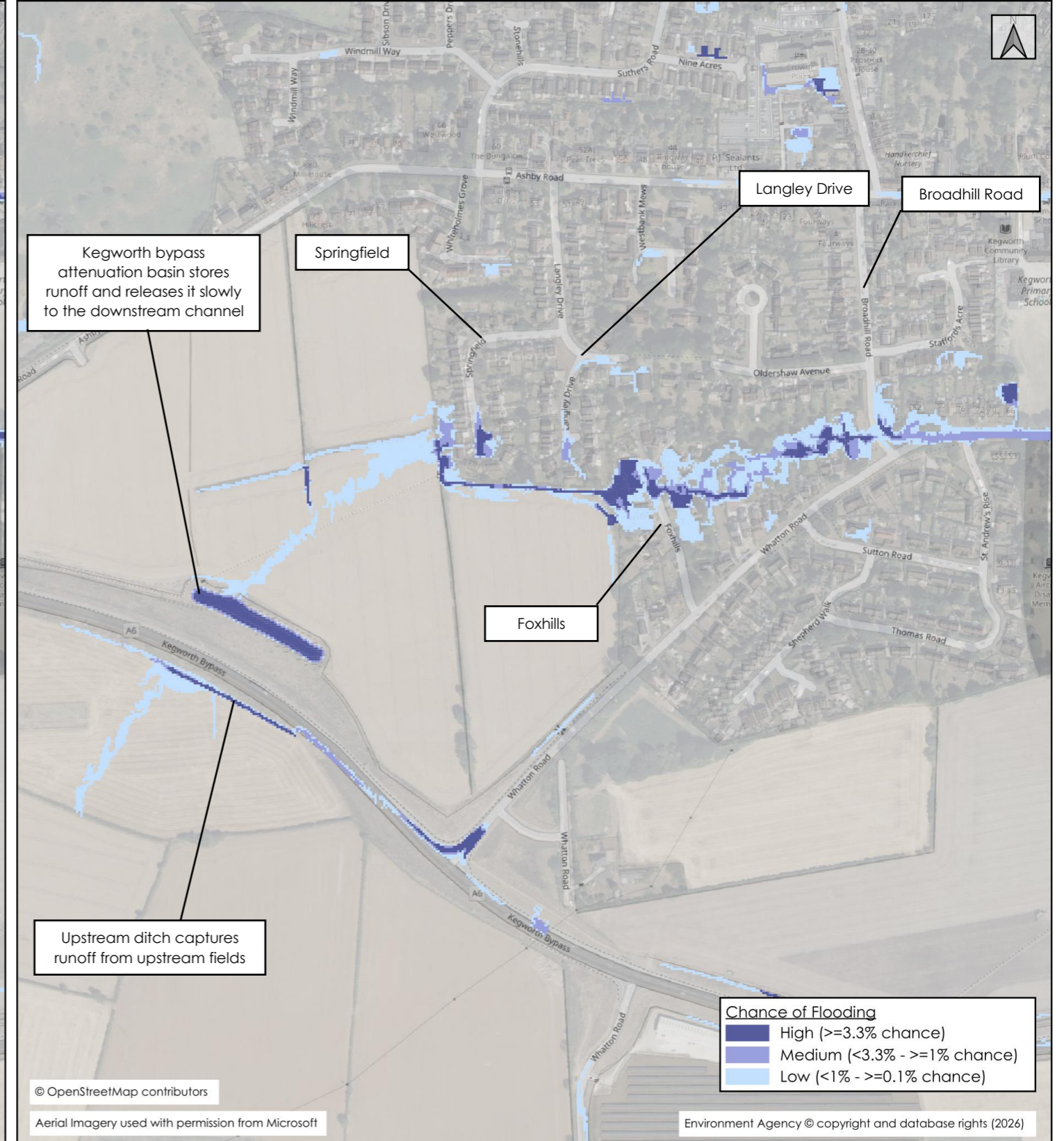
Job No. 220500	Document No. EMG2-BWB-ZZ-XX-D-W-0015	Project The East Midlands Gateway Phase 2	Date Prepared 25/06/2026	Rev. P01
Title Kegworth Bypass – Environment Agency Surface water Flood Risk Mapping			Status S2 (for information)	Prepared by RG



EA Updated Flood Map for Surface Water (2014) – Pre Kegworth Bypass



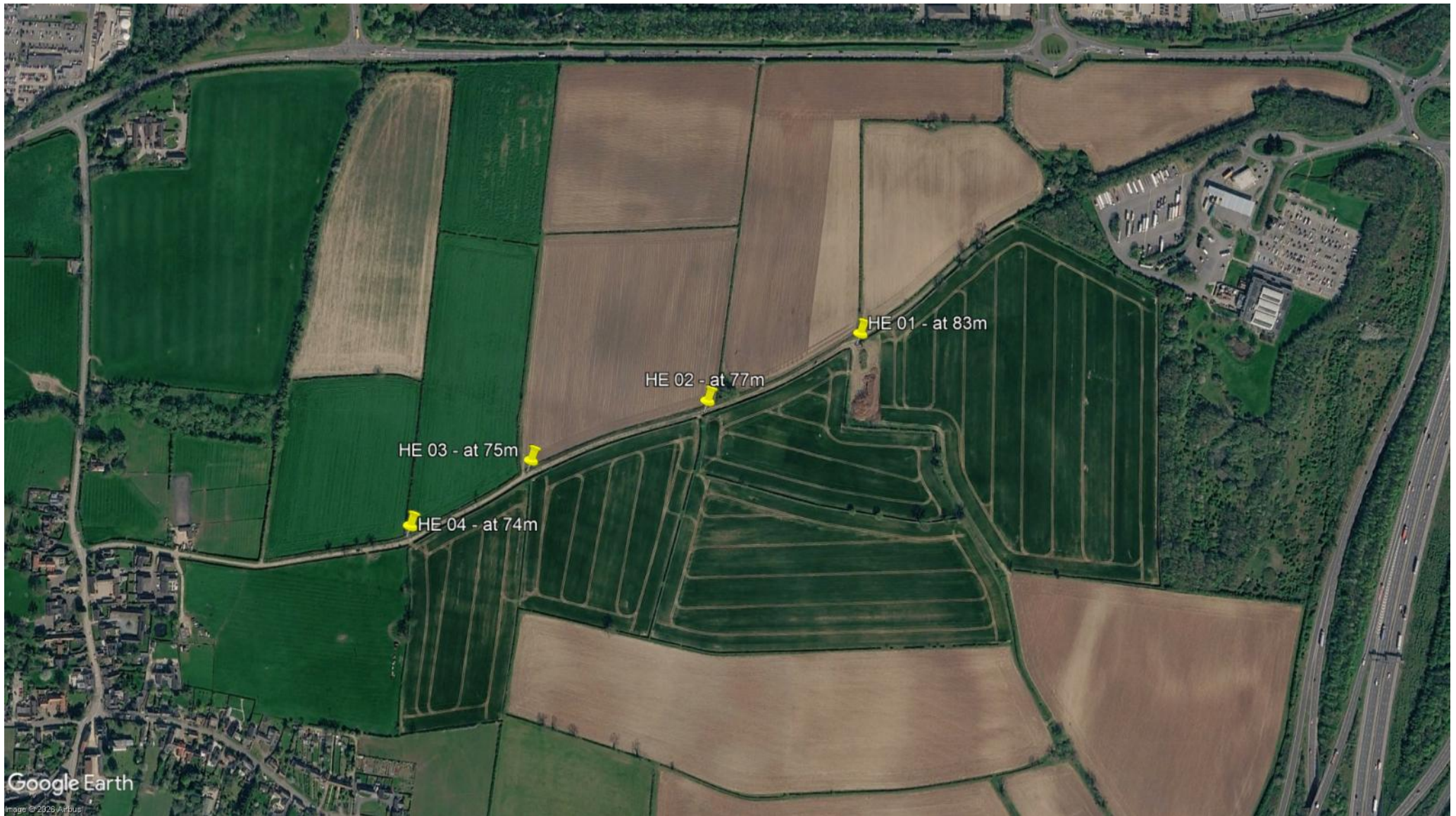
EA Risk of Flooding from Surface water (2025) – Post Kegworth Bypass



ANNEX D

Hyams Lane Kinetic Assessment – Accurate Visual Representations

Hyams Lane Kinetic Assessment—Accurate Visual Representations

















EMG2— Hyams Lane AVR views - Planting shown at day one and 15 years - 26/06/26

Original Photo - HE 03





EMG2— Hyams Lane AVR views - Planting shown at day one and 15 years - 26/06/26

@15 years

Montage - HE 03



EMG2— Hyams Lane AVR views - Planting shown at day one and 15 years - 26/06/26

Original Photo - HE 04





ANNEX E

Construction Phase Impacts in Kegworth

Construction phase impacts in Kegworth response tables

Table 2. Percentage Timings of Arrivals

Hour	HGV	LGV	Cars	Vans
06:00-07:00	0%	0%	6%	10%
07:00-08:00	10%	10%	45%	45%
08:00-09:00	15%	12%	20%	20%
09:00-10:00	10%	10%	5%	5%
10:00-11:00	10%	10%	2%	2%
11:00-12:00	10%	10%	2%	2%
12:00-13:00	10%	10%	2%	2%
13:00-14:00	9%	10%	2%	2%
14:00-15:00	9%	9%	2%	2%
15:00-16:00	8%	8%	2%	2%
16:00-17:00	4%	6%	2%	2%
17:00-18:00	3%	3%	5%	5%
18:00-19:00	2%	2%	5%	1%
Total	100%	100%	100%	100%

Table 3. Percentage Timings of Departures

Hour	HGV	LGV	Cars	Vans
06:00-07:00	0%	0%	1%	2%
07:00-08:00	10%	10%	3%	2%
08:00-09:00	15%	12%	4%	4%
09:00-10:00	10%	10%	4%	2%
10:00-11:00	10%	10%	2%	2%
11:00-12:00	10%	10%	2%	2%
12:00-13:00	10%	10%	2%	2%
13:00-14:00	9%	10%	2%	2%
14:00-15:00	9%	9%	2%	2%
15:00-16:00	8%	8%	8%	8%
16:00-17:00	4%	6%	15%	30%
17:00-18:00	3%	3%	30%	30%
18:00-19:00	2%	2%	25%	12%
Total	100%	100%	100%	100%

Hr Ending	Weekday average			7 day average		
	eastbound	westbound	Total	eastbound	westbound	Total
1	228	146	374	246	138	384
2	161	86	247	143	76	219
3	103	104	207	90	96	186
4	145	177	322	136	183	319
5	226	229	455	205	220	425
6	469	268	737	410	245	655
7	428	415	842	359	363	722
8	598	736	1334	485	593	1078
9	563	913	1476	471	785	1256
10	391	544	935	370	501	871
11	336	369	705	337	346	683
12	425	409	834	447	392	839
13	471	450	921	482	418	900
14	526	463	989	526	437	963
15	575	437	1011	515	404	920
16	557	420	977	487	390	877
17	841	476	1317	692	430	1122
18	753	519	1273	633	480	1113
19	436	533	969	390	470	861
20	354	522	876	309	444	753
21	331	405	736	310	349	659
22	309	340	650	276	288	564
23	232	251	483	199	213	413
24	334	208	542	284	183	467

ANNEX F

Response to Prologis Response to ExQ2 Q7.0.2

Applicant's comments on Prologis response to ExQ2 7.0.2

Introduction

The Prologis response to ExQ2 7.0.2 is lengthy and repetitive. This response addresses the main assertions made and provides some additional observations.

Information Constraints

As advised in its response to ExQ2 7.0.2 the Applicant would wish to disclose all relevant information to the ExP including detail of negotiations and offers made. Much of that information is subject to an NDA and/or without prejudice and Prologis has declined to waive those restrictions.

Chronology

Prologis has produced Appendix 2 to its response to ExQ2 7.0.2 setting out a detailed chronology of engagement. It is notable that Prologis initially complained that:

“The position as set out in the Pre-Application Land and Rights Negotiation Tracker is not accepted by Prologis, particularly since it does not accurately portray the limited and belated attempts at negotiation by SEGRO who have only recently been willing to negotiate” Para 10.4 Prologis Relevant Representation [RR-028D](#).

Faced with the submissions of the Applicant recording the history of negotiations with EMA and Prologis the Prologis position has now changed to accepting the existence of extensive engagement but now focussing entirely on alleged deficiencies in the substance of the engagement.

The **Annex** to this response comprises Appendix 2 with the Applicant's comments added. It also brings the chronology up to date since the chronology ended with an entry on 18 May 2026, almost a month before its submission at D4 (16 June 2026). This means it did not entirely cover the two month period between 22 April and 22 June 2026 during which period a response from Prologis to a further offer from the Applicant's was awaited and chased. The new entries are shaded green.

Negotiations ignored

Both the Prologis and EMA response to ExQ2 7.0.2 ignore the lengthy period of negotiations between January 2020 and October 2024 when there were extensive discussions between EMA and the Applicant which included consideration of alternatives such as JV, option agreement, freehold purchase and the inclusion of land within the airport estate. EMA know of the detail of those discussions but did not submit a separate response and simply adopted the Prologis response. Prologis and EMA have therefore failed to respond to the ExQ2 question in that respect.

The negotiations with EMA are summarised in paragraphs 1.20-1.28 of Appendix 5 of the Applicant's Response to relevant Representations [REP1-051D](#). None of that information has been contradicted and therefore ExP should therefore proceed on the basis that the contents of paragraphs 1.20-1.28 of Appendix 5 of [REP1-051D](#) are not disputed. Those paragraphs

demonstrate genuine efforts to reach agreement with EMA and the exploration of alternatives which it was thought might provide a basis for agreement.

SEGRO approach to negotiations

Throughout, the Applicant has focused on practical and deliverable solutions capable of being implemented within the framework of the submitted DCO, enabling comprehensive redevelopment of the Site without delay and within the Freeport window. By contrast, the alternatives advanced by Prologis have been predicated on either the withdrawal and re-submission, or the abandonment, of the DCO. Neither represents a reasonable or deliverable alternative, as both would introduce significant delay, uncertainty and delivery risk, and would fundamentally undermine the DCO Scheme.

The Applicant's engagement has been consistent, proactive, and conducted in good faith. Of note:

- The Applicant sought to engage with Prologis pro-actively from first hearing of their acquisition of an interest in land north of Hyam's Lane (**Annex 21-11-24** entry)
- The Applicant made early disclosure of confidential and commercially sensitive information outside the protection of an NDA in order to facilitate constructive engagement. At the meeting on 6 August 2025, the Applicant disclosed such information outside the protection of an NDA in order to facilitate early engagement. Prologis did not reciprocate until an NDA was in place, and only after the Applicant had provided further information (**Annex 6-8-25** entry).
- The Applicant has advanced different options to Prologis as a route to enable comprehensive delivery without reliance on compulsory acquisition powers (see paragraphs 1.20-1.28 of Appendix 5 of the Applicant's Response to relevant Representations [REP1-051D](#) and **Annex 21-2-15, 05-09-25, 29-09-25, 17-11-25, 13-4-26** entries);
- The joint venture concept has, from the outset, been advanced and led by the Applicant—not Prologis—including through proposals tabled to EMA as early as 2021 and, subsequently with Prologis as set out in the Annex. It is therefore incorrect to imply, as Prologis do, that a joint venture approach originated as a Prologis proposal.
- The Applicant has sought to unlock impasses in negotiation, for example by suggesting the use of an NDA to allow for information sharing and involvement of independent valuers (**Annex** entries 8-10-25, 29-10-25)

Prologis approach to negotiations

It has been clear from the involvement of Prologis that there has been no interest in seeking to reach agreement on the basis of the implementation of the DCO. The tactic of Prologis has been to seek to delay the DCO process if at all possible at every turn presumably in the hope that it will force the Applicant into an agreement which is disadvantageous to the Applicant and which might assist Prologis with the difficulties they have regarding approval and viability of the development pursuant to the Joint Application.

The Prologis approach to the negotiations appears to have been pursued with the primary objective of frustrating or preventing the DCO scheme, rather than facilitating a deliverable scheme across the whole site. The absence of a negotiated outcome reflects that, rather than any deficiency in the Applicant's approach, much of the correspondence from Prologis is performative in that it seeks to evidence a desire to engage by Prologis without actually assisting in progressing meaningful discussions. The Applicant's preferred approach, informed by experience, is to progress negotiations through discussion.

The proposals put forward by Prologis—including the Access Option — were all considered and responded to. They were not deliverable within the framework of the DCO and would not enable delivery within the Freeport programme window, a core Scheme objective. The Prologis approach seems to be that where a proposal is not acceptable to the Applicant for whatever reason, then that is evidence that the Applicant has not considered it.

At no point have the Applicant's proposals been advanced on a "take it or leave it" basis. They have consistently been put forward as a basis for negotiation, with the Applicant willing to engage on structure, value and commercial terms. The reality is that Prologis has never fully engaged with the Applicant's proposals to acquire its and EMA's land interests being focussed only on the access option and a JV. For this reason, there has been no substantive response to the various offers made to acquire the freehold interest. It is an option they have declined to meaningfully engage with.

Prologis state that "The timing of SEGRO's engagement with Prologis is significant. Whilst SEGRO notified Prologis of its intention to make a DCO application in November 2024, no substantive meetings or negotiations between SEGRO and Prologis took place before SEGRO submitted its DCO application in August 2025. The first meeting between SEGRO and Prologis did not occur until 12 February 2025, and meaningful engagement on the alternatives only commenced after the Joint Application was made."

The above text is an example of the attempts by Prologis to mislead. The facts are that it was the Applicant who, immediately upon being advised that Prologis had acquired an interest in land north of Hyams Lane, contacted Prologis to commence discussions. At no time prior to that date had Prologis made any contact with the Applicant. (Entry 21-11-24 **Annex**). The Applicant then followed up that initial contact and pressed for meeting dates (Entries 06-12-24, 17-12-24, -601-25 **Annex**). Following that, and prior to the Feb 25 submission of the revised Joint Application, the Applicant proposed some options to Prologis including a joint venture (Entry 22-2-25 **Annex**).

Access Option

The Applicant has not "*simply asserted that the Access Option is not viable and declined to engage further*" as asserted by Prologis. The Applicant has given serious consideration to the Access Option and has provided reasoned explanation to Prologis as why it is not an acceptable or reasonable alternative (**Annex** 13-2-26 entry). There has been no satisfactory response to the content of the 11 bullet points contained in the Applicant's letter to Prologis of 13 February 2026 which summarised the reasons why the access option was not a realistic or reasonable option.

In substance, the Access Option is not a solution. It would almost certainly result in the southern land never being delivered and certainly result in very significant delay, with the consequent loss of comprehensive Scheme benefits.

The Applicant's position is not, as suggested, a function of a single commercial input. It reflects the obvious and cumulative barriers to delivery, which the Applicant has consistently explained. The obligation under the CA Guidance is to explore reasonable and deliverable alternatives, which the Applicant has discharged. The Access Option does not meet that threshold and does not provide a credible alternative to compulsory acquisition.

Key

Correspondence not included in SEGRO's chronology of negotiations

Date of correspondence	Form of correspondence	Status - Open/WP/StC/P&C	From	To	Subject & comments	SEGRO Comment
21-11-24	email	Open	Segro	Prologis	Notification of intention to make a DCO and seeking clarification on Jarrom land status following open competitive bidding for the land.	SEGRO initiated the dialogue, proactively notifying Prologis of its DCO intentions and seeking clarity on the Jarrom land position so that land assembly and any potential coordinated solution could be understood early.
03-12-24	email	Open	Prologis	Segro	Prologis confirms they have acquired Jarrom land - forming part of the Prologis/MAG application.	This confirmed Prologis' position on Jarrom, but did not advance any commercial solution with SEGRO. SEGRO had raised the issue first and was awaiting clarity to inform constructive engagement.
06-12-24	email	Open	Segro	Prologis	Request to confirm if Prologis has completed "deal" with MAG. Suggestion to meet in New Year (2025) to discuss a comprehensive development.	SEGRO again took the proactive step of asking for confirmation of the Prologis/MAG position and proposed a meeting to discuss comprehensive development, demonstrating a willingness to engage commercially rather than simply rely on the DCO process.
17-12-24	email	Open	Segro	Prologis	Segro requesting dates to meet in the new year (2025).	SEGRO followed up promptly and continued to press for a meeting, evidencing continued proactive attempts to open discussions.
19-12-24	email (with letter attachment)	Open	Prologis	Segro	Prologis reiterated acquisition of Jarrom land and confirmed completion of an agreement with MAG advising this comprises all the land to deliver the planning application. Prologis advised this will enable access to the land south of Hyam's Lane. Prologis invited Segro to provide dates for meeting.	Prologis confirmed its consolidated position but did not put forward agreed terms. SEGRO's earlier requests had prompted this clarification and the need for a substantive meeting remained.
06-01-25	email	Open	Segro	Prologis	Suggested dates 13th Jan - 17th Jan 2025	SEGRO continued to drive the timetable by providing meeting dates shortly after the Christmas period.
09-01-25	email	Open	Prologis	Segro	Alternative meeting dates provided - 21st -27th January 2025	Administrative response from Prologis. SEGRO had already advanced dates to keep discussions moving.
10-01-25	email	Open	Prologis	Segro	Prologis offering alternative location of Solihull.	Administrative response. The substantive commercial discussion still remained to be progressed.
21-01-25	email	Open	Segro	Prologis	SEGRO notifying Prologis of DCO public consultation period.	SEGRO acted transparently by notifying Prologis of the statutory consultation timetable, while continuing to keep channels of
12-02-25	MEETING		-	-	MEETING	Initial meeting held with Prologis to explore whether commercial agreement could be reached. Discussions commenced on potential alternatives to CA. SEGRO suggested freehold acquisition by SEGRO or JV with Prologis and an open book financial analysis to progress
21-02-25	email	Open	Segro	Prologis	Segro identifies a couple of potential ways forward - Option 1 - Segro acquires Prologis land (not specific on MAG land or Jarrom land) and Option 2 - Segro & Prologis form a Joint Venture (mechanism and split to be determined). No details provided.	SEGRO put forward the first clear commercial pathways for discussion, including acquisition and JV options. Although high level at this stage, this demonstrated SEGRO's willingness to agree principal terms and explore alternatives to compulsory acquisition.
07-03-25	email (with letter attachment)	WP & StC	Prologis	Segro	Prologis confirms all dialogue should be with Prologis. Prologis confirms no constraints to delivering the planning application. Prologis confirms planning application designed to facilitate future expansion south of Hyam's Lane. Prologis confirms it does not agree with CA powers over its land and that there are alternative routes to achieving the comprehensive development of the Freeport. Prologis provides response to Options 1 & 2 (in the Segro email 21 Feb 25). Prologis confirms it is open to exploring the Joint Venture and invites Segro to provide detail on how the Joint Venture would work. Prologis further provides an Option 3 & Option 4. Option 3 sets out how access to the land south of Hyam's Lane could be provided. Option 4 suggests that Prologis could acquire Segro interests.	Prologis introduced two further options in addition to those proposed at the earlier meeting. Prologis' without considering terms indicated it did not consider one of the options (an outright purchase by SEGRO) appropriate leaving three options they were willing to consider. Prologis attempted to move the discussion away from the DCO as a delivery mechanism.
03-04-25	email	Open	Segro	Prologis	Segro acknowledging receipt of letter 7 March 2025. No response from Segro on request for details on the Joint Venture structure or arrangements. No response from Segro on the Access option proposal. No response by Segro on the acquisition proposal. Segro requests dates for a meeting to discuss.	Rather than allowing correspondence to become entrenched, SEGRO sought to move matters into a meeting and progress practical commercial discussions.
11-04-25	email	Open	Prologis	Segro	Prologis requesting response to potential option structures presented 7 March 25.	Prologis pressed for written responses, while SEGRO's position was to progress matters through direct discussion so that terms could be explored constructively.
11-04-25	email	Open	Prologis	Segro	Prologis requesting representation from LCC Highways and NH to S.42 consultation to ensure Prologis/MAG planning application is designed and masterplanned to facilitate further expansion to the south of Hyam's Lane.	Prologis requested further consultation material. SEGRO's DCO process was already progressing and SEGRO remained focused on the statutory route while continuing engagement.
22-04-25	email	Confidential	Segro	Prologis	Consultation responses provided by SEGRO	SEGRO provided consultation material, showing continued transparency and a willingness to share information where appropriate.
24-04-25	email (with letter attachment)	P&C, WP & StC	Segro	Prologis	SEGRO response to Prologis letter of 7 March 2025.	SEGRO responded to Prologis' 7 March letter setting out its position in respect of the four options that had been discussed and were set out in the 7 March letter. Each option was considered and two identified as being realistic including a joint venture. The letter included an offer SEGRO continued to seek to progress the commercial dialogue, while preserving its position in relation to the importance of the DCO being the delivery mechanism to deliver the whole site within the Freeport window.
27-05-25	email (with letter attachment)	P&C, WP & StC	Prologis	Segro	Prologis responding to the Segro letter of 24 April 2025. Prologis disagree that DCO represents the only route to bring land forward and explains the benefits of the Prologis/MAG application and that it provides the highway access to the Segro scheme south of Hyam's Lane. Prologis provides a response to options 1-4. Prologis seeking details and clarification on various matters.	Prologis maintained its objection to the DCO route and continued to request further clarification. No terms were advanced by Prologis at this stage, leaving SEGRO to continue to drive engagement.
11-06-25	email (with letter attachment)	WP & StC	Segro	Prologis	Segro letter with no details in response to Prologis letter of 27 May 2025. Suggestion that best way to progress is via a meeting and dates provided 7-15th July 2025.	SEGRO again sought to convert correspondence into a practical meeting and provided dates. This supports the narrative that SEGRO was actively trying to progress agreement rather than allow delay.
09-07-25	email	Open	Prologis	Segro	Prologis request to Segro in advance of proposed meeting (14 July 2025) for information to be provided which would support Segro's claim that they cannot pursue Option 3. Prologis request for assessment of viability. Prologis request to understand the reasons why Segro cannot pursue Option 3. Prologis suggestion that Segro's threat of CA is unjustified and suggesting there are credible alternatives.	SEGRO's view was that the arranged meeting route was the forum to address commercial and viability matters.
09-07-25	email	Open	Segro	Prologis	Segro acknowledgement of email but no confirmation that appraisals will be shared in advance or brought to the meeting. Stating that Segro will come prepared to discuss financial details.	SEGRO confirmed it would engage on financial matters in the meeting, seeking a controlled and structured discussion rather than piecemeal exchange.
09-07-25	email	Open	Prologis	Segro	Prologis suggestion that it would be helpful to run through the Segro appraisals & assumptions to understand why Segro claim Option 3 is unviable.	Prologis continued to focus on information requests. SEGRO's position was to discuss financial details at the forthcoming meeting.
14-07-25	MEETING				MEETING	Meeting attended by SEGRO UK's Managing Director and Prologis Regional Head UK in an attempt to facilitate decision making and accelerate progress in negotiations of alternatives
21-07-25	email	Open	Prologis	Segro	Prologis shared draft minutes of Meeting with Segro. 17 bullet points. Segro did not provide viability appraisals as requested by Prologis.	Prologis sought to document the meeting and maintain pressure for further viability material. SEGRO remained engaged and subsequently commented on the minutes.
21-07-25	email	Open	Segro	Prologis	Segro acknowledgement of Prologis draft minutes	SEGRO promptly acknowledged receipt and kept the process moving.
21-07-25	email	Open	Segro	Prologis	Segro confirming they will revert on draft minutes and suggested dates for a meeting.	SEGRO again sought to maintain momentum by proposing further meeting dates, consistent with a proactive approach to reaching a commercial solution.
29-07-25	email	Open	Segro	Prologis	Segro provide comments to Prologis draft minutes.	SEGRO engaged with Prologis' record and provided comments, ensuring the factual position was not left solely to Prologis' formulation.
05-08-25	email (with attachment)	Open	Prologis	Segro	Prologis comments to Segro responses on the minutes.	Prologis continued to challenge the meeting record. No substantive terms were agreed and the dialogue remained procedural.
06-08-25	MEETING		-	-	MEETING - Prologis shared masterplan for Application showing how scheme safeguards route for Segro land south of Hyam's Lane.	SEGRO shared its infrastructure costs, programme and financial appraisals on an open book basis. Meeting include a Q&A on the information provided by SEGRO and was attended by property and infrastructure specialists from both parties. Information shared to facilitate effective discussion of realistic options.
08-08-25	email	Open	Segro	Prologis	SEGRO email identifying 6 draft points from 6 August 2025 meeting. Segro agreed to follow up with a proposal to Prologis in September 2025 which will include a Joint Venture option (option 2) and for Segro to acquire Prologis interest (Option 1). Segro shared their appraisal for the land south of Hyam's Lane (in isolation) which Segro stated is unviable (Option 3 - Access option).	Important proactive step by SEGRO: SEGRO committed to bringing forward proposals and shared viability material explaining why the access option was not viable in isolation. This evidences SEGRO actively trying to narrow the issues and agree terms.
12-08-25	email	Open	Prologis	Segro	Prologis request for SEGRO to share responses from National Highways and LCC highways to the non-statutory Consultation (as per request in April 2025 - to ensure Prologis/MAG planning application reflects highways feedback as part of facilitating further expansion to the south of Hyam's Lane.	Prologis sought further information. SEGRO remained focused on progressing the DCO process and preparing its September commercial proposal.
28-08-25					DCO Application Submitted	SEGRO progressed the statutory DCO route in parallel with commercial engagement, preserving delivery momentum while discussions with Prologis remained unresolved.
14-08-25	email (with attachments)	Open	Prologis	Segro	Prologis response to meeting minutes of 6 Aug 25 making substantive changes to the minutes to accurately reflect record of the meeting.	Prologis continued to focus on the meeting record. SEGRO's substantive next step remained preparation of commercial proposals.
02-09-25	email	Open	Prologis	Segro	Prologis further request for Segro to share responses from National Highways and LCC highways to the non-statutory Consultation.	Prologis repeated its request for consultation responses. This did not itself advance agreement on commercial terms.
03-09-25	email	Open	Segro	Prologis	Segro response declining request for non-statutory consultees' responses stating a summary is included in the consultation report (when PINS upload).	SEGRO maintained a proportionate position on disclosure while signposting the statutory consultation reporting route. SEGRO continued to progress the DCO and commercial proposal workstreams.
03-09-25	email	Open	Prologis	Segro	Prologis further request for SEGRO to share non-statutory consultation (not the summary) to ensure coordinated development planning.	Prologis again sought disclosure rather than moving terms forward. The repeated information requests risked diverting from the core commercial discussions.
04-09-25	email	Open	Segro	Prologis	Segro response declining request for non-stat consultees responses.	SEGRO consistently maintained its position on consultation responses while continuing to pursue commercial engagement through
05-09-25	email	Open	Prologis	Segro	5th request for SEGRO to share non-statutory consultation. Prologis explains that both National Highways & LCC highways are actively encouraging collaboration between Prologis & Segro - that collaboration is hampered if Segro resist sharing information. Prologis state that this risks undermining the credibility of the Segro consultation process and frustrates attempts to find a solution. Prologis state that in the interests of transparency and collaboration which will allow Prologis to deliver the schemes and facilitate access to the Segro land south of Hyam's Lane, they request Segro should share the consultation responses in full.	Prologis' repeated requests did not progress heads of terms or an agreed solution. SEGRO's position remained that statutory consultation material would be dealt with through the DCO process.
05-09-25	email (with attachment)	WP, P&C, StC	Segro	Prologis	Segro letter stating they are not able to progress the Access option but focus on providing 2 WP offers (but subject to investment Committee approval).	SEGRO put forward two options again - either outright purchase or JV - to move matters towards agreement. This included an outline structure of a JV.
15-09-25	email	Open	Prologis	Segro	Prologis confirm receipt of 5 September 25 letter and advise will respond on the 2 options set out. Prologis make further request for Segro to share non-statutory National Highways & LCC highways consultation responses still outstanding.	Prologis did not immediately substantively respond to SEGRO's offers and instead repeated consultation-response requests. SEGRO had put commercial proposals on the table.
17-09-25	email	Open	Segro	Prologis	Segro confirming amended minutes from 6th August meeting are not agreed, stating recollection of the meeting differs, do not agree with the amendments but provide no comments, substantive explanation or amendments.	SEGRO protected its position on the meeting record and avoided accepting Prologis' disputed formulation. The primary commercial route remained SEGRO's 5 September offers.
17-09-25	email (with attachment)	Open	Prologis	Segro	Prologis response to Segro email 17th September - stating Prologis made detailed minutes and believe amendments accurately reflect the meeting. Prologis invites Segro to comment specifically on what is not agreed particularly in relation to technical and viability matters (central to the DCO/CA case). Prologis request Segro to state what is not agreed and reasons why - including the costs south of Hyam's Lane, phasing, access proposal to the Segro land south of Hyam's Lane, build out assumptions, Segro's viability position. Prologis also request copy of Segro's viability appraisals requested at the meeting of 6th August but still not received.	Prologis continued to press on documentation and viability disclosure. This remained ancillary to the need for Prologis to respond substantively to SEGRO's commercial offers.

29-09-25	email (with attachment)	WP	Prologis	Segro	Prologis response to Segro letter of 5th September 2025. Prologis reference DCO application being withdrawn and request this time is used (with a pause before being re-submitted) to agree commercial terms (which was also suggested to Segro on the 6th August meeting). Prologis request Segro financial and viability information to properly consider the options put forward - specifically in relation to viability of the Segro DCO, to assess basis for valuation and profit share and equalisation. Prologis requests Access Option 3 (Access option) to be considered by Segro (further to 7 March 25 letter and 27 May 25 letters). Prologis again stating that Segro have not provided any material evidence to support the claim that this is not viable. Prologis states that they will provide detailed Heads of Terms for the Option 3 Access Solution. Prologis state they are willing to consider the Joint Venture option subject to meaningful negotiation of the terms which to date has not taken place.	Prologis responded almost four weeks after SEGRO's 5 September offers. The response sought more information and proposed further workstreams rather than addressing or materially advancing discussions on SEGRO's terms.
08-10-25	email (with attachment)	Open	Segro	Prologis	Segro brief response to Prologis 29 September 2025 letter - requesting parties enter and NDA in order for Segro to share financial information and requesting Prologis confirm it has authority to conclude an agreement with Segro in respect of the Prologis & MAG interests.	SEGRO took a practical step to unlock information sharing by proposing an NDA and seeking confirmation that Prologis had authority to negotiate the relevant MAG interests. This was a sensible step to avoid delay and ensure any discussions could lead to binding Prologis responded on process. This enabled SEGRO to move towards sharing confidential financial information.
14-10-25	email	Open	Prologis	Segro	Prologis provides draft NDA for Segro. Prologis confirms authorisation to act for MAG (MAG has authorised and copied on correspondence).	SEGRO continued to protect its position on disputed minutes while the commercial focus moved to the NDA and exchange of financial information.
14-10-25	email	Open	Segro	Prologis	Segro response to Prologis email 17 September 2025. Brief response stating Segro do not agree but not stating reasons or what specific points are not agreed.	SEGRO continued to protect its position on disputed minutes while the commercial focus moved to the NDA and exchange of financial information.
23-10-25	email (with attachment)	Open	Segro	Prologis	Segro acknowledgement of receipt of NDA. Segro also stating they wish to copy MAG on correspondence notwithstanding Prologis is authorised to negotiate on behalf of MAG.	SEGRO sought to ensure transparency and direct visibility for MAG, recognising that any agreement required confidence that all relevant land interests were properly represented.
27-10-25	email (with attachment)	Open	Prologis	Segro	Prologis email confirming they will review the Segro amendments to the NDA. Prologis confirming they are content for Segro to copy MAG on correspondence. Prologis point out that MAG had confirmed already authority to Segro in email of 9 May 2025. Segro had previously confirmed they would copy MAG on correspondence but had not been doing so. Prologis confirms they have no objection to Segro copying MAG.	Prologis dealt with process points. SEGRO had sought to remove ambiguity around MAG's role so negotiations could move forward.
29-10-25	email (with attachment)	Open	Prologis	Segro	Prologis confirming accepted Segro changes to the NDA and providing signed NDA to Segro.	NDA process concluded, enabling financial information exchange. SEGRO's insistence on appropriate confidentiality arrangements helped unlock the next stage.
29-10-25	email (with attachment)	WP	Segro	Prologis	Segro response to Prologis letter of 29 September 2025. Stating DCO resubmitted but no reference to Prologis suggested deferral to agree commercial terms. Segro suggestion for both parties to appoint independent valuers to facilitate discussions on value. Segro confirm they will share information but such sharing must be reciprocal and request for Prologis to share financial information on its own scheme.	SEGRO made a constructive proposal to use independent valuers and reciprocal information exchange to overcome valuation issues. This is a further example of SEGRO actively seeking a route to agreement rather than allowing negotiations to stall.
04-11-25	email (with attachment)	WP	Prologis	Segro	Prologis letter responding to Segro letter 29 October 2025. Prologis reiterating request for Segro to provide appraisals (including detail on cost breakdown and supporting information - in their absence commercial negotiations difficult to progress). Prologis requested over 9 weeks ago and still waiting. Prologis confirms it will produce Access Option Heads of Terms. Programme and dates for sharing information set out.	Prologis continued to request further SEGRO information while also indicating it would prepare access HoTs. SEGRO had already proposed reciprocal disclosure and use of independent valuation to progress matters. Reciprocal disclosure was not forthcoming.
04-11-25	MEETING WITH E M FREEPORT				Prologis, MAG & Segro meeting with E M Freeport.	Meeting at request of Freeport Chairman who wished to expedite/facilitate agreement between the parties.
05-11-25	email (with attachment)	Open	Prologis	EM Freeport	Prologis letter to E M Freeport following 4 November 2025 meeting confirming Prologis commitment to supporting investment into the freeport. Prologis stated concerns over the DCO which has applied for compulsory acquisition of Prologis land. Prologis sought short deferral to allow time to agree commercial terms and the mechanism to deliver an access solution to the land south of Hyam's Lane. This would avoid CA powers being required over Prologis land. Prologis welcomed the discussion in the meeting with the freeport over pause or for Segro to withdraw the application. To support this Prologis gave a commitment to circulate draft Heads of Terms for the Access solution and requested Segro prepare heads of terms.	Prologis sought a deferral of the DCO but had still not agreed terms. SEGRO's position was to continue the DCO timetable while considering commercial alternatives, rather than pause delivery without an agreed executable solution.
07-11-25	email (with attachment)	Open	Segro	E M Freeport	Segro letter to East Midlands Freeport following joint meeting stating Segro not willing to defer DCO submission.	SEGRO made clear that the statutory process should not be delayed in the absence of agreed terms. This preserves delivery certainty while leaving room for commercial agreement in parallel.
11-11-25	email (with attachment)	Open	Prologis	E M Freeport	Prologis confirms willingness to progress the Joint Venture approach and confirmed waiting for Segro Heads of Terms setting out Segro's proposal. Prologis also states that Access option should also still be considered as a straightforward and deliverable solution. Prologis confirming the interface between the two schemes has been designed to facilitate access to the Segro land south of Hyam's Lane.	Prologis continued to promote alternatives in particular the access route but SEGRO's key concern remained whether the alternative was credible, deliverable and capable of supporting the project timetable.
12-11-25	MoU	-	-	-	MoU between Prologis & Segro completed.	Completion of the MoU to try and formalise a framework for engagement and information exchange.
13-11-25	email (with attachment)	WP	Segro	Prologis	Segro response to Prologis letter 4 November 2025.	SEGRO continued to engage to seek to keep the negotiation workstreams moving forward
17-11-25	email (with attachment)	P&C, WP	Segro	Prologis	Following completion of NDA, Segro share financial appraisals of EMG2 (full & South of Hyam's Lane), note on assumptions, Infrastructure Cost Plan, and illustrative masterplan and high level JV Heads to deliver the DCO only.	SEGRO provided EMG2 Full Scheme Appraisal and Programme; EMG2 South Scheme Appraisal and Programme; Explanatory note on assumptions in both appraisals; Infrastructure Cost plans for Full & South only scheme; Development Area plan and illustrative Masterplan. In addition draft heads of terms were provided for a JV to deliver the DCO scheme.
18-11-25	email (with attachment)	STC, P&C	Prologis	Segro	Prologis provides detailed Heads of Terms to Segro for the access solution to the South of Hyam's Lane including plans for the Spine Road and Link Road in accordance with Planning Application parameters and illustrative masterplan.	Prologis shared significant financial and JV material. SEGRO then had a basis to test the access proposal in detail.
21-11-25	TEAMS MEETING				Segro talk through information shared 17th November 25	
26-11-25	email (with attachment)	STC, P&C	Prologis	Segro	Prologis share financial appraisal of the Prologis/MAG Planning Application scheme and illustrative masterplan, explanatory note of the appraisal, cost plan of infrastructure and land servicing costs, parameters plan & illustrative masterplan.	Prologis provided reciprocal information after SEGRO's earlier disclosure. This enabled more informed discussion. Prologis also provides draft heads of terms for access option
01-12-25	TEAMS MEETING				Prologis presented to Segro the detailed explanation of the technical information shared with Segro on 26 November 2025.	SEGRO engaged with Prologis' technical presentation to understand and test the Prologis/MAG case.
02-12-25	email (with attachment)	STC, P&C	Prologis	Segro	Prologis provides comments on the Segro Joint Venture Heads of Terms in advance of meeting 3 December 2025. Prologis request copy of the option agreement Segro have with Aldridge. Prologis request when Segro will provide comments on the Access Option Heads of Terms provided by Prologis 18 November 2025.	During December 2025 there was engagement back and forth regarding the heads of terms for the access route and the JV. Issues discussed included viability of respective schemes, potential consenting routes and delivery mechanisms and collaborative working. SEGRO maintained its position that comprehensive development under the DCO was the route to achieving development of the whole site within the Freeport window with Prologis focussing on a two stage planning application delivery.
03-12-25	TEAMS MEETING				TEAMS MEETING to discuss JV option HoT's and Access Option HoT's.	
08-12-25	email (with attachments)	STC	Segro	Prologis	Segro response to Prologis initial commercial queries on JV HoT's and Access Option Heads of Terms.	
12-12-25	email (with attachment)	STC, P&C & WP	Prologis	Segro	Prologis comments on the Segro questions to the Access Option Heads of Terms and response to Segro points on the JV Heads of Terms.	
19-12-25	email	Open	Segro	Prologis	Segro requesting an in person meeting between 12-15 January 2026 to move matters forward.	
22-12-25	email	Open	Prologis	Segro	Prologis requesting Segro respond on the matters raised in Prologis email of 12 December 2025. Prologis also requested Segro re-issue the revised heads of terms for the proposed JV stating that Segro had agreed to re-issue these picking up on points discussed at the teams meeting of 3 December 2025.	Prologis requested further SEGRO material. SEGRO had already sought a January in-person meeting to work through outstanding points efficiently.
06-01-26	MEETING WITH E M FREEPORT				Meeting with Segro, Prologis & E M Freeport.	SEGRO continued engaging with Prologis and Freeport stakeholders while preserving the DCO timetable and exploring alternatives.
21-01-26	email	Open	Segro	Prologis	Segro email to confirm that they will be coming back shortly following the pre-christmas discussions (presumably referring the 3 December 2025 teams meeting).	SEGRO kept the dialogue alive and confirmed it would revert following internal consideration of the pre-Christmas discussions.
13-02-26	email (with attachment)	P&C, WP	Segro	Prologis	Segro letter stating that Segro has concerns regarding whether Access Option or Joint Venture with prologis are credible routes. Segro set out 11 bullet points why Segro now considers the Access Option is not a reliable mechanism for delivering the DCO.	SEGRO restates for a third time its offer to acquire Prologis' freehold land interests and for an assignment of the option agreement with MAG. SEGRO also invites Prologis to make an offer to buy SEGRO's land position. No subsequent response received. SEGRO provided a reasoned position explaining why the access option was not a realistic option.
24-02-26	email (with attachment)	Open (letter is open, but the covering email states Confidential)	Prologis	Segro	Prologis letter querying why Segro now states that the Access option & Joint Venture are now not credible routes. Prologis raising concerns why Segro are not willing to progress either. Prologis references the specific reasons why Segro state the Access option is not credible. Prologis states it is keen to explore these and demonstrate solutions to each. Prologis states it is premature to discontinue negotiations on the alternatives to compulsory acquisition and are keen to discuss these at the meeting on 25 February 2026.	Prologis challenged SEGRO's position but the need for solutions confirmed that key deliverability issues remained unresolved. SEGRO had set those issues out in its 13 February letter.
25-02-26	MEETING				MEETING Segro & Prologis	
26-02-26	email (with attachment)	Open (letter is open, but the covering email states Confidential)	Segro	Prologis	Segro responding to Prologis letter of 24 February 2025 and Meeting on 25th February 2026 recording actions. 1. Segro stated they would provide summary of Aldridge option (subject to Landowner approval) 2. Details of other land interest held by Segro. 3. Committed to examine any alternative JV structures.	SEGRO recorded concrete follow-up actions to progress the discussions despite concerns over credibility of options favoured by Prologis.
27-02-26	email (with attachment)	Open	Prologis	Segro	Prologis letter responding to Segro letter of 26th February 2026. Prologis reminding Segro that they committed to providing updated Heads of Terms for the Joint Venture option which has been outstanding since 3 December 2025. In response to any dispute over values Prologis suggests appointing valuation advisers as discussed at the meeting of 25 February 2026.	
04-03-26	email (with attachment)	Open (letter is open, but the covering email states Confidential)	Segro	Prologis	Segro letter to Prologis letter of 27 February 2026. Segro state that they did not commit to provide Prologis with updated heads of Terms at the meeting of 25 February 2026 but instead committed to continue to explore the potential for a JV and revert with "principles" for a JV. Segro states that discussion on value should not include external valuers and best agreed between developers.	SEGRO clarified the agreed action and sought to keep discussions developer-led, focusing on principles capable of forming the basis of agreement.
09-03-26	email (with attachment)	Open	Prologis	Segro	Prologis response to Segro letter of 4 March 2026 stating open to all credible alternatives to CA and request those are properly explored. Prologis requesting updated JV Heads of Terms which remain outstanding from December 2025. Prologis understand that Segro now intend to only produce "principles for a JV". These also remain outstanding. Prologis suggests that respective valuers should meet which might assist in progressing the alternatives.	SEGRO's position remained that any structure needed to be credible and capable of delivery. On 9 March SEGRO suggested meeting to progress discussions during a suitable break in the oral hearings of the Examination also updated Prologis on progress in getting landowner agreement to release terms of the option and requested reciprocal visibility on terms of Prologis agreement with EMA
09-03-26	email (with attachment)	P&C, WP	Prologis	Segro	Prologis response to Segro letter 13 February 2026. Prologis correcting mischaracterisations raised by Segro in 13 February 2026. Prologis request outstanding JV updated Heads of Terms from December 2025. Prologis sets out a timetable for Prologis & Segro to engage on the various workstreams.	Prologis maintained disagreement with SEGRO's characterisation and sought further documentation. The exchange showed that material issues remained unresolved notwithstanding SEGRO's attempts to narrow them.
13-03-26	email	Open	Prologis	Segro	Prologis providing valuers availability for a meeting.	SEGRO had indicated a preference for developer-led value discussions but confirmed willingness for each parties independent valuers/CA experts to meet.
20-03-26	email	STC	Segro	Prologis	Segro confirming Richard Aldridge will allow details to be shared of the option (on the basis Prologis & MAG reciprocate). Segro stating agreement with Cotton on overview but personal to Segro. Segro share plan of interests at Junction 24. Segro satating valuers are meeting.	
09-04-26	email (with attachment)	Open	Prologis	Segro	Prologis requesting again that heads of terms requested 3 December 2025 remain outstanding. Prologis stating that JV still remains a viable alternative to compulsory acquisition but limited progress from Segro to date. Prologis remind Segro that if they were not going to provide detailed heads of terms then they had agreed to provide "principles for a JV" yet Prologis have still not received these from Segro. Prologis requested Aldridge terms. Prologis stated that alternative structures (including a JV and access arrangements) have not yet properly been explored or progressed.	Prologis continued to characterise progress as limited and again requested material. SEGRO's earlier correspondence and disclosures show SEGRO had advanced offers, financial information, JV heads, and action points; Prologis continued to press process and information issues without meaningfully progressing commercial outcome.
13-04-26	MEETING				Prologis & Segro	At SEGRO's initiative a meeting was held at which SEGRO proposed terms for jointworking based on the DCO as the consenting mechanism with SEGRO to undertake all the infrastructure works and for Prologis to reimburse a proportionate share of the cost.

16-04-26	email	WP	Segro	Prologis	Segro response to Prologis letter of 9 April 26. Segro share summary of Aldridge Options.	SEGRO provided further requested information on Aldridge option having received landowner consent and despite no reciprocity from Prologis regarding their option with EMA
22.04.26	MEETING		SEGRO	Prologis		Further meeting to continue discussions on SEGRO's proposal of 13 April 2026. During the meeting, SEGRO confirmed the proportionate share of infrastructure costs attributable to the Prologis/MAG landholdings. Prologis advised that it would discuss the figures with EMIA and provide a response within approximately one week.
23.04.26	WhatsApp		SEGRO	Prologis		SEGRO provided additional commercial information to Prologis via WhatsApp to support ongoing negotiations and enable further consideration of SEGRO's proposals.
29.04.26	Letter		SEGRO	Prologis		SEGRO wrote to Prologis reiterating its request for reciprocal disclosure of the key commercial terms of the Prologis/MAG option agreement. SEGRO noted that it had already disclosed the principal terms of its own arrangements with Aldridge on 16 April 2026 to facilitate informed discussion of the alternatives.
18-05-26	email (with attachment)	P&C, WP	Prologis	Segro	Prologis provide summary of the Prologis & MAG option terms.	Following SEGRO's disclosure of the principal terms of its own arrangements with Aldridge, Prologis provided a summary of its option agreement. However, the information provided was less detailed than that shared by SEGRO and did not, in SEGRO's view, include all of the key commercial terms necessary to enable a fully informed assessment of the parties' respective proposals.
02.06.2026	Phone call		SEGRO	Prologis		Call between SEGRO and Prologis to progress ongoing negotiations and further explore the commercial alternatives under discussion.
03.06.26	WhatsApp		Prologis	SEGRO		WhatsApp exchange between SEGRO and Prologis in which Prologis confirmed that it would provide a substantive response to SEGRO's proposal within approximately one week.
12.06.26	Phone call		SEGRO	Prologis		Following the expiry of the timeframe previously indicated by Prologis, SEGRO contacted Prologis to seek an update on when a substantive response to the proposed terms could be expected. Prologis confirmed that it remained awaiting clearance from MAG
22.06.2026	Phone call		Prologis	SEGRO		Prologis contacted SEGRO to respond to the terms proposed by SEGRO on 22 April 2026. The response followed an extended period of internal discussions between Prologis and MAG and was received nearly two months after Prologis had initially anticipated reverting. The terms advanced by Prologis differed materially from those proposed by SEGRO, and SEGRO is actively reviewing the proposal and