

Document DCO 4.1

Statement of Reasons

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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

STATEMENT OF REASONS (DOCUMENT DCO 4.1)

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1 Introduction

- 1.1 This Statement accompanies the application made by SEGRO Properties Limited (the DCO Applicant) to the Secretary of State pursuant to Part 5 of the Planning Act 2008 (PA 2008) for a Development Consent Order (DCO) for a second phase of its East Midlands Gateway Logistics Park (EMG1) located to the north of East Midlands Airport.
- 1.2 EMG1 is a nationally significant infrastructure development being a Strategic Rail Freight Interchange comprising a rail freight terminal and warehousing. It was authorised by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (SI 2016/17) (the EMG1 DCO) and has been substantially completed.
- 1.3 The proposed second phase to EMG1 is referred to as 'East Midlands Gateway 2', 'EMG2', the 'EMG2 Project' or the 'Proposed Development'.

EMG2 Project

- 1.4 The EMG2 Project comprises three main components:

Main Component	Summary of Component	Works Nos.
DCO Application made by the DCO Applicant for the DCO Scheme		
EMG2 Works	Logistics and advanced manufacturing development located on the EMG2 Main Site south of East Midlands Airport and the A453, and west of the M1 motorway. The development includes HGV parking and a bus interchange. Together with an upgrade to the EMG1 substation and provision of a Community Park.	DCO Works Nos. 1 to 5 including relevant Further Works as described in the draft DCO (Document DCO 3.1). DCO Works Nos. 20 and 21 including relevant Further Works as described in the draft DCO (Document DCO 3.1).
Highway Works	Works to the highway network: the A453 EMG2 access junction works (referred to as the EMG2 Access Works); significant improvements at Junction 24 of the M1 (referred to as the J24	DCO Works Nos. 6 to 19 including

	Improvements), works to the wider highway network including the Active Travel Link, Hyam's Lane Works, L57 Footpath Upgrade, A6 Kegworth Bypass/A453 Junction Improvements and Finger Farm Roundabout Improvements.	relevant Further Works as described in the draft DCO (Document DCO 3.1).
MCO Application made by the MCO Applicant for the MCO Scheme		
EMG1 Works	Additional warehousing development on Plot 16 together with works to increase the permitted height of the cranes at the EMG1 rail-freight terminal, improvements to the public transport interchange, site management building and the EMG1 Pedestrian Crossing.	MCO Works Nos. 3A, 3B, 5A, 5B, 5C, 6A and 8A in the draft MCO (Document MCO 3.1).

Consenting Strategy

- 1.5 Two concurrent applications are being made for the three component parts of the EMG2 Project.
- 1.6 The first application, the applicant for which is the DCO Applicant, is for a DCO (the DCO Application) for the EMG2 Works component and the Highway Works component. The DCO Application is made pursuant to section 37 of Part 5 of the PA 2008. The EMG2 Works have been confirmed as a nationally significant project for which consent may be secured pursuant an application for a DCO by the Secretary of State pursuant to a direction made under section 35 of the PA 2008 dated 21 February 2024 (**Document DCO 6.1B**). Part of the Highway Works, being works to the strategic road network, are a Nationally Significant Infrastructure Project in their own right pursuant to section 22 of the PA 2008.
- 1.7 The second application, the applicant for which is SEGRO (EMG) Limited (MCO Applicant), is for a Material Change Order to the existing EMG1 DCO (the MCO Application) for the EMG1 Works component. The MCO Application is made pursuant to section 153 and schedule 6 of the PA 2008.
- 1.8 A more detailed description of the EMG2 Project and its components can be found in Chapter 3 of the Environmental Statement (ES) submitted with the applications (**Document DCO 6.3/MCO 6.3**).

Compulsory acquisition

- 1.9 The DCO, if made pursuant to the DCO Application, will authorise the compulsory acquisition of interests and rights in, on or over land to facilitate delivery of the DCO Scheme. In those circumstances, regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 requires the application to be accompanied by a statement of reasons.

- 1.10 The MCO Application does not seek to secure powers of compulsory acquisition in respect of any of the land interests. SEGRO (EMG) Limited, the MCO Applicant, controls all the necessary land interests to deliver the MCO Scheme.
- 1.11 This Statement relates therefore only to the DCO Application.

2 Preparation of this Statement

Context

- 2.1 This Statement has been prepared to satisfy the requirement in Regulation 5(2)(h) and should be read alongside the other DCO Application documents including:
- Land Plans (**Document series DCO 2.2**);
 - Special Category Land Plan (**Document DCO 2.15**);
 - Funding Statement (**Document DCO 4.2**); and
 - Book of Reference (**Document DCO 4.3**).
- 2.2 This Statement has also been prepared taking account of the guidance set out in the document titled 'Guidance related to procedures for the compulsory acquisition of land' issued by the then titled Department of Communities and Local Government in September 2013 (the Guidance).
- 2.3 The Guidance states, in respect of statement of reasons, as follows:
- "32. *The statement of reasons should seek to justify the compulsory acquisition sought, and explain in particular why in the applicant's opinion there is a compelling case in the public interest for it. This includes reasons for the creation of new rights.*
33. *When serving a compulsory acquisition notice under section 134 of the Planning Act, applicants should also send to each person they are notifying a copy of the statement of reasons and a plan showing how that person's land is affected by compulsory acquisition proposals.*"

Structure

- 2.4 Accordingly, this Statement explains why it is necessary and justifiable for the DCO to contain compulsory acquisition powers which relate to the land. In particular:
- Section 3 details the scope of compulsory acquisition and the various compulsory acquisition powers set out in the draft DCO (**Document DCO 3.1**). It further details the land subject to those powers and sets out the DCO Applicant's purpose in seeking to acquire land, rights and to extinguish rights over land including brief details of the wider scheme for which the DCO is sought.
 - Section 4 sets out the land interests that are necessary to carry out the DCO Scheme.
 - Section 5 details the case and justification for the compulsory acquisition powers sought in the draft DCO (**Document DCO 3.1**).
 - Section 6 deals with special category land.
 - Section 7 sets out the justification for seeking powers of compulsory acquisition including reference to how regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights together with

details of the national needs for the development. Section 8 contains any other information which may be of interest to persons who are or may be affected by the DCO.

Defined terms

- 2.5 A full glossary of terms used in this Statement is at Appendix 1 to the Guide to the Application (**Document DCO 1.3**). However, some of the key terms used throughout this Statement are provided below for ease of reference and understanding:

Term	Meaning
Community Park	The Community Park as shown cross hatched green on the Components Plan (Document DCO 2.7) and more particularly described as Work No. 21 in Schedule 1 of the draft DCO (Document DCO 3.1).
DCO	A development consent order (DCO). Introduced by the PA 2008, a DCO is the means of obtaining permission for developments categorised as a NSIP.
DCO Application	The application for a DCO for the DCO Scheme.
DCO Scheme	The development to be permitted by the DCO Application comprising the EMG2 Works and the Highway Works.
draft DCO	The draft DCO submitted with the DCO Application.
draft MCO	The draft material change order submitted with the MCO Application.
EMG1 Works	The proposed changes to that part of EMG1 shown cross hatched green on the Components Plan (Document MCO 2.7) comprising Plot 16, the EMG1 Pedestrian Crossing, and other works more particularly described as Works Nos. 3A, 3B, 5A, 5B, 5C, 6A and 8A in the draft MCO (Document MCO 3.1).
EMG2 Works	The EMG2 Main Site as shown hatched red on the Components Plan (Document DCO 2.7) comprising logistics and advanced manufacturing development more particularly described as Work Nos. 1 to 5 in Schedule 1 of the draft DCO (Document DCO 3.1), together with the Community Park (identified as Works No. 21 in Schedule 1 of the draft DCO) and an upgrade to the EMG1 substation (identified as Works No. 20 in Schedule 1 of the draft DCO).
EMG2 Main Site	The main site at EMG2 as shown hatched red on the Components Plan (Document DCO 2.7) comprising logistics and advanced manufacturing development more particularly described as Work Nos. 1 to 5 in Schedule 1 of the draft DCO (Document DCO 3.1).

Term	Meaning
Further Works	The works described as further works in Schedule 1 of the draft DCO (Document DCO 3.1) being works which may be required to facilitate Works Nos. 1 to 21 as set out in Schedule 1 of the draft DCO and which form part of the authorised development.
Highway Works	The highway works required to enable development of the EMG2 Works including the J24 Improvements, the EMG2 Access Works, the A6 Kegworth Bypass / A453 junction Improvements, the Finger Farm Roundabout Improvements, the Hyam's Lane Works, the Active Travel Link and the L57 Footpath Upgrade and other works as more particularly described in Works Nos. 6 to 19 in Schedule 1 of the draft DCO (Document DCO 3.1).
MCO	A material change order (MCO). Introduced by the PA 2008, an MCO is the means of obtaining permission for a material change to developments categorised as a NSIP and consented pursuant to a DCO.
MCO Application	The application for an MCO for the MCO Scheme.
MCO Scheme	The development to be permitted by the MCO Application comprising the EMG1 Works.
Plot 16	That part of the MCO Scheme, being the EMG1 Works, comprising logistics and warehousing development to be provided as part of the EMG1 Works as described in Works No. 3A of the draft MCO (Document MCO 3.1).

3 Compulsory acquisition

Scope of compulsory acquisition

- 3.1 The land required for the development, as illustrated on the Land Plans (**Document series DCO 2.2**) and described in the Book of Reference (**Document DCO 4.2**), is situated in North West Leicestershire District and extends to approximately 148.7 hectares (the Order Land). All the Order Land is required to enable the DCO Applicant to construct, operate and maintain the DCO Scheme.
- 3.2 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising compulsory acquisition of land. To the extent this is sought, the decision maker (the Secretary of State) in respect of the application must be satisfied that certain conditions are met. The way in which the DCO Scheme meets these conditions is considered in Section 5 of this Statement.
- 3.3 In addition to the powers of compulsory acquisition, section 120 of the PA 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development in respect of which a DCO is sought. The matters in respect of which provision may be made includes (but is not expressly limited to) matters listed in Schedule 5 of the PA 2008, including:
- The acquisition of land, compulsorily, or by agreement (paragraph 1);
 - The creation, suspension, extinguishment of, or interference with, interests in rights over land, compulsorily, or by agreement (paragraph 2);
 - The abrogation or modification of agreements relating to land (paragraph 3);
 - The payment of compensation (paragraph 4).

Main compulsory acquisition powers

- 3.4 The main powers authorising the compulsory acquisition of land, or interests in, or rights over land, are contained in Articles 22 (compulsory acquisition of land) and 23 (compulsory acquisition of rights) of the draft DCO (**Document DCO 3.1**).
- 3.5 Appendix 1 of this Statement provides a description of the land subject to the powers of outright acquisition in terms of Article 22. The purpose for acquiring this land is to enable to the DCO Applicant to construct the permanent works on the land and other elements described in that Appendix.
- 3.6 Appendix 2 of this Statement provides a description of the land subject to the powers to acquire new rights over land as contained in Article 23 of the draft DCO (**Document DCO 3.1**). This allows flexibility in approach and a reduction in the impact on persons with an interest in the affected land. These new rights are necessary for the purposes of constructing the DCO Scheme and the maintenance of the DCO Scheme thereafter.
- 3.7 Other compulsory acquisition powers are sought in the draft DCO (**Document DCO 3.1**) (identified below), and these similarly relate to land and will, or may, interfere with property, rights and interests.

Temporary possession

- 3.8 In addition, powers are sought in Article 32 of the draft DCO to enable the temporary possession and use of land. Article 33 of the draft DCO empowers the DCO Applicant to enter onto land and take temporary possession of it during the maintenance period for the purposes of maintaining the DCO Scheme.
- 3.9 Appendix 3 of this Statement provides a description of the land subject to the powers of temporary possession and use of land

Compensation

- 3.10 Where land is being acquired, new rights are being imposed or land is subject to temporary possession and use then the owner of the land, or the interest or right in the land, may be entitled to compensation.

Other powers of compulsory acquisition

- 3.11 Article 24 provides for the extinguishment of all existing private rights over land from the earlier of the date of acquisition of the land or the date on which the DCO Applicant enters the land.
- 3.12 The Article further provides that, where new rights are being compulsorily acquired or restrictive covenants are being imposed on land then any existing private rights or restrictive covenants which that land is subject to shall be extinguished to the extent that continuing those private rights or restrictive covenants would be inconsistent with the new right acquired or restrictive covenant imposed.
- 3.13 With regard to land that the DCO Applicant may take temporary possession of under the draft DCO, Article 24(4) provides that all private rights over that land will be suspended and unenforceable for as long as the DCO Applicant is in lawful possession of the land.
- 3.14 The power to extinguish or suspend existing rights is required to ensure that such rights do not interfere with the construction and operation of the DCO Scheme.
- 3.15 The Article provides that any person who suffers loss caused by the extinguishment or suspension of rights (pursuant to the exercise of the power in Article 24) is entitled to compensation.

4 Land interests

- 4.1 In preparing the DCO Application, the DCO Applicant has carried out diligent inquiry to identify all persons with an interest in the Order Land as defined in section 44 of the PA 2008. Those persons who were identified by the DCO Applicant are listed in the Book of Reference (**Document DCO 4.3**) and have been consulted about the DCO Application in accordance with section 42 of the PA 2008 as described in the Consultation Report (**Document DCO 5.1**).
- 4.2 Diligent inquiry to identify affected landowners and occupiers, those with other types of land interests, and those with a potential claim for compensation was undertaken by the DCO Applicant's expert land referencing supplier. The categories of persons identified, and the methods used to identify them, are described below with reference to the categories in the Book of Reference (**Document DCO 4.3**).
- 4.3 Land referencing has been undertaken throughout the pre-application period to ensure any changes in interest or new interests have been identified, consulted and subject to engagement. Land referencing will continue to be undertaken as appropriate during the making of the DCO and beyond to implementation to ensure that any changes in ownership are identified and any new owners are consulted and subject to engagement. Any changes will also be recorded and updated in the Book of Reference (**Document DCO 4.3**).

Category 1 and 2 persons

- 4.4 Identification of Category 1 and 2 persons, as defined in section 44 of the PA 2008, was undertaken at the early stages of development of the DCO Scheme to inform the design of the DCO Scheme and the preparation of the DCO Application.
- 4.5 A shapefile of the search area, being the anticipated land requirements, was submitted to the Land Registry so that a search could be completed of the index map in August 2024 and again in June 2025 due to small changes to the Order Limits. The official copies of the registered titles and plans were examined to identify all registered land interests, a process known as desktop land referencing. This includes detailed analysis of those titles for third-party interests in land (Category 2 interests).
- 4.6 On completion of the desktop land referencing exercise, the extent of unregistered land interests became known. An additional Search of the Index Map was requested covering the unregistered land specifically to ensure there was no human error or oversight. To establish ownership of unregistered land that falls within the proposed land requirements, public sources of information were examined, including, Companies House website, relevant Highways Authority records, as well as records held by Statutory Undertakers via a utilities search, ProveID Trace for individuals, and other publicly available online resources. Site visits were also conducted, and site notices were erected addressed to unknown owners. Where unknown ownerships or occupations are still present in the Book of Reference (**Document DCO 4.3**), where appropriate neighbouring properties were approached, with calling cards left where there was no answer. The nature of some plots (particularly under highways or accesses) mean it is not always appropriate or necessary to speak to neighbouring interests.
- 4.7 Requests for information were also sent to the local authorities within the scheme area to confirm highways information, planning information and property information. The DCO Applicant's Land Referencing supplier will perform searches at the Land Registry at appropriate points after submission and during the examination period to identify any

possible changes and ensure the information held is the most up to date information available.

Category 3 persons

4.8 Category 3 persons are those with potential claims under:

- Section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);
- Section 152(3) of the PA 2008 (compensation to any person whose land is injuriously affected by the carrying out of the works); or
- Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works).

4.9 Identification of Category 3 persons, as defined in section 44 of the PA 2008, was undertaken at the early stages of development of the DCO Scheme, to inform the design of the DCO Scheme and preparation of the DCO Application.

4.10 Category 3 persons who may have a claim pursuant to section 10 of the Compulsory Purchase Act 1965 or section 152(3) of the PA 2008 are those whose land may be injuriously affected (i.e. its value would be diminished) as a result of interference with a right or interest because of the DCO Scheme, although the land in question is not acquired outright. In order to identify such potential persons, a desk-based assessment was carried out to identify properties with a potential claim. In addition, site visits were used in order to assess properties that the team may not have been aware of from their desk-based assessment.

4.11 Part 1 of the Land Compensation Act 1973 provides a right to compensation where the value of a qualifying interest in land has been depreciated by physical factors caused directly by the use of public works. Physical factors are defined as noise, vibration, smell, fumes, smoke, artificial lighting, and the discharge onto the subject land of any solid or liquid substance. Public works are defined as any highway, any aerodrome and any works of land (other than a highway or aerodrome) provided or used in the exercise of statutory powers.

4.12 In order to identify persons with a potential claim under Part 1, the DCO Applicant had regard to the definition of physical factors and considered the assessment of operational effects of the DCO Scheme as reported in certain chapters of the Environmental Statement accompanying the DCO Application, namely Chapter 6 Traffic and Transport (**Document DCO 6.6**), Chapter 7 Noise and Vibration (**Document DCO 6.7**), Chapter 8 Air Quality (**Document DCO 6.8**) and Chapter 10 Landscape and Visual (**Document DCO 6.10**).

4.13 None of the Chapters identify an adverse impact as a result of the use and operation of the DCO Scheme. The DCO Applicant has therefore concluded that the DCO Scheme is not likely to give rise to physical factors that would cause directly a depreciation in the value of any interest in land or to a relevant claim under Part 1. The Statutory Nuisance Statement (**Document DCO 5.6**) provides further details.

4.14 The information obtained from the above exercises was used to populate the Book of Reference (**Document DCO 4.3**).

Contact referencing

- 4.15 Letters, land interest questionnaires (LIQs) and plans were distributed to all Category 1, 2 and 3 persons identified during the desktop land referencing stage. This step was essential for confirming the correct information is held and for uncovering any additional interests that may not have surfaced in the initial desktop searches. As mentioned above, there are also various other enquiries sent out to statutory undertakers via the utilities search, and the local authorities in the area.
- 4.16 Where LIQs were not promptly completed and returned by the interested parties, the DCO Applicant's Land Referencing supplier-initiated follow-up actions, including the issuance of chaser letters and subsequent phone calls and emails. These proactive measures increase the likelihood of obtaining a response from the interested parties. This comprehensive approach, known as contact land referencing, plays a crucial role in ensuring a thorough and diligent inquiry process.

Negotiations to acquire by agreement

- 4.17 As well as consulting all persons with an interest in the Order Land about the DCO Scheme proposals in accordance with section 42 of the PA 2008, the DCO Applicant is aware of the requirement (paragraph 25 of the Guidance) to seek to acquire land by negotiation wherever practicable. The power to acquire land compulsorily should only be sought if attempts to acquire by agreement fail.
- 4.18 At the same time, the DCO Applicant notes that the Guidance also recognises that where were it is proposed to acquire compulsory acquisition of multiple plots of land then it may not be practicable to acquire each plot by negotiated agreement. As the Guidance states, *"Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset."*
- 4.19 The DCO Applicant already controls a significant part of the EMG2 Main Site.
- 4.20 In terms of other landowners and occupiers, the DCO Applicant has engaged with them with a view to acquiring their land interest by agreement. That engagement has been in writing and in person so that they are aware of the DCO Applicant's willingness to negotiate to acquire the Order Land by agreement, and to invite dialogue on this point. As a result, the DCO Applicant is in the process of engaging with certain landowners regarding the acquisition of land by agreement and negotiations with this objective will be ongoing throughout the DCO process. The status of such negotiations is set out in the Pre-application Land and Rights Negotiations Tracker submitted with the DCO Application (**Document DCO 4.4**).
- 4.21 Notwithstanding the above, the DCO Applicant is aware that it may not be possible to acquire all land interests necessary to deliver the DCO Scheme.
- 4.22 There are further parcels of land in unknown ownership where it is not possible to locate the owner, and which therefore cannot be acquired by agreement.
- 4.23 The DCO Applicant has therefore concluded that the DCO Scheme is unlikely to be capable of being delivered, and therefore the benefits of the DCO Scheme will not be realised, without compulsory acquisition powers.
- 4.24 Land already owned or under the control of the DCO Applicant is included in the DCO Application and is subject to compulsory acquisition powers in case there are unknown third-party interests or rights, which might impede delivery of the DCO Scheme. Where

interests in land are not affected by the proposed powers sought in respect of a land parcel, this is set out in the Book of Reference (**Document DCO 4.3**). For example, where the DCO Applicant has entered into a voluntary agreement with the freehold owner of the parcel, the Book of Reference confirms that the freehold interest is excluded.

- 4.25 The DCO, if made, will only permit the DCO Applicant to exercise powers of compulsory acquisition in respect of land and interests sought within the DCO to support the delivery of the DCO Scheme.
- 4.26 More detail about the purposes for which the land/rights may be acquired can be found in Schedule 1 of the draft DCO (**Document DCO 3.1**) which describes the works in detail. And full details of each plot of land proposed to be subject to powers of compulsory acquisition are set out in the Book of Reference (**Document DCO 4.3**).

5 Case for compulsory acquisition

Statutory conditions

5.1 Section 122 of the PA 2008 provides:

“(1) An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met:-

(2) The condition is that the land:-

(a) is required for the development to which the development consent relates,

(b) is required to facilitate or is incidental to that development, or

(c) is replacement land which is to be given in exchange for the order land under Section 131 or 132.

(3) The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.”

5.2 The Guidance (paragraph 11) states that *“the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development”*.

5.3 In the case of land required to facilitate or which is incidental to the proposed development and using landscaping land as an example, the Guidance states that *“the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose, and that is proportionate”*.

5.4 In order to comply with the condition contained in section 122(3), it must be shown that there is a compelling case in the public interest for the compulsory acquisition. The Guidance (paragraph 13) states:

“For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.”

5.5 The Guidance (paragraphs 14 – 16) goes on to state that:

“In determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.

In practice, there is likely to be some overlap between the factors that the Secretary of State must have regard to when considering whether to grant development consent,

and the factors that must be taken into account when considering whether to authorise any proposed compulsory acquisition of land.

There may be circumstances where the Secretary of State could reasonably justify granting development consent for a project, but decide against including in an order the provisions authorising the compulsory acquisition of the land. For example, this could arise where the Secretary of State is not persuaded that all of the land which the applicant wishes to acquire compulsorily has been shown to be necessary for the purposes of the scheme. Alternatively, the Secretary of State may consider that the scheme itself should be modified in a way that affects the requirement for land which would otherwise be subject to compulsory acquisition. Such scenarios could lead to a decision to remove all or some of the proposed compulsory acquisition provisions from a development consent order"

5.6 Paragraphs 8 to 10 of the Guidance are also relevant, setting out a number of general considerations to be taken into account by the applicant in seeking compulsory acquisition powers:

- *"That all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored.*
- *That the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.*
- *That the applicant has a clear idea of how they intend to use the land which is to be acquired.*
- *That there is a reasonable prospect of the necessary funds for acquisition becoming available.*
- *That the purposes for which the compulsory acquisition powers are included in the application are legitimate and sufficiently justify interfering with the human rights of those with an interest in the affected land."*

Need for the land

5.7 Section 3 of this Statement demonstrates that the land as shown on the Land Plans (**Document series DCO 2.2**) and the proposed acquisition as detailed in the Book of Reference (**Document DCO 4.3**) is required to carry out the development to which the DCO relates.

5.8 The DCO Applicant has considered each plot of land carefully and is satisfied that compulsory acquisition powers are sought in respect of no more land, or rights over land, than is required to construct and thereafter operate the DCO Scheme.

5.9 Each plot of land as shown on the Land Plans (**Document series DCO 2.2**) is identified in Appendices 1 to 3 of this Statement with the purpose for which that plot of land is required set out by reference to the works numbers in Schedule 1 of the draft Order (**Document DCO 3.1**).

5.10 No part of the Order Land is required for replacement land given in exchange under sections 131 or 132 of the PA 2008.

5.11 The DCO Applicant is content that section 122(2) of the PA 2008 is therefore complied with.

Compelling case in the public interest

- 5.12 The DCO Applicant is further satisfied that the condition in section 122(3) of the PA 2008 is met, namely that there is a compelling case in the public interest for the compulsory acquisition of land.
- 5.13 Without compulsory acquisition powers, the DCO Applicant will not be able to secure the use or acquisition of the land it needs to construct the DCO Scheme at all or in a way that is both proportionate and in the public interest by reducing environmental impacts and mitigating the impact on land interests.
- 5.14 The DCO Applicant further considers that the public benefits that would be derived from compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired
- 5.15 The compelling case in the public interest is explained in the wider documentation that accompanies the DCO Application, including the Planning Statement (**Document DCO 5.4**), and is further set out in paragraphs 5.16 to 5.66 below.

Need for industrial and logistics development

- 5.16 The industrial and logistics sector is booming nationally and the EMG2 Main Site is one of the best locations for industrial and logistics development in the UK, being centrally located with excellent transport links, robust infrastructure and business environment (being within the East Midlands Freeport, the only inland freeport in England). These factors create the conditions where logistics operations can thrive.
- 5.17 There is increased recognition, including by Government, that the logistics sector plays a critical role and contribution to the national economy, noting in the National Planning Policy Framework (2024) that the freight and logistics sector is "*fundamental to the UK's economic growth and productivity*".
- 5.18 Despite this, the sector's economic potential is being inhibited by a lack of supply. It is important therefore that the sector's growth is facilitated given that it provides better paid jobs compared to the national average across a diverse range of professions, is resilient to economic uncertainty and underpins other economic growth.
- 5.19 The DCO Scheme represents a major and prime opportunity to deliver a significant contribution to meet the shortfall in supply of industrial and logistics floorspace. The location of the EMG2 Main Site is also a significant benefit meaning that growth will be retained within the region and will build on the existing successful logistics development at EMG1 and within the wider inland port which is concentrated around East Midlands Airport.
- 5.20 The role of the freight and logistics to the economy, and the need for the DCO Scheme, are explored in more detail in the DCO Application at:
- Planning Statement (**Document DCO 5.4**);
 - Industrial & Logistics Needs Assessment (**Document DCO 5.5**); and
 - Chapter 3, Proposed Development, of the Environmental Statement (**Document DCO 6.3**).

- 5.21 As indicated in the Planning Statement (**Document DCO 5.4**), it is anticipated that the EMG2 Main Site would be anchored by a new centralised UK operation for Maersk, one of the world's largest integrated shipping and logistics companies, which could potentially make up a third of the EMG2 Main Site. A letter of support from Maersk is attached to that statement at Appendix 3, which evidences the demand for additional logistics floorspace and the importance / advantages of the location of the EMG2 Main Site in meeting that demand.
- 5.22 The proximity of the EMG2 Main Site to the rail terminal at EMG1 is also a key advantage. Maritime, the operators of the EMG1 rail terminal, have expressed their strong support for the DCO Scheme (see their letter of support at Appendix 2 of the Planning Statement (**Document DCO 5.4**)). Their letter highlights the success of EMG1 with all occupiers on the site using rail to some degree and sets out their aspiration for further sustainable growth. They consider that the DCO Scheme, given its proximity to the rail terminal, *'will undoubtedly further increase the demand for rail, allowing us to maximise the benefits of the hub and spoke model: long transport leg on low carbon rail with shorter trunking by sustainable low/zero carbon trucks from rail to terminal'*.

Investing in the local, regional and national economy

- 5.23 The EMG2 Main Site benefits from the Freeport designation, being part of the East Midlands Airport and Gateway Industrial Cluster (EMAGIC), which is intended to catalyse regional regeneration and economic transformation by offering a suite of incentives including tax reliefs, customs benefits, business rates retention and planning flexibility. These are designed to attract high-value, low-carbon investment and support sectors such as advanced manufacturing, logistics and green technologies.
- 5.24 The DCO Scheme is fully consistent with the objectives of the designation and the vision for the Freeport namely:
- The DCO Scheme is for a logistics and advanced manufacturing development;
 - The DCO Scheme builds on the successful EMG1 increasing the likelihood that it will attract high-value, low-carbon investment and support sector occupiers; and
 - The DCO Applicant is committed to adopting green technologies.
- 5.25 The EMAGIC designated area is further recognised by North West Leicestershire District Council (NWLDC) as a strategic employment growth area and the DCO Scheme will make a significant contribution to delivering that growth.
- 5.26 Significant benefits will be delivered by the DCO Scheme including:
- During the construction phase:
 - An estimated 320 on-site construction jobs per annum during the estimated 5.6-year construction period.
 - An estimated 480 net additional construction jobs on and off-site per annum once displacement and multipliers are accounted for.
 - An estimated £98 million temporary gross value added (GVA) to be generated over the 5.6-year construction period.
 - During the operational phase:

- An estimated 4,000 on-site jobs (gross).
 - An estimated 5,250 net additional jobs once displacement and multipliers are accounted for.
 - An estimated £148 million estimated gross value added (GVA) expected to be generated per annum from on-site jobs (accounting for displacement).
 - An estimated £9.7 million estimated total business rates income per annum.
- 5.27 It is important to note too that increasingly jobs within the industrial and logistics are increasingly high-value, well paid and require a diverse range of advanced skills. This is because the sector relies on technology, automation, data analytics, engineering and systems management to keep supply chains efficient and infrastructure functioning. The new jobs created by the DCO Scheme will therefore make a significant contribution through investing in the local workforce and local skills and labour initiatives as EMG1 has done.
- 5.28 To ensure that the employment and skills opportunities from the DCO Scheme are maximised, requirement 25 of the draft DCO (**Document DCO 3.1**) provides for 'employment schemes' to be prepared and approved by NWLDC both before construction and before occupation of a completed building. Each scheme will set out how employment opportunities will be advertised, how training opportunities will be provided, details of apprenticeships and training, as well as other measures to assist those out of work to rejoin the workforce and will apply throughout occupation of the DCO Scheme.
- 5.29 As at EMG1, an 'Employment and Skills Group' will also be formed consisting of representatives from the DCO Applicant, contractor, tenants, local colleges, local authorities, and employment groups/organisations (e.g. Job Centre Plus) to promote opportunities for training and employment to attract employment from the local area.
- 5.30 The DCO Applicant is further committed to preparing and implementing a 'Community Investment Plan' focused on upskilling and training together with other local community investment and liaison – again, this will build on the hugely successful initiatives and relationships developed by the MCO Applicant at EMG1.
- 5.31 A more detailed analysis of the socio-economic benefits of the DCO Scheme can be found in the Industrial & Logistics Needs Assessment (**Document DCO 5.5**) and Chapter 5 of the Environmental Statement (**Document DCO 6.5**).

A second phase to EMG1

- 5.32 EMG1 was authorised by the EMG1 DCO in 2016 and, over the last 9 years, has provided more than 4.5 million square feet of strategic logistics floorspace and a rail terminal operated by Maritime Transport. The site is now providing up to 7,500 on-site jobs.
- 5.33 Take up of the floorspace was far quicker than envisaged, again highlighting the demand for logistics floorspace and the attractiveness of the location of EMG1. The only land remaining at EMG1 which can accommodate significant additional floorspace is Plot 16, the subject of the MCO Application.
- 5.34 The development proposed on the EMG2 Main Site will be a fully functional second phase to EMG1 and will be operated as a fully integrated extension with shared

operational management and ownership. EMG1 and EMG2 will be owned and managed as a single entity by the SEGRO group.

- 5.35 The existing EMG1 management company, owned and controlled by the SEGRO group, will be expanded to fully incorporate the new operations at Plot 16 and on the EMG2 Main Site. The SEGRO group will therefore be responsible for the maintenance of the internal estate roads, landscape areas, footpaths/cycleways and community public open space proposed on the EMG2 Main Site and the Community Park which will all be integrated and managed as a single entity with the existing EMG1 common areas. A Landscape and Environmental Management Plan (LEMP) (**Document DCO 6.9J**) will be required as part of the DCO requirements and will set out the immediate as well as long-term objectives to manage and maintain the landscape to the benefit of both the environment and the local community.
- 5.36 EMG2 occupiers will be able to access the rail freight terminal at EMG1, which help achieve the Government's target of achieving net zero greenhouse gas emissions by 2050, by reducing HGV traffic generation and increasing the volume of freight traffic travelling by rail. It will also build on the success of the facilities as an 'inland port'.
- 5.37 The existing EMG1 'Sustainable Transport Working Group' will be expanded to fully incorporate the new occupiers on Plot 16 and on the EMG2 Main Site. The highly successful transport strategy on EMG1 has delivered a nationally recognised exemplar scheme which has far exceeded all targets and is currently achieving single use employee car patronage to EMG1 as low as 56%.
- 5.38 A central part of the sustainable transport strategy for the EMG2 Main Site will be a 'Gateway Shuttle Bus' service. This will be free for all site employees providing a highly sustainable and affordable alternative to single occupancy car travel, replicating a similar service operated at EMG1. It will operate by providing a 'last mile' service for employees with links from their workplaces to local bus services through a dedicated on-site interchange at the site entrance. Using state of the art fully electric shuttle buses, patronage of the shuttle bus at EMG1 has to date far exceeded expectations, with some 4,800 trips per week achieved in 2023. The EMG2 shuttle service will be co-ordinated through an expanded Sustainable Transport Working Group already in operation at EMG1. This ensures that through close cooperation between all parties, bus services operate around the clock to support the shift patterns of the businesses.
- 5.39 In the above ways, and through their common ownership and management, EMG1 and EMG2 will be able to achieve financial and environmental savings to reduce their own impacts, a significant advantage over smaller individual developments.

Exemplar scheme

- 5.40 For over 100 years, the SEGRO group (which includes the DCO Applicant and the MCO Applicant) has been creating market leading high-quality assets that allow its customers to thrive. This includes modern big box warehouses, used primarily for regional, national and international distribution hubs, as well as urban warehousing and manufacturing facilities located close to major population centres and business districts.
- 5.41 In addition to the very successful development of EMG1, SEGRO has a history of working on other large schemes, including:
- Northampton Gateway: Commenced construction of its Northampton Gateway scheme in 2020. The project will deliver 5m square meters of logistics and

warehousing and a new strategic rail freight interchange which was also approved via DCO.

- Coventry Gateway: A significant warehousing and industrial development south of Coventry with planning approval for 3.7m square meters.
- Smartparc SEGRO Derby: Comprising 2m square meters. of manufacturing and distribution specifically designed for food manufacturing and associated services with a central energy centre and private electric network.
- Rugby Gateway: A 1.2m square meters logistics park, completed in 2017 at Junction 1 of the M6.

5.42 SEGRO was announced as the strategic partner of the neighbouring West Midlands Combined Authority (WMCA) in May 2023, with a commitment to invest £2 billion over the coming decade to deliver next generation, net zero warehouse facilities in the West Midlands. As a strategic partner, SEGRO aims to deliver 13.5 million square meters of sustainable warehouse space across the West Midlands by the end of 2033, focused on tech-enabled logistics facilities as well as purpose-built space for research and development and light manufacturing. The development programme is expected to create up to 14,000 jobs covering a wide range of employment types and industry sectors and will contribute significantly to economic growth and levelling up the region, which are two core aims of the WMCA.

5.43 SEGRO is committed to being an industry leader in sustainability and to being a force for social and environmental good and this is integral to their purpose and strategy. Its 'Responsible SEGRO framework' focuses on three long-term priorities where the company believes it can make the greatest impact: Championing Low-Carbon Growth, Investing in Local Communities and Environments and Nurturing Talent.

5.44 It is committed to delivering a development that enables occupiers to run net zero operations. Its strategic priority 'Championing Low Carbon Growth' includes reducing operational carbon emissions (including occupier emissions) by 42% by 2030, measured against a 2020 baseline. This commitment to sustainability is led by SEGRO Sustainable Initiatives which covers wide ranging energy efficiency initiatives including targeting an Energy Performance Certificate (EPC) rating of Band 'A' and BREEAM 'Outstanding' as part of SEGRO base build specification.

5.45 The above experience, principles and commitments will be adopted by SEGRO in developing the EMG2 Main Site.

Highway Works

5.46 The DCO Scheme includes the Highway Works which include a package of strategic highways improvements forming an integral part of an emerging strategic highways solution to existing challenges and problems around Junction 24 of the M1. The process to devise and assess a wider package of strategic highways improvements is the product of collaborative working between the private and public sectors to remove the recognised restricted capacity at Junction 24 which would otherwise inhibit proposals to deliver major economic, housing and energy development across the region. The DCO Applicant has worked collectively with the promoters of other nearby strategic developments in response to this widely acknowledged constraint. The proposed emerging strategic highways solution is potentially transformative in terms of unlocking housing and employment growth for the East Midlands.

- 5.47 The specific highways scheme and mitigation for the DCO Scheme is entirely supportive of, and consistent with the emerging draft wider proposals around Junction 24 but is not reliant upon those coming forward. The approach utilises complementary works packages capable of being delivered by individual promoters of nearby development sites. The proposed Highways Works which form part of DCO Scheme form one of these complementary packages which alone would mitigate the impact of the DCO Scheme on the highway network but would deliver further benefits to enable and support additional development whilst minimising disruption to future road users.
- 5.48 The main component of the works to Junction 24 that the DCO Scheme will deliver is the provision of a new dedicated free flow link from the M1 northbound to the A50 westbound, with a new bridge over the A453 and other associated works. The purpose of the improvements is to increase the capacity of the Strategic Road Network (SRN) and reduce the impact of the traffic movements associated with the DCO Scheme. The design of the proposed works also allows for further improvements to the Junction to come forward later, as necessary, to support other planned development or network growth.
- 5.49 The improvements will increase the capacity of the Junction and have beneficial effects by drawing traffic onto the SRN, thereby reducing traffic on some local roads. Importantly the improvements will result in reductions in traffic on the M1 northbound off-slip where existing queuing causes capacity and safety issues together with a reduction in the level of traffic at M1 Junction 23a and the A453 link between the EMG2 Main Site access and M1 Junction 24.
- 5.50 In the absence of the DCO Scheme, therefore, major economic, housing and energy development across the region will continue to be constrained unless and until others in the private or public sectors step in to deliver a solution. The DCO Applicant has committed to delivering the works but that is only made possible through the DCO Scheme which can only be delivered with compulsory acquisition powers.

Benefits for the local community

- 5.51 The DCO Scheme will deliver significant benefits to the local community, most notably those living closest to the EMG2 Main Site including residents of Diseworth. These benefits include:
- A new 14.3 hectare / 35-acre Community Park located on the western boundary of the EMG2 Main Site. The park will be extensively landscaped in accordance with the Community Park Plan (**Document DCO 2.16**) and will thereafter be managed and maintained by the DCO Applicant in accordance with an agreed scheme. Delivery of the Community Park will be secured through Requirement 28 as set out in Schedule 2 of the draft DCO (**Document DCO 3.1**). It will be made available for the purposes of recreation and play by the public in perpetuity.
 - Significant improvements will be made to the local public right of way network including the provision of new public footpaths, the upgrading of existing public footpaths to cycle tracks and the extension to bridleways. These are shown on the Access and Rights of Way Plans (**Document DCO 2.4**) and delivery of them is secured in the draft DCO (**Document DCO 3.1**).
 - A HGV park will be provided within the EMG2 Main Site as part of the DCO Scheme. This is being provided to serve visitors to the site and also addresses concerns expressed by the local community about the risk of HGVs parking within Diseworth village and on surrounding local roads. The HGV park will be secured

by Requirement 31 as set out in Schedule 2 of the draft DCO (**Document DCO 3.1**) and will be completed before occupation of any of the authorised buildings within the development.

- A new bus interchange will be provided within the EMG2 Main Site and a private electric shuttle bus will operate within the EMG2 Main Site which will stop at the bus interchange to connect to local services. The DCO Applicant has proposed providing for the shuttle bus to stop close to Diseworth which would allow the general public to use the shuttle bus free of charge to get to the interchange to use local services.
- Measures will be implemented to limit access to Hyam's Lane by vehicles and to Long Holden. These measures will mitigate the risk of anti-social behaviour, addressing concerns raised by the local community.
- A Community liaison group will be formed before the DCO Scheme commences pursuant to Requirement 28 of the draft DCO (**Document DCO 3.1**). Representatives from the local authorities and parish councils will be invited to attend the group and the purpose of the group will be to facilitate liaison between the DCO Applicant and the local community during construction and operation of the DCO Scheme.

Maximising public benefits through comprehensive development

- 5.52 As indicated above, the EMG2 Main Site is one of the sites designated as part of the East Midlands Freeport and is the majority of the land still to be developed within the East Midlands Airport and Gateway Industrial Cluster (EMAGIC). The East Midlands Freeport was designated in 2022 and those parts of the Freeport within EMG1 are already occupied and benefiting from Freeport status.
- 5.53 If the DCO is made and the EMG2 Main Site comes forward as a second phase of EMG then it will secure the fast-track delivery of development on the Freeport site. This is in line with the Government's ambitions to speed up delivery of the Freeport sites as set out in the Freeports Delivery Roadmap published on 19 December 2023.
- 5.54 The Government has recognised that the designation and delivery of Freeport sites deliver significant benefits. In the Ministerial Foreword to the Roadmap the Secretary of State for Levelling Up, Housing and Communities stated that the Roadmap: *"...is a comprehensive set of measures that government will implement to accelerate Freeport delivery and maximise its benefits for all: we are doubling down on our efforts to promote Freeports to investors; we are making sure those investors have as smooth a journey through the planning system as possible"*.
- 5.55 In the absence of the DCO Scheme and compulsory acquisition powers to enable that scheme to be delivered, development of the EMG2 Main Site remains uncertain. It is very likely that the entirety of the EMG2 Main Site may never come forward or may not come forward before the Freeport window closes in 2031, and the opportunity presented by its Freeport status will therefore never be realised. This could lead to the loss of employment land within the region as the market looks to other regions where there is more certainty as to the delivery and availability of sites.
- 5.56 Indeed, without compulsory acquisition powers, the EMG2 Main Site is only capable of being developed piecemeal because of its fragmented land ownership; the land to the north of Hyam's Lane being under the control of a third-party developer (northern part)

and the land to the south of Hyam's Lane being under the control of the DCO Applicant (southern part).

- 5.57 The third-party developer of the northern part of the EMG2 Main Site has applied for planning permission (by planning application reference 24/00727/OUTM made to NWLDC) for development of that part. However, if granted, the planning permission would not facilitate development of the southern part of the EMG2 Main Site because, amongst other reasons, it makes no provision for a compatible vehicular access to be provided to the southern part of the site. Even if it did make provision for a deliverable vehicular access, development of the southern part of the EMG2 Main Site would not be viable or deliverable as standalone development. In addition, even if viability and deliverability issues could be overcome, development of the southern part would be significantly delayed beyond the Freeport window of 2031 because development of the northern part would need to come forward first and there is no certainty as to when or if development of the northern part will be achieved.
- 5.58 Piecemeal development would further be a compromised form of development and would not maximise the opportunity which was envisaged by its Freeport status.
- 5.59 Nor would it realise the full benefits that the DCO Scheme will provide. For example, without the scale and quantum of the DCO Scheme, that part of the DCO Scheme comprising the Highway Works (DCO Works Nos. 6 to 19 as described in the draft DCO (**Document DCO 3.1**)) will not be deliverable. Not only do these works address the impact of development of the EMG2 Main Site but they are also of a wider benefit in addressing existing problems and helping to facilitate further planned growth in the area. Through the EMG2 Transport Working Group (which includes National Highways and Leicestershire County Council), the DCO Applicant has identified the appropriate highway mitigation for the site, which is near Junction 24 of the M1 motorway, a junction of significant concern to the highway authorities. The ability of the DCO Scheme to fund these mitigation works, and the site's other necessary infrastructure works, is dependent upon the entirety of the site making a full contribution. The works concerned cannot be funded by only the southern part controlled by the DCO Applicant. It is not known what highway mitigation may be proposed in respect of the northern part of the EMG2 Main Site because the current planning application does not provide that information.
- 5.60 Other benefits which would be undeliverable by piecemeal development include:
- The proposed HGV park – The application for the northern section of the EMG2 Main Site does not include provision for HGV parking, and placing an HGV parking area in the southern part of the site would result in less direct access to the highway network, which may reduce its usage by HGV traffic.
 - The bus interchange - Again, the application for the northern part of the EMG2 Main Site makes no provision for a bus interchange and locating it within the southern part of the site would not be supported by bus companies due to its distance from the main public highway; and
 - The Community Park - Piecemeal development is not able to provide the same scale of landscaping which means that it will not be possible to provide a community park. Instead, internal estate landscaping is likely to be provided which will not provide the same public benefits as access by the public is likely to be limited or not available at all. Landscaping is also unlikely to be managed or maintained as thoroughly as a community park which the public access for recreational purposes.

- 5.61 In addition, piecemeal development is generally a less efficient and effective use of land, which can sometimes lead to design compromises to achieve the necessary scale of development. An example of this would be strategic landscaping. The proposals for the EMG2 Main Site have been comprehensively designed to provide an extensive and appropriate landscape setting for the entire development. The relationship of the development to its surrounding landscape context and, in particular, to Diseworth to the south west of the site, have been key considerations in landscape and visual terms and have strongly informed the development parameters and landscape proposals for the EMG2 Main Site (for example, the provision of the Community Park and bunding to provide a significant buffer between the built development and Diseworth). Without this coordinated approach to the landscape and mitigation proposals, particularly along the western side of the EMG2 Main Site, the strategic landscape proposals will be weakened and the impacts upon the local landscape, Diseworth and surrounding views will be greater. Indeed, the proposed development parameters in the planning application for the northern part of the site show built development both closer to and higher than the EMG2 Main Site development parameters.
- 5.62 Another design compromise resulting from piecemeal development is that, to achieve the appropriate scale of development, it is likely to be necessary to increase building heights across the EMG2 Main Site. This would include on the western boundary of the site closest to Diseworth, something that is not supported by the local community as evidenced by the feedback received during consultation on the DCO Scheme and set out in the Consultation Report accompanying the DCO Application (**Document DCO 5.1**). Because comprehensive development allows more flexibility and a more effective use of land, the DCO Applicant has been able to adjust its proposals for the DCO Scheme to restrict the building heights in the west closest to Diseworth with higher building heights in the east by less sensitive receptors (see the Parameters Plan (**Document DCO 2.5**)).
- 5.63 In contrast to piecemeal development, the DCO Scheme, using compulsory acquisition powers, will enable the EMG2 Main Site to be brought into one ownership and to be delivered as a single-phase development. This will enable it to be comprehensively planned and developed, and the benefits maximised. In addition, by delivering the development as a single-phase development, works can be co-ordinated by one developer to lessen the impacts on the local area / community so far as possible, avoiding the years of on / off disruption which can occur where multiple developments are delivered by multiple developers.
- 5.64 Comprehensively planning and developing large sites is recognised as good planning in contrast to a piecemeal approach. It encourages and secures holistic and integrated development, ensuring that all components – whether physical, legal, social and economic – are planned and delivered together to maximise impact, efficiency and long-term value and sustainability.
- 5.65 Ensuring that all of parts of a site come forward together and are compatible with each other provides the opportunity to identify the best and most appropriate form of development. This in turn enables the impacts of that development, including its environmental impacts, to be more effectively minimised and managed. It also enables the benefits of that development, including environmental, social, economic and other benefits, to be maximised. Comprehensive development is also more efficient in terms of both its delivery and future operation, limiting the potential for duplication, waste of resources and delay which can arise from piecemeal development.
- 5.66 In addition, it is important in developing a single large site that there is the ability to equalise the costs of development across the site to ensure that the ability to plan the

most appropriate form of development, both functionally and environmentally, is not compromised by the need to obtain a certain return on investment on every part of a site.

Reasonable prospect of funding

- 5.67 The DCO Applicant is content that there is a reasonable prospect of the necessary funds for acquisition being available for the reasons set out in the Funding Statement (**Document DCO 4.2**).

Consideration of alternatives

- 5.68 As explained in Chapter 4: Assessment of Alternatives of the Environmental Statement (**Document DCO 6.4**), the DCO Applicant has explored alternative options for the DCO Scheme and has concluded that there are no alternatives to the DCO Scheme which will deliver the benefits which are capable of being secured by the DCO Scheme. The alternative of piecemeal development is not a feasible alternative for the reasons set out above.

Acquisition by agreement

- 5.69 The DCO Applicant is mindful that all reasonable alternatives to compulsory acquisition should be explored and that the authority to acquire land compulsorily should only be sought if attempts to acquire by agreement fail. However, the DCO Applicant notes that the Guidance recognises that, in some cases, it may not always be practicable to acquire each plot of land by agreement. Where this is the case, the Guidance confirms that it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset. It also recognises that in some cases it may be preferable, or necessary, to acquire land compulsorily rather than by agreement.
- 5.70 The DCO Applicant sets out, in its Consultation Report (**Document DCO 5.1**) submitted with the DCO Application, the discussions it has had with landowners and occupiers, and in the Pre-application Land and Rights Negotiations Tracker submitted with the DCO Application (**Document DCO 4.4**), the efforts made to acquire the Order Land by agreement.
- 5.71 It is satisfied that compulsory acquisition and temporary possession powers are required to ensure that the DCO Scheme can be delivered in a reasonable timescale and in the event that it does not prove possible to acquire all the Order Land by agreement.

Conclusions

- 5.72 The DCO Applicant is satisfied that the conditions in section 122 of the PA 2008 are met and that the tests in the Guidance are satisfied.
- 5.73 All the Order Land subject to compulsory acquisition and temporary possession powers is necessary to construct, operate, maintain and mitigate the DCO Scheme necessary to achieve the objectives of the DCO Scheme. The extent of the land sought is reasonable and proportionate.
- 5.74 There is a compelling case in the public interest to include the compulsory acquisition powers sought by the DCO Applicant in the draft DCO (**Document DCO 3.1**). The exercise of the compulsory acquisition powers that are sought is shown throughout this Statement to be necessary and proportionate to the extent that interference with private

land and rights is required. In the absence of compulsory powers, the DCO Applicant considers that it would not be possible to proceed with the DCO Scheme, therefore the public benefits of the DCO Scheme will not be realised.

6 Special considerations

Crown land

- 6.1 None of the Order Land is Crown land for the purposes of sections 135 or 227 of the PA 2008.

National Trust land

- 6.2 None of the Order Land is National Trust land for the purposes of section 130 of the PA 2008.

Special category land forming part of a common, open space, fuel or field garden allotment

- 6.3 Section 131 of the PA 2008 applies to the compulsory acquisition of any land forming part of a common, open space or fuel or field garden allotment. Section 132 of PA 2008 applies to the compulsory acquisition of any rights over land forming part of a common, open space or fuel or field garden allotment. They make provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of or rights over such land unless the exemptions in those sections apply.
- 6.4 For the purposes of sections 131 and 132 of the PA 2008, open space, common land and fuel or field garden allotment are defined as having the same meaning as in section 19 of the Land Acquisition Act 1981.
- 6.5 The Acquisition of Land Act 1981 in turn defines these terms as follows:
- '*common*' includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;
 - '*fuel or field garden allotment*' means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act; and
 - '*open space*' means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

Exemptions

- 6.6 The exemptions where SPP does not apply are:
- Section 131:
 - (a) Replacement land has been or will be given in exchange for the order land and the replacement land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land (section 131(4)); or
 - (b) For open space land only, replacement land in exchange is not available or would only be available at a prohibitive cost and it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to SPP (section 131(4A)); or

- (c) For open space land only, the land is only being compulsorily acquired for a temporary (although possibly long-lived) purpose (section 131(4B)); or
 - (d) The land to be acquired does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and the giving in exchange of other land is unnecessary whether in the interests of persons, if any, entitled to right of common or other rights or in the interests of the public (section 131(5)).
- Replacement land is defined for the purposes of section 131 as follows:

"replacement land" means land which is not less in area than the Order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.

6.7 Section 132:

- Section 132 relates to the acquisition of rights over open space, common land, fuel or field garden allotment and broadly follows the same approach as section 131.
- Replacement land is defined for the purposes of section 132 as follows:

"replacement land" means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right-
 - (a) *the persons in whom the Order land is vested,*
 - (b) *the persons, if any, entitled to rights of common or other rights over the Order land, and*
 - (c) *the public.*

6.8 It is noted also that paragraph 5.194 of the NPSNN (Department for Transport, 2024) provides that:

where Sections 131 and 132 of the Planning Act apply, any replacement land provided under those sections will need to conform to the requirements of those sections.

The DCO Scheme

6.9 This section of this Statement sets out the applications of sections 131 and 132 of the PA 2008 in relation to the proposed compulsory acquisition of special category land within the Order Land. It should be read alongside:

- Land Plans (**Document series DCO 2.2**);
- Special Category Land Plan (**Document DCO 2.15**); and
- Book of Reference (**Document DCO 4.3**).

6.10 It should also be read alongside the draft DCO (**Document DCO 3.1**).

- 6.11 As indicated in Part 5 of the Book of Reference and shown on the above plans, the DCO Application seeks powers of compulsory acquisition over land to which sections 131 and 132 of the PA 2008 apply.
- 6.12 The Order Land includes land which falls within the category of 'open space' land being Plots 2/19 to 2/24 as shown on sheet 2 of the Land Plans (**Document DCO 2.2B**) and on the Special Category Land Plan (**Document DCO 2.15**) and comprising:
- 382 square metres of land to be permanently acquired (Plots 2/20 and 2/23); and
 - 871 square metres of land required for temporary possession (Plots 2/19, 2/21, 2/22 and 2/24).
- 6.13 It is necessary to acquire interests in this land to undertake works and to upgrade public footpath L57 to a public cycle track (Work No. 19 as described in Schedule of the draft DCO (**Document DCO 3.1**)). Plots 2/20 and 2/23, being the land on which the public cycle track will be situated, will be permanently acquired. Plots 2/19, 2/21, 2/22 and 2/24 will be temporarily used to facilitate the carrying out of the works before being reinstated at the end of the works.
- 6.14 The DCO Applicant has considered the exemptions in sections 131 and 132 and applied them to each of the special category land plots. No rights are proposed to be acquired over the special category land plots and therefore section 132 is not engaged. Section 131 is however engaged and the DCO Applicant has identified that one of the exemptions applies to each plot meaning that the DCO Application should not be subject to SPP as follows:

Plot no.	Description	Category of land	Work no.	Extent of acquisition	Application of section 131
2/19	315 square metres, or thereabouts, of recreational land and open space situated to the south of 2 Charnwood Avenue, Castle Donington	Open space land	Work No. 19	Temporary possession	Section 131(4B) The land is only being compulsorily acquired for a temporary purpose
2/20	250 square metres, or thereabouts, of public footpath (L57), scrubland and open space situated to the south of 2 Charnwood Avenue, Castle Donington	Open space land	Work No. 19	Permanent acquisition	Section 131(5) The land is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and the giving in exchange of other land is

					unnecessary whether in the interests of persons, if any, entitled to right of common or other rights or in the interests of the public
2/21	164 square metres, or thereabouts, of recreational land and open space situated to the south of 2 Charnwood Avenue, Castle Donington	Open space land	Work No. 19	Temporary possession	Section 131(4B) The land is only being compulsorily acquired for a temporary purpose
2/22	168 square metres, or thereabouts, of recreational land and open space situated to the south of 2 Charnwood Avenue, Castle Donington	Open space land	Work No. 19	Temporary possession	Section 131(4B) The land is only being compulsorily acquired for a temporary purpose
2/23	132 square metres, or thereabouts, of public footpath (L57), scrubland and open space situated to the south of 2 Charnwood Avenue, Castle Donington	Open space land	Work No. 19	Permanent acquisition	Section 131(5) The land is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and the giving in exchange of other land is unnecessary whether in the interests of persons, if any, entitled to right of common or other rights or in the interests of the public

2/24	224 square metres, or thereabouts, of recreational land and open space situated to the south of 2 Charnwood Avenue, Castle Donington	Open space land	Work No. 19	Temporary possession	Section 131(4B) The land is only being compulsorily acquired for a temporary purpose
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Conclusions

- 6.15 Whilst special category land comprising open space land is proposed to be subject to compulsory acquisition powers pursuant to the draft DCO (**Document DCO 3.1**), at least one of the exemptions set out in section 131 applies to each part of that land. The DCO Application should therefore not be subject to SPP.

Statutory undertaker land

- 6.16 Section 127(3) of PA 2008 provides that a DCO may only authorise the compulsory acquisition of statutory undertaker land where a representation has been made by the statutory undertaker objecting to the acquisition if the Secretary of State is satisfied that:
- The land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
 - If purchased, the land can be replaced by other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking.
- 6.17 Section 127(5) of the PA 2008 provides that a DCO may only authorise the compulsory acquisition of rights over statutory undertaker land where a representation has been made by the statutory undertaker objecting to the acquisition if the Secretary of State is satisfied that:
- The rights can be acquired without any serious detriment to the carrying on of the undertaking; and
 - Any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by the use of the land belonging to or available for acquisition by the undertaker.
- 6.18 No permanent compulsory acquisition of statutory undertaker's land is required for the DCO Scheme. Subsection 127(3) of the PA 2008 is therefore not engaged.
- 6.19 If made, the draft DCO (**Document DCO 3.1**) will, however, authorise the compulsory acquisition of new rights over statutory undertaker's land, being Plot 3/10 as described in the Book of Reference (**Document DCO 4.3**) and shown on Sheet 3 of the Land Plans (**Document DCO 2.2C**). This land comprises an electricity distribution site at EMG1 which is leased to UK Power Distribution Limited for the purposes of carrying out its statutory undertaking. Subsections 127(5) of the PA 2008 is therefore engaged.

- 6.20 Adequate protection for statutory undertakers' assets is however included within the protective provisions in Schedule 13 to the draft DCO (**Document DCO 3.1**). This includes in favour of UK Power Distribution Limited in Part 7 of Schedule 13.
- 6.21 The DCO Applicant accordingly considers that UK Power Distribution Limited will not suffer serious detriment to the carrying on of their undertaking because of the compulsory acquisition of rights over their land. The tests set out in section 127(6) of the PA 2008 are therefore satisfied.
- 6.22 The DCO Applicant will nevertheless engage with UK Power Distribution Limited about the potential impacts of the DCO Scheme on them.
- 6.23 The DCO Applicant has, during preparation of the DCO Application, engaged with other statutory undertakers about the DCO Scheme.
- 6.24 Various statutory undertakers and owners of apparatus (including UK Power Distribution Limited, National Grid Electricity Distribution (East Midlands) plc, Severn Trent Water Limited, Cadent Gas Limited and British Telecommunications plc) have a right to keep equipment (in connection with their undertaking) on, in or over parts of the Order Land. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the land are included in the Book of Reference (**Document DCO 4.3**).
- 6.25 Section 138 of the PA 2008 applies if a draft DCO authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land.
- 6.26 For the purposes of section 138:
- 'relevant right' means a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land which is vested in or belongs to statutory undertakers for the purpose of carrying on their undertaking, or which is conferred on a telecommunications code operator; and
 - 'relevant apparatus' means apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or electronic communications apparatus kept installed for the purposes of an electronic communications code network.
- 6.27 A DCO may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the draft DCO relates (subsection 138(4)).
- 6.28 The draft DCO (**Document DCO 3.1**) includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the DCO Scheme. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 13 to the draft DCO (**Document DCO 3.1**). The protective provisions will be agreed with the relevant statutory undertakers and electronic communications apparatus owners and will accordingly set out constraints on the exercise of the powers in the draft DCO (**Document DCO 3.1**), with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the DCO Scheme (i.e. the development authorised

by the DCO) to proceed. The DCO Applicant therefore considers that the test set out in section 138 is satisfied.

7 Human Rights

Protected rights

- 7.1 The Human Rights Act 1998 incorporated into domestic law the provision of the European Convention on Human Rights (ECHR). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual. The relevant Articles can be summarised as follows:
- Article 1 of The First Protocol – protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.
 - Article 6 – entitles those affected by compulsory powers to a fair and public hearing.
 - Article 8 – protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.
- 7.2 Paragraph 10 of the Guidance sets out how applicants should take into account human rights:
- “The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention.”*
- 7.3 The draft DCO (**Document DCO 3.1**), if made, may infringe the human rights of persons with an interest in land. This infringement is authorised by law provided that:
- There is a compelling case in the public interest for the compulsory acquisition powers included within the draft DCO, and that proper procedures are followed.
 - Any interference with a human right is proportionate and otherwise justified.
- 7.4 The DCO Applicant recognises that the DCO Scheme may have an impact on individuals but considers that the significant public benefits that will arise from the DCO Scheme are set out in this Statement (**Document DCO 4.1**) and the Planning Statement (**Document DCO 5.4**) outweigh any harm to those individuals.
- 7.5 In relation to both Article 1 and 8 of the ECHR, the compelling case in the public interest for the compulsory acquisition powers included within the draft DCO (**Document DCO 3.1**) has been demonstrated in this Statement (**Document DCO 4.1**) and in the Planning Statement (**Document DCO 5.4**). The land over which compulsory acquisition powers are sought as set out in the draft DCO is the minimum necessary to ensure the delivery of the DCO Scheme. In this respect, the interference with human rights is both proportionate and justified.
- 7.6 In relation to Article 6, the DCO Applicant is content that the proper procedures have been followed for both the consultation on the DCO Scheme and in determining the

compulsory acquisition powers included within the draft DCO (**Document DCO 3.1**). Throughout the development of the DCO Scheme, the DCO Applicant has given persons with an interest in the land a full opportunity to comment on the proposals, both in a statutory and non-statutory capacity, and the DCO Applicant has endeavoured to engage with landowners. The DCO Applicant has had regard to feedback in both the initial design of the DCO Scheme and in iterative design changes throughout the life of the DCO Scheme. Examples of any design changes are provided within the Consultation Report (**Document DCO 5.1**).

- 7.7 Furthermore, any individuals affected by the draft DCO (**Document DCO 3.1**) may submit representations by way of an objection to the application in response to any notice given under section 56 of the PA 2008, during the examination of the DCO Application by the examining authority, any written representations procedure which the examining authority decides to hold and in particular, any compulsory acquisition hearing held under section 92 of the PA 2008, at which each affected person is entitled to make oral representations about the compulsory acquisition request.
- 7.8 If the draft DCO (**Document DCO 3.1**) is made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out pursuant to section 118 of the PA 2008.
- 7.9 No residential properties are proposed to be acquired as part of the DCO Scheme.

Fair compensation

- 7.10 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code and Articles 22, 23, 24, 25, 31, 32 and 33 and Schedule 12 to the draft DCO (**Document DCO 3.1**). The DCO Applicant has the resources to pay such compensation and has demonstrated in the Funding Statement (**Document DCO 4.2**) that these resources are available.
- 7.11 Any dispute in respect of the compensation payable may be referred to the Upper Tribunal (Lands Chamber), an independent tribunal, for determination.

Conclusions

- 7.12 For the reasons set out above, the DCO Applicant considers that any infringement of the ECHR rights of those whose interests in the land might be affected by the exercise of powers of compulsory acquisition would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law. The DCO Applicant therefore considers that it would be appropriate and proportionate for the Secretary of State to make the draft DCO (**Document DCO 3.1**) including the grant of compulsory acquisition powers.

8 Other information of interest to those affected by the DCO

- 8.1 Further information about the application can be found on the DCO Applicant's website dedicated to the proposals:

<https://www.segro.com/countries-repository/united-kingdom/segro-logistics-park-east-midlands-gateway-2>

- 8.2 Owners and occupiers of any of the Order Land who wish to discuss matters relating to the negotiation of agreements should contact SEGRO:

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APPENDIX 1

PERMANENT ACQUISITION OF LAND AND EXISTING RIGHTS

Plot No. on Land Plans	Purpose for which land/rights are being acquired	Relevant Works No. in Schedule 1 of draft DCO (Document DCO 3.1)
Sheet 1 of the Land Plans (Document DCO 2.2A)		
1/1	The construction of logistics and advanced manufacturing development including the construction and provision of, construction of development plateaux, buildings for logistics and advanced manufacturing use including warehouses and ancillary buildings; vehicle, cycle and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, service yards, washing and refuelling facilities, weighbridges and electric vehicle charging units, hardstandings and container storage, parking for HGVs and other vehicles (including cycles), driver welfare facilities and HGV fuelling areas, the stopping up of the lengths of existing public rights of way and the stopping up of existing private accesses. The construction of road infrastructure including roads and associated junctions, roundabout junctions and turning areas, footways and shared use footways/cycleways, footpaths, cycle tracks and bridleways, bus stop lay-bys, shelters and signage, a signalised toucan crossing connecting to Hyam's Lane (Works No. 6c) and the stopping up of existing private accesses. The provision of hard and soft landscape works including earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, fencing and/or landscape screening, the stopping up of existing public rights of way and signage / totems. The provision of the community park including hard and soft landscaping, including biodiversity enhancements and wildlife habitat creation, basins for water attenuation, fencing and/or landscape screening and the stopping up of existing and creation of new public rights of way.	Works Nos. 1, 2, 5 and 21

1/2	Works to the eastern section of Hyam's Lane including the stopping up of Hyam's Lane, the construction of a cycle track and the stopping up of existing private accesses.	Works No. 7(c)
1/3	The provision of the community park including hard and soft landscaping, including biodiversity enhancements and wildlife habitat creation, basins for water attenuation, fencing and/or landscape screening and the stopping up of existing and creation of new public rights of way.	Works No. 21
1/4	The construction of logistics and advanced manufacturing development including the construction and provision of, construction of development plateaux, buildings for logistics and advanced manufacturing use including warehouses and ancillary buildings; vehicle, cycle and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, service yards, washing and refuelling facilities, weighbridges and electric vehicle charging units, hardstandings and container storage, parking for HGVs and other vehicles (including cycles), driver welfare facilities and HGV fuelling areas, the stopping up of the lengths of existing public rights of way and the stopping up of existing private accesses. The construction of road infrastructure including roads and associated junctions, roundabout junctions and turning areas, footways and shared use footways/cycleways, footpaths, cycle tracks and bridleways, bus stop lay-bys, shelters and signage, a signalised toucan crossing connecting to Hyam's Lane (Works No. 6c) and the stopping up of existing private accesses. The construction of a bus interchange including roads and hardstandings, connecting to the road infrastructure (Works No. 2), bus interchange building, footways and shared use footways/cycleways and bus stop lay-bys, shelters and signage. The provision of hard and soft landscape works including earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, fencing and/or landscape screening, the stopping up of existing public rights of way and signage / totems. The provision of the community park including hard and soft landscaping, including biodiversity enhancements and wildlife habitat creation, basins for water attenuation, fencing	Works Nos. 1, 2, 3, 5 and 21

	and/or landscape screening and the stopping up of existing and creation of new public rights of way.	
1/5	The construction of logistics and advanced manufacturing development including the construction and provision of, construction of development plateaux, buildings for logistics and advanced manufacturing use including warehouses and ancillary buildings; vehicle, cycle and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, service yards, washing and refuelling facilities, weighbridges and electric vehicle charging units, hardstandings and container storage, parking for HGVs and other vehicles (including cycles), driver welfare facilities and HGV fuelling areas, the stopping up of the lengths of existing public rights of way and the stopping up of existing private accesses. The construction of road infrastructure including roads and associated junctions, roundabout junctions and turning areas, footways and shared use footways/cycleways, footpaths, cycle tracks and bridleways, bus stop lay-bys, shelters and signage, a signalised toucan crossing connecting to Hyam's Lane (Works No. 6c) and the stopping up of existing private accesses. The construction of a bus interchange including roads and hardstandings, connecting to the road infrastructure (Works No. 2), bus interchange building, footways and shared use footways/cycleways and bus stop lay-bys, shelters and signage.	Works Nos. 1, 2 and 3
1/6	The construction of logistics and advanced manufacturing development including the construction and provision of, construction of development plateaux, buildings for logistics and advanced manufacturing use including warehouses and ancillary buildings; vehicle, cycle and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, service yards, washing and refuelling facilities, weighbridges and electric vehicle charging units, hardstandings and container storage, parking for HGVs and other vehicles (including cycles), driver welfare facilities and HGV fuelling areas, the stopping up of the lengths of existing public rights of way and the stopping up of existing private accesses. The construction of road infrastructure including roads and associated junctions, roundabout junctions and turning areas, footways and shared use footways/cycleways, footpaths, cycle tracks and bridleways, bus stop lay-bys, shelters and signage, a signalised toucan crossing connecting to Hyam's Lane (Works No. 7c) and the stopping up of existing private accesses. The construction of a bus interchange including roads and hardstandings, connecting to the road infrastructure (Works	Works Nos. 1, 2, 3 and 5

	No. 2), bus interchange building, footways and shared use footways/cycleways and bus stop lay-bys, shelters and signage. The provision of hard and soft landscape works including earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, fencing and/or landscape screening, the stopping up of existing public rights of way and signage / totems.	
1/7	The construction of logistics and advanced manufacturing development including the construction and provision of, construction of development plateaux, buildings for logistics and advanced manufacturing use including warehouses and ancillary buildings; vehicle, cycle and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, service yards, washing and refuelling facilities, weighbridges and electric vehicle charging units, hardstandings and container storage, parking for HGVs and other vehicles (including cycles), driver welfare facilities and HGV fuelling areas, the stopping up of the lengths of existing public rights of way and the stopping up of existing private accesses. The construction of road infrastructure including roads and associated junctions, roundabout junctions and turning areas, footways and shared use footways/cycleways, footpaths, cycle tracks and bridleways, bus stop lay-bys, shelters and signage, a signalised toucan crossing connecting to Hyam's Lane (Works No. 7c) and the stopping up of existing private accesses. The construction of a bus interchange including roads and hardstandings, connecting to the road infrastructure (Works No. 2), bus interchange building, footways and shared use footways/cycleways and bus stop lay-bys, shelters and signage. The construction of HGV parking including roads and hardstandings, connecting to the road infrastructure (Works No. 2), welfare facilities and amenity buildings and footways and shared use footways/cycleways. The provision of hard and soft landscape works including earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation, new and diverted footpaths, bridleways and	Works Nos. 1, 2, 3, 4 and 5

	cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, fencing and/or landscape screening, the stopping up of existing public rights of way and signage / totems.	
1/10	The creation of an access junction on the A453 including enlargement of the A453 Hunter Road roundabout to increase its capacity construction of the private means of access into the main site connecting to the road infrastructure (Works No. 2), a signalised toucan crossing across the A453 and the stopping up of existing private accesses.	Works No. 6
1/11	The creation of an access junction on the A453 including enlargement of the A453 Hunter Road roundabout to increase its capacity construction of the private means of access into the main site connecting to the road infrastructure (Works No. 2), a signalised toucan crossing across the A453 and the stopping up of existing private accesses.	Works No. 6
Sheet 2 of the Land Plans (Document DCO 2.2B)		
2/1	The creation of an access junction on the A453 including enlargement of the A453 Hunter Road roundabout to increase its capacity construction of the private means of access into the main site connecting to the road infrastructure (Works No. 2), a signalised toucan crossing across the A453 and the stopping up of existing private accesses.	Works No. 6
2/2	The construction of HGV parking including roads and hardstandings, connecting to the road infrastructure (Works No. 2), welfare facilities and amenity buildings and footways and shared use footways/cycleways. The provision of hard and soft landscape works including earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, fencing and/or landscape screening, the stopping up of existing public rights of way and signage / totems.	Works Nos. 4 and 5
2/3	The provision of hard and soft landscape works including earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water	Works No. 5

	attenuation, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, fencing and/or landscape screening, the stopping up of existing public rights of way and signage / totems.	
2/6 <u>(Note: Plots 2/6a and 2/6b will not be acquired)</u>	Construction of the active travel link between the access junction to EMG1 and the A453 west of the Finger Farm roundabout including construction of a 3m wide shared use footway/cycleway alongside the A453 between the EMG1 access junction and the northern end of the existing A453 lay-by, construction of a 3m wide public cycle track within land to the west of the A453 between the northern end of the existing A453 lay-by and the A453 to the west of Finger Farm roundabout, connecting to the authorised development (Works No. 6), and the stopping up of the lengths of existing public rights of way.	Works No. 14
2/16	Works to the M1 northbound including construction of a new diverge connecting to the link road to the A50 westbound (Works No. 9), demolition and construction of new or alterations to existing gantries and gantry mounted signs and signals, alterations to the existing M1 northbound exit slip road to M1 junction 24 and alterations to the road markings at the merge of the M1 northbound entry slip road at M1 junction 23A.	Works No. 8
2/17	The upgrade of public footpath L57 to a cycle track.	Works No. 19
2/18	The upgrade of public footpath L57 to a cycle track.	Works No. 19
2/20	The upgrade of public footpath L57 to a cycle track.	Works No. 19
2/23	The upgrade of public footpath L57 to a cycle track.	Works No. 19
2/25	The upgrade of public footpath L57 to a cycle track.	Works No. 19
Sheet 3 of the Land Plans (Document DCO 2.2C)		
3/1	Works to the M1 northbound including construction of a new diverge connecting to the link road to the A50 westbound (Works No. 9), demolition and construction of new or alterations to existing gantries and gantry mounted signs and signals, alterations to the existing M1 northbound exit slip road to M1 junction 24 and alterations to the road markings at the merge of the M1 northbound entry slip road at M1 junction 23A. The construction of the link road from the M1 northbound to the A50 westbound including construction of a new motorway link road between the M1 northbound (Works No. 8) and the A50 westbound (Works No. 10) construction of a bridge taking the link road over the A453 and alterations to	Works Nos. 8 and 9

	the screening bunding between M1 junction 24 and the EMG1 rail terminal.	
3/2	The construction of the link road from the M1 northbound to the A50 westbound including construction of a new motorway link road between the M1 northbound (Works No. 8) and the A50 westbound (Works No. 10) construction of a bridge taking the link road over the A453 and alterations to the screening bunding between M1 junction 24 and the EMG1 rail terminal.	Works No. 9
3/4	The construction of the link road from the M1 northbound to the A50 westbound including construction of a new motorway link road between the M1 northbound (Works No. 8) and the A50 westbound (Works No. 10) construction of a bridge taking the link road over the A453 and alterations to the screening bunding between M1 junction 24 and the EMG1 rail terminal.	Works No. 9
3/5	The construction of the link road from the M1 northbound to the A50 westbound including construction of a new motorway link road between the M1 northbound (Works No. 8) and the A50 westbound (Works No. 10) construction of a bridge taking the link road over the A453 and alterations to the screening bunding between M1 junction 24 and the EMG1 rail terminal.	Works No. 9
3/6	The construction of the link road from the M1 northbound to the A50 westbound including construction of a new motorway link road between the M1 northbound (Works No. 8) and the A50 westbound (Works No. 10) construction of a bridge taking the link road over the A453 and alterations to the screening bunding between M1 junction 24 and the EMG1 rail terminal.	Works No. 9
3/7	Works to the A50 westbound including construction of a new merge connecting to the link road from the M1 northbound (Works No. 9), widening of the A50 to the north of the new merge from the link road, and construction of a lane drop on the A50 westbound.	Works No. 10
3/9	The provision of a modified and extended substation to provide power to the authorised buildings.	Works No. 20

APPENDIX 2

LAND TO BE USED TEMPORARILY AND NEW RIGHTS TO BE ACQUIRED PERMANENTLY

Plot No. on Land Plans	Purpose for which land is to be used and new rights are to be acquired	Relevant Works No. in Schedule 1 of draft DCO (Document DCO 3.1)
Sheet 2 of the Land Plans (Document DCO 2.2B)		
2/4	Construction of a 3m wide public cycle track within land to the west of the A453 between the northern end of the existing A453 lay-by and the A453 to the west of Finger Farm roundabout, connecting to the authorised development (Works No. 6), and the stopping up of the lengths of existing public rights of way. To provide utilities infrastructure including surface and foul water drainage and thereafter to use and maintain the infrastructure.	Works Nos. 14(b) and 14(c) Further works
2/5	Construction of a 3m wide public cycle track within land to the west of the A453 between the northern end of the existing A453 lay-by and the A453 to the west of Finger Farm roundabout, connecting to the authorised development (Works No. 6), and the stopping up of the lengths of existing public rights of way. To provide utilities infrastructure including surface and foul water drainage and thereafter to use and maintain the infrastructure.	Works Nos. 14(b) and 14(c) Further works
Sheet 3 of the Land Plans (Document DCO 2.2C)		
3/10	The provision of a modified and extended substation to provide power to the authorised buildings.	Works No. 20

APPENDIX 3

LAND TO BE USED TEMPORARILY ONLY

Plot No. on Land Plans	Purpose for which the land is to be used temporarily	Relevant Works No. in Schedule 1 of draft DCO (Document DCO 3.1)
Sheet 1 of the Land Plans (Document DCO 2.2A)		
1/8	Provision of an uncontrolled crossing on the A453 at the East Midlands Airport signalised access junction including works to provide an uncontrolled crossing over the A453 within the traffic signal junction and a footway along the south side of the A453 connecting to the new public right of way constructed within the main site (Works No. 5).	Works No. 15
1/9	Provision of an uncontrolled crossing on the A453 at the East Midlands Airport signalised access junction including works to provide an uncontrolled crossing over the A453 within the traffic signal junction and a footway along the south side of the A453 connecting to the new public right of way constructed within the main site (Works No. 5).	Works No. 15
1/15	Provision of an uncontrolled crossing on the A453 at the East Midlands Airport signalised access junction including works to provide an uncontrolled crossing over the A453 within the traffic signal junction and a footway along the south side of the A453 connecting to the new public right of way constructed within the main site (Works No. 5).	Works No. 15
Sheet 2 of the Land Plans (Document DCO 2.2B)		
2/8	Carrying out improvements to the access junction to EMG1 including widening of the A453 southbound within the junction to provide two right turning lanes into EMG1.	Works No. 13
2/15	Carrying out improvements to the access junction to EMG1 including widening of the A453 southbound within the junction to provide two right turning lanes into EMG1.	Works No. 13
2/19	The upgrade of public footpath L57 to a cycle track.	Works No. 19
2/21	The upgrade of public footpath L57 to a cycle track.	Works No. 19
2/22	The upgrade of public footpath L57 to a cycle track.	Works No. 19
2/24	The upgrade of public footpath L57 to a cycle track.	Works No. 19

