

PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

APPLICATION BY SEGRO PROPERTIES LIMITED FOR THE EAST MIDLANDS GATEWAY PHASE 2 AND HIGHWAY ORDER 202X

**RESPONSES TO THE EXAMINING PANEL'S WRITTEN QUESTIONS AND REQUESTS FOR
INFORMATION (EXQ3): ISSUED ON 14 JULY 2026**

ON BEHALF OF

EAST MIDLANDS INTERNATIONAL AIRPORT LIMITED

EAST MIDLANDS AIRPORT PROPERTY INVESTMENTS (INDUSTRIAL) LIMITED

Interested Party References:



ExQ3	Question to:	Question:	EMA Response
1.	General and cross-topic questions		
1.0	Consideration of application – general matters		
1.0.1	All IPs	National Planning Policy Framework All parties are requested to consider the draft National Planning Policy Framework published in December 2025 and set out if and how any changes in government policy from the December 2024 version of the National Planning Policy Framework, if the December 2025 version were published, would affect the consideration of the proposed developments. If an updated National Planning Policy Framework is published after the issue of ExQ3 but before deadline 6, then please consider the updated framework and make submissions accordingly.	EMA and EMIAL have had sight of and supports Prologis' response to this question.
7.	Compulsory acquisition, temporary possession and other land rights considerations		
7.0.2	The applicant All affected parties	Revised guidance on the compulsory purchase process On 17 June 2026 MHCLG published updated Guidance on the compulsory purchase process. The applicant and all affected persons are invited to make comment on the changes between that and the previous January 2025 version insofar as they relate to the proposed development and the associated request for compulsory acquisition.	EMA and EMIAL have had sight of and support Prologis' response to this question.
7.0.3	The applicant Prologis EMIA NWLDC	Possible take over of SEGRO PLC by Prologis Inc The ExP is aware that Prologis Inc has made a bid to take over SEGRO PLC, and thus the two applicant companies, which has been, at least initially, rejected by the SEGRO PLC board. The ExP also understands that under UK Stock Market Takeover Rules, a formal bid has to be made by 22 July 2026 at the latest. (a) Prologis and the applicants are asked to confirm the situation on 28 July 2026, setting out the position of the parties, along with the timeframe for any bid. (b) Prologis and the applicants are asked to set out, as far as they are able, their positions in respect of the application for development consent, including compulsory acquisition and funding, and whether this bid amends their positions in any way. If so, they are also asked to set this out as fully and clearly as possible. (c) EMIA are asked to confirm its position in respect of the compulsory acquisition of its interests as of 28 July 2026 in light of the above and whether the bid makes a difference to its non-statutory undertaker position. (d) Prologis and the applicants are asked, as part of their submissions at deadlines 7 (1 September 2026) and 8 (9 September 2026) to set out the legal situation of the two applicant companies at those dates (should this change on 10 September 2026 this should also be supplied to the ExP) and to update the ExP as to any implications for the consideration of the applications, including compulsory acquisition and funding. (e) EMIA is also asked to confirm its statutory undertaker position.	(c) EMA/EMIAL have had sight of Prologis's response to all limbs of this question 7.0.3. We note that even if Prologis' offer is accepted by SEGRO, it is likely to take many months before any due diligence process and regulatory approval is completed – throughout which, the proposed bid is at risk of being withdrawn at any point. Accordingly, whilst the bid represents an interesting development in the present case, it does not materially impact or change the position of EMA/EMIAL as landowner. EMA/EMIAL's land is the subject of a hostile application for development consent, through which compulsory acquisition powers are being sought which would extinguish our own proposal for development of our land. The justification for compulsory acquisition is, in the view of EMA/EMIAL not made out for the reasons given at length throughout the course of this examination. That position remains the case irrespective of whether SEGRO remained independent from the Prologis group or whether the bid was successful and SEGRO was acquired by Prologis. (e) In respect of EMA's statutory undertaking, aerodrome safeguarding considerations relating to EMG2 and the proposed Material Change Order for EMG1 will remain the same regardless of the position in relation to the takeover bid. (g) EMIAL has had sight of and supports Prologis' response to this question.

ExQ3	Question to:	Question:	EMA Response
		(f) NWLDC, EMIA and Prologis are also asked to confirm the situation as regards the Joint Application as of both 28 July and 9/ 10 September.	
7.0.4	EMIA	Prologis Land In paragraph 27 of Annex L to the ‘Applicants’ Response to Deadline 2 and 3 Submissions’ [REP4-033] it is stated that the applicant was an “underbidder” for the Prologis Land. Could EMIA confirm whether the applicants were ‘underbidders’ in the full sense of the term, that is at a lower price than that paid by Prologis. The ExP is not interested in the amount, rather whether it was less than the applicants’ bid, or whether it was in different terms, and if so, the nature of those terms.	The reference to “Prologis Land” in the question requires some clarification. The land which Prologis currently has a freehold interest in was acquired from the Jarrom family directly by Prologis. EMA or EMIAL had no involvement in this process. Where the question refers to “Prologis Land” it appears to be referring to the land currently owned by EMA and EMIAL over which Prologis has the benefit of an option agreement. The conclusion of that option agreement was the outcome of a procurement process for a developer partner to deliver the Joint Application, which SEGRO did not participate in. That procurement process took place after SEGRO had chosen to pursue a section 35 direction with the ultimate aim of securing powers of compulsory acquisition over EMA/EMIAL’s land, an action which EMA/EMIAL viewed as inappropriate towards a fellow Freeport Board member. SEGRO made a number of offers to acquire the relevant land outside of the developer procurement process. However, given that such bids were not made on the basis of becoming a developer partner to deliver the Joint Application, they were on fundamentally different terms to those offered by Prologis. Accordingly it is not appropriate to compare SEGRO’s offers with the bid made by Prologis in a formal procurement process context. The only underbidders to Prologis were the other candidate developers who took part in the procurement process.
7.0.5	The applicants Prologis EMIA	Viability In Annex 7A to the ‘Applicants’ Response to Examining Panel’s Second Written Questions’ [REP4-036] in the entry for 9 March 2026 it is noted that the applicants’ suggested a meeting to update Prologis “on progress in getting landowner consent to release terms of its Option Agreement”. Given how the sentence is drafted, the ExP assumes that this relates to land in which the applicants have an interest. Could the applicants confirm whether this interpretation is correct. The entry also “suggests a meeting”, but it is not clear whether this took place. Could all three parties confirm. Finally, assuming the ExP’s interpretation of the sentence is correct, it is reasonable that this will affect the £225,000 (with inflation) per acre utilised in the applicants’ valuation exercise. Could the applicants set out the implications of this in his regard.	EMA and EMIAL have had sight of and support Prologis’ response to this question.
7.0.6	The applicants NWLDC LCC Castle Donington Parish Council EMA	Plots 2/18, 2/20, 2/23 and 2/25 Could the applicants please explain why it needs to compulsorily acquire all interests in these plots and why Work 19 could not be delivered by the temporary possession of land and permanent acquisition of rights? As NWLDC, LCC, Castle Donington Parish Council, EMA and National Grid Electricity Distribution (East Midlands) plc all have interests in these plots they are also invited to comment.	EMA sees no justification for the applicants needing to compulsorily acquire all interests in Plot 2 2/23 to deliver Work 19: a compelling case in the public interest has not been made out. EMA’s position on the proposed permanent acquisition of Plot 2/25 is similar to that being advanced in respect of Plot 2/6 - the Active Travel Link. The Applicant has not explored

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	National Grid Electricity Distribution (East Midlands) plc		reasonable alternatives to permanent acquisition, such as temporary possession and permanent acquisition of rights. Further, EMA has said previously that if the need for the Active Travel Link is not accepted by the Secretary of State, that potentially also undermines the case for compulsory acquisition of plots for Work 19 as part of the same active travel network proposed by the applicants. EMIA has the benefit of rights over Plot 2/25 related to service media and the maintenance of boundary structures as contained in a Transfer dated 31 March 2017 for the benefit of neighbouring land. The corresponding Work No on Plot 2/25 is Work 19 and listed on Sheet 2 of the Works Plans [APP-028D] as “L57 Footpath Upgrade Between Diseworth Lane and Moira Dale”. EMIA requires a commitment from the Applicant that if it is granted permanent acquisition of Plot 2/25, the rights and covenants benefiting EMA (as transferor) in the Transfer dated 31 March 2017 will not be extinguished.
8. The draft Development Consent Order (dDCO) [REP5-008D]			
8.0 Schedule 13 – Protective provisions			
8.4.1	EMA	Protective Provisions in favour of EMA In its document ‘Applicants’ Response to Deadline 4 Submissions’ [REP5-033] the applicants state “the protective provisions included in the dDCO submitted at Deadline 5 represent the wording proposed by the Applicants which aligns with the proposed conditions approved by EMIA for the Joint Application, suitably adapted to apply to the DCO Scheme. The Applicants await reasoned justification why the DCO Scheme should be subject to more stringent and onerous requirements.” EMA are requested to provide a copy of the proposed conditions recommended by EMIA for the Joint Application. The ExP notes in the draft SoCG between the applicants and EMA [REP5-048] that “EMA would typically expect the level of detail agreed in terms of operational safety matters to be resolved at reserved matters stage for those proposals. EMG2 is a development consent order, meaning the level of detail to be secured in the terms of the consent must be negotiated and secured now, prior to determination of the application”. However, the decision of the Supreme Court in <i>C G Fry & Son Limited v SoSHCLG</i> [2025] UKSC 35 makes clear that conditions of this type should be finalised at the grant of permission stage; in the case of the Joint Application or Isley Woodhouse developments meaning the outline stage. Therefore, the conditions/ requirements for all the projects should effectively be the same, subject to any variations due to specific site location or other project specific matter. Other than amendment for a development consent order, should EMA seek different protective provisions for this proposal, EMA should set out in a ‘provision by provision’ basis why alternative provisions different are	Please refer to our accompanying Appendix 1 for a response to this question.

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		required from those sort on the Joint Application and Isley Woodhouse application.	
9. The draft Material Change Order (dMCO) [REP5-007M]			
9.0.2	EMA	Protective Provisions in favour of EMA In its document ‘Applicants’ Response to Deadline 4 Submissions’ [REP5-033] the applicants state “the protective provisions included in the dDCO submitted at Deadline 5 represent the wording proposed by the Applicants which aligns with the proposed conditions approved by EMIA for the Joint Application, suitably adapted to apply to the MCO Scheme. The Applicants await reasoned justification why the MCO Scheme should be subject to more stringent and onerous requirements.” EMA are requested to provide a copy of the proposed conditions recommended by EMIA for the Joint Application. The ExP notes in the draft SoCG between the applicants and EMA [REP5-048] that “EMA would typically expect the level of detail agreed in terms of operational safety matters to be resolved at reserved matters stage for those proposals. EMG2 is a development consent order, meaning the level of detail to be secured in the terms of the consent must be negotiated and secured now, prior to determination of the application”. However, the decision of the Supreme Court in <i>C G Fry & Son Limited v SoSHCLG</i> [2025] UKSC 35 makes clear that conditions of this type should be finalised at the grant of permission stage, in the case of the Joint Application or Isley Woodhouse developments meaning the outline stage. Therefore, the conditions/ requirements for all the projects should effectively be the same, subject to any variations due to specific site location or other project specific matter. Other than amendment for a material change order, should EMA seek different protective provisions for this proposal, EMA should set out in a ‘provision by provision’ basis why alternative provisions are required different from those sort on the Joint Application and Isley Woodhouse application.	Please refer to our accompanying Appendix 1 for a response to this question.
13. Major accidents and disasters and other safety risks			
13.0.1	The applicants EMIA	Aerodrome safeguarding The ExP’s understanding is that requirement 33 in the dDCO [REP5-008D] is now fully drafted. The ExP also notes EMIA reserves its position on the Operational Environmental Management Plan in relation to aerodrome safeguarding. In this context, should requirement 33 require the local planning authority to consult EMIA as part of approval process?	EMA’s position is that both requirement 11 (construction environmental management plan) and requirement 33 (operational environmental management plan) should be drafted to require the local planning authority to consult EMA as part of the discharge of those requirements, due to the significant aerodrome safeguarding concerns surrounding the construction activity and operation of the development and community park, to ensure that any CEMP and OEMP are produced in line with and consistent with the agreed aerodrome safeguarding framework in the protective provisions.
19. Traffic and Transport			
19.0.1	The applicants NH LCC	Co-located office functions The applicants are asked to explain demonstrate how a “co-located office function”, which could be, within an eventual individual planning unit (please refer back to earlier discussion on “substantial completion”) part of a mixed use also incorporating storage and distribution uses or	EMA and EMIA have had sight of and support Prologis’ response to this question.

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		advanced manufacturing uses or a combination of all three, has been considered in relation to the traffic generation assessment of the proposed development. NH and LCC are also requested to comment on this.	
19.0.2	The applicants NH LCC NWLDC	Advanced manufacturing It its proposed changes to the DCO the ExP as set out that 20% of the total gross floorspace provided as part of the authorised development shall be for advanced manufacturing use. Should, for example, it be possible to let more than 20% of the gross floorspace as advanced manufacturing the ExP is also concerned to ensure that the total of advanced manufacturing does not result in additional effects that have not been assessed. The applicants, NH, LCC and NWLDC are asked to consider mechanism(s) to ensure that no additional effects not assessed occur.	EMA has reviewed the ExP's Schedule of Proposed Changes to the Applicant's dDCO (Revision 3) [REP5-008D] and has provided comments in relation to new requirement 31 in its Deadline 6 Submission.

APPENDIX 1

Response to ExQ3 Q8.4.1 and 9.0.2

1. EMA/EMIAL make this submission in response to ExQ3 Q8.4.1 and 9.0.2, which ask the same question in respect of the dDCO (Q8.4.1) and the dMCO (9.0.2). EMA/EMIAL's response is the same to both questions. The question which EMA/EMIAL is asked to respond to is as follows:

EMA are requested to provide a copy of the proposed conditions recommended by EMIA for the Joint Application.

The ExP notes in the draft SoCG between the applicants and EMA [REP5-048] that “EMA would typically expect the level of detail agreed in terms of operational safety matters to be resolved at reserved matters stage for those proposals. EMG2 is a development consent order, meaning the level of detail to be secured in term of the consent must be negotiated and secured now, prior to determination of the application”.

However, the decision of the Supreme Court in C G Fry & Son Limited v SoSHCLG [2025] UKSC 35 makes clear that conditions of this type should be finalised at the grant of permission stage; in the case of the Joint Application or Isley Woodhouse developments meaning the outline stage. Therefore, the conditions/requirements for all the projects should effectively be the same, subject to any variations due to specific site location or other project specific matters.

Other than amendment for a development consent order, should EMA seek different protective provisions for this proposal, EMA should set out in a provision by provision basis why alternative provisions different from those sought on the Joint Application and Isley Woodhouse application.

2. This submission will provide:
 - a. A copy of the proposed conditions recommended by EMA for the Joint Application; and
 - b. A comparison of each of the proposed draft conditions on the Joint Application against the corresponding provision in the DCO protective provisions for the benefit of EMA, to demonstrate that there is either no difference between what EMIA is requesting in the DCO or, where there is a difference, the reason for that difference.

Background

3. On 12 January 2016, the Secretary of State for Transport granted the development consent order for the East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (“EMG1”). The order for EMG1 contained protective provisions for EMA in [Schedule 16](#). These provisions were reduced to matters of bird hazard management, radio interference, surface access and glint and glare. In the intervening 10 years since EMG1 was consented, aerodrome safeguarding guidance has been updated and the requirements of the CAA have been enhanced with regard to neighbouring built developments within close proximity to operational aerodromes. In addition to this, EMG2 includes development components which do not feature in either EMG1 or the Joint Application proposals which could lead to increased safeguarding impacts (e.g. the country park). Accordingly, it is not acceptable from an aerodrome safeguarding perspective to simply replicate the same conditions for EMG2 as exist for other developments. It is a requirement of good planning that each proposal be considered on its own terms and in its own development context.

4. On 31 May 2024, Manchester Airports Group (owner of EMA and EMIAL) submitted a planning application (later given reference 24/00727/OUTM) to North West Leicestershire District Council. EMA, EMIAL and Prologis subsequently entered into a development partnership to promote that application as the Joint Application and amendments to it were then made by Prologis. On 1 July 2024, EMA submitted a consultation response to North West Leicestershire District Council with a list of planning conditions relevant to aerodrome safeguarding. These conditions are appended to this submission at Appendix 2.
5. On 15 October 2025, the Applicant submitted applications for development consent for EMG2 and for a material change order in respect of EMG1.
6. EMA provided its protective provisions to the Applicant on 8 June 2026, which were largely based on the draft planning conditions provided as part of its consultation response to North West Leicestershire District Council on 1 July 2024 but amended for the DCO context.
7. The Applicant's position on EMA's protective provisions is set out at Deadline 4 (DCO Document 7.13 Applicant's Response to Deadline 2 and 3 Submissions):

The Applicants note the response and confirm that discussions regarding aerodrome safeguarding remain ongoing, including in respect of draft protective provisions. EMA proposed draft Protective Provisions at Deadline 1; however, these are not acceptable to the Applicants. In particular, they represent a significant departure from what was agreed at EMG1 and from the approach adopted by EMA, as aerodrome operator and statutory consultee, in respect of both the Joint Application and the planning application for the Isley Woodhouse Development (see Annex D). EMA has provided no justification as to why the DCO Scheme should be subject to more stringent and onerous requirements than those imposed in connection with either of those two developments.

8. EMA does not accept this position and will demonstrate that the protective provisions replicate the vast majority of the terms of the planning conditions proposed for the Joint Application. Where there is divergence between the two, this is solely due to the need for bespoke drafting in the DCO (which follows established precedent, including EMG1) or where further details are expected to be submitted at reserved matters stage for the Joint Application, which would not be possible in the DCO context.
9. The ExA cites *C G Fry & Son Limited v SoSHCLG [2025] UKSC 35* as authority for the principle that conditions must be secured at outline stage if further details are to be required from the applicant at reserved matters stage. EMA does not dispute this fact and indeed considers it is acting in accordance with it. As the summary below will demonstrate, EMA has recommended a series of framework planning conditions in the outline planning application comprising the Joint Application. Further details under these framework conditions is expected to come forward at reserved matters stage where the Joint Application is granted. By contrast, the EMA preferred protective provisions for EMG2 include both the framework condition contained in the outline planning application and extend to the detail which will be required at reserved matters stage. This is entirely necessary, because there will not be a reserved matters stage for EMG2. The development consent order - as a statutory instrument - will provide the four corners of the consent within which the Applicant will be bound.
10. On that basis, the issue is solely a temporal one. Whereas the Joint Application will be subject to framework controls in the outline permission, built up and supplemented by detailed controls at reserved matters stage, the DCO must include protective provisions which satisfy both the framework and the detail now, as there will be no further opportunity to address matters of detail (as would be the case in the Town and Country Planning context) at a later stage. As such, it would be inappropriate to simply copy across proposed conditions on an outline planning application without properly having regard to the difference in consents and consenting procedure.

	Planning Application 24/00727/OUTM (“Joint Application”) Draft Outline Conditions relating to Aerodrome Safeguarding	DCO Application EMA Protective Provisions	Comments
1.	N/A	<u>Aeronautical Safeguarding Assessment – Framework</u> (1) <i>No application pursuant to requirement 7 (detailed design approval) is to be submitted without an Aeronautical Safeguarding Assessment having first been submitted to and approved by the airport operator.</i> (2) <i>The Aeronautical Safeguarding Assessment must assess the likely impact of the proposed development upon aerodrome operations.</i> (3) <i>The Aeronautical Safeguarding Assessment must relate to both the construction and operational phases and include:</i> <i>a) scaled plans, elevations and coordinates for all buildings, structures, cranes, plant and equipment showing heights in metres above mean sea level, or metres above ground level of surveyed ground height;</i> <i>b) proposed finished floor and roof levels in metres above mean sea level or metres above ground level of surveyed ground height;</i> <i>c) an assessment of impacts upon obstacle limitation surfaces and instrument flight procedures;</i> <i>d) a wildlife management plan;</i> <i>e) details of construction methodologies relevant to aviation safety;</i> <i>f) details of temporary and permanent lighting, including highway lighting;</i>	This is a bespoke provision in the protective provisions. It does not have a corresponding condition in the Joint Application. The reason for this is the draft conditions in the joint application are essentially freestanding conditions which are independently discharged by submissions to the local planning authority. The proposed structure in the DCO protective provisions is to provide a single framework aeronautical safeguarding assessment, under which all technical approvals are discharged by the airport operator. This is simply a structuring difference and not something which creates a substantive difference in what needs to be submitted to the relevant approving body to discharge the condition.

		g) a glint and glare assessment where necessary; h) an assessment of turbulence and wake effects caused by buildings or structures, 'wind shear' where necessary; i) details of telecommunications, radio and electronic equipment; j) details of proposed drainage, landscaping and attenuation ponds; k) details of any proposed drone or unmanned aircraft operations; and any l) such other information as the airport operator may reasonably require in connection with aerodrome safeguarding matters.	
2.	N/A	<u>Aeronautical Safeguarding Assessment – Approvals</u> (1) No approval pursuant to this Part may be unreasonably withheld or delayed however approval may be refused on the grounds of aviation safety at the airport operator's absolute discretion. (2) Where any amendments are made to approved details within a phase which relate to matters relevant to aerodrome safeguarding, the undertaker will re-submit an application for consent under this paragraph of this Part.	As above, there is no corresponding condition in the Joint Application as this is a provision in the DCO protective provisions which addresses issues specific to the giving of approvals under the aeronautical safeguarding assessment.
3.	<u>Instrument Flight Procedure Assessment</u> Condition: Prior to construction, the submission of an Instrument Flight Procedure Assessment of the building and any associated tall equipment used during the construction of the building demonstrating no harmful impact. This is to be undertaken by MAG's CAA approved Procedure Design Organisation (APDO) NATS plc.	<u>Aeronautical Safeguarding Assessment - Obstacles Limitation Service and Instrument Flight Procedure Approval</u> No component of the authorised development pursuant to any phase approved under requirement 3 is to commence until the airport operator has approved the relevant details of that phase relating to obstacle limitation surfaces and instrument flight procedures which have been	This provision is reflected across both the Joint Application conditions and the DCO protective provisions. The trigger for the Joint Application is discharge "prior to construction", whereas the trigger for under the protective provisions is discharge "no component of the phase is to commence". EMA's position is that there is no difference between these triggers in practical terms.

	Reason – Flight Safety - To ensure adequate separation between aircraft and ground-based structures. It is likely that a height restriction will need to be imposed at this location	submitted to it under the Aeronautical Safeguarding Assessment.	
4.	<u>Wind Shear Assessment</u> Condition: Prior to construction, the submission of a wind shear assessment of the development in its entirety, demonstrating no harmful impact. Reason – Flight safety – to ensure that the new development does not adversely increase the risk of a wind shear hazard to aircraft using East Midlands Airport.	<u>Aeronautical Safeguarding Assessment - Wind Shear Approval</u> No component of the authorised development pursuant to any phase approved under requirement 3 is to commence until the airport operator has approved the relevant details of that phase relating to building and structure induced turbulence ‘wind shear’ which have been submitted to it under the Aeronautical Safeguarding Assessment.	This provision is reflected across both the Joint Application conditions and the DCO protective provisions. The trigger for the Joint Application is discharge “prior to construction”, whereas the trigger for under the protective provisions is discharge “no component of the phase is to commence”. EMA’s position is that there is no difference between these triggers in practical terms.
5.	<u>Exterior Lighting</u> Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill. Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using East Midlands Airport. Informative: No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using East Midlands Airport.	<u>Aeronautical Safeguarding Assessment – Lighting Approval</u> No component of the authorised development pursuant to any phase approved under requirement 3 is to commence until the airport operator has approved the relevant details of that phase relating to permanent and temporary lighting (including highway lighting), illuminated signage), which have been submitted to it under the Aeronautical Safeguarding Assessment.	Lighting is controlled across both the Joint Application conditions and the DCO protective provisions. The key difference is that the outline permission will not set out the location of all of the exterior lighting, which will come forward at reserved matters stage and be subject to consultation with EMA. The DCO protective provisions therefore include a tighter control on lighting, to require formal approval under the aeronautical safeguarding assessment process once the design details become known by the Applicant.
6.	<u>Technical Safeguarding Assessment (Comms/Nav)</u>	<u>Aeronautical Safeguarding Assessment - Radio and Communications Approval</u>	The Joint Application requires a technical safeguarding assessment to be submitted to the Local Planning

	Condition: Prior to construction, the preparation and submission of a Technical Safeguarding Assessment demonstrating no harmful impact to East Midlands Airport's Communication, Navigation and Surveillance systems. This assessment is to be approved in writing by the Local Planning Authority in consultation with East Midlands Airport. Reason: Flight Safety - To ensure the development does not endanger the safe and efficient movement of aircraft or the operation of East Midlands Airport through interference with communication, navigational aids and surveillance equipment. Informative: The use of radio frequency (RF) emitting devices in this location has the potential to interfere with East Midlands Airport's Communication, navigation, and surveillance (CNS) equipment. RF devices are to be approved by East Midlands Airport prior to energisation. Reason: Flight safety – In the interests of maintaining the integrity of CNS equipment critical to aviation operations.	No radio communication equipment, microwave links, telecommunications or any equipment using electro-magnetic frequencies shall be used within the Order limits or in connection with the construction or operation of the authorised development unless approved by the airport operator. If any equipment forming part of the authorised development causes interference with airport systems, the undertaker must immediately cease operation of the relevant equipment and implement corrective measures to be approved by the airport operator prior to installation.	Authority. This has to demonstrate no harmful impacts to EMA. By contrast the EMA protective provisions don't require SEGRO to submit that detail and instead simply restrict the use of all microwave, telecoms or electro-magnetic frequencies unless approved by the airport operator. Pursuant to the Aeronautical Safeguarding Assessment – Approvals paragraph, this approval must not be unreasonably withheld or delayed, and can only be refused at EMA's discretion in respect of safety matters. Arguably, the Joint Application places a greater burden on the applicant than the EMA protective provisions but it is likely that if telecoms usage is required at EMG2, the same technical approval will need to be submitted as that envisaged by the Joint Application. In practical terms, there is no difference between the conditions.
7.	<u>Aviation Perspective Glint and Glare Assessment</u> Condition: Prior to construction, the submission of an Aviation Perspective Glint and Glare Assessment of the proposed buildings and any intended solar installations must submitted to the LPA in consultation with the aerodrome safeguarding authority for East Midlands Airport (EMA); demonstrating no harmful impact to operations at EMA. Reason: To ensure no detrimental impact to aviation operations at EMA caused by glint or glare to critical aviation receptors.	<u>Aeronautical Safeguarding Assessment – Glint & Glare Approval</u> No component of the authorised development pursuant to any phase approved under requirement 3 is to commence until the airport operator has approved the relevant details of that phase relating to an aviation glint and glare assessment which have been submitted to it under the Aeronautical Safeguarding Assessment.	This provision is reflected across both the Joint Application conditions and the DCO protective provisions. The trigger for the Joint Application is discharge "prior to construction", whereas the trigger for under the protective provisions is discharge "no component of the phase is to commence". EMA's position is that there is no difference between these triggers is practical terms.

	<i>Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials including solar PV other than clear or obscure glass shall be added to the buildings without the express consent of the local planning authority in consultation with the aerodrome safeguarding authority for East Midlands Airport.</i> Reason <i>In the interests of flight safety, to prevent distraction, confusion and ocular damage to pilots using East Midlands Airport.</i>		
8.	<u>Details of cranes and other tall construction equipment (including the details of obstacle lighting)</u> See Row 9 below (Construction Environmental Management Plan)	<u>Construction Activities and Crane Operations</u> <i>(1) The undertaker must not undertake crane operations, lifting operations or use of tall construction plant unless details have first been approved by the airport operator.</i> <i>(2) The undertaker must provide crane schedules identifying—</i> <i>(a) maximum operating heights;</i> <i>(b) operating locations;</i> <i>(c) operational durations; and</i> <i>(d) lighting and marking arrangements.</i> <i>(3) The undertaker must ensure compliance with all applicable CAA guidance relating to crane operations and obstacle safeguarding.</i> <i>(4) The airport operator may require temporary cessation of crane or tall plant operations where reasonably necessary in the interests of aviation safety.</i> <i>(5) The undertaker must indemnify the airport operator for all reasonable costs incurred in managing and mitigating interference caused by construction equipment.</i>	Whilst there is no freestanding condition dealing with crane operations in the Joint Application, the construction environmental management plan condition (see Row 9 below) prevents commencement of development until the CEMP has been approved, which specifically deals with crane operations and requires details of any such crane operations to be approved. Accordingly, there is no practical difference between the Joint Application and the DCO protective provisions on crane operations.

9.	<u>Construction Environment Management Plan</u> Condition: <i>Development shall not commence until a construction environment management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for East Midlands Airport. The CEMP should cover the application site and any adjoining land which will be used during the construction period. The CEMP must include the following:</i> • <i>Details of the area(s) subject to construction activity and the storage of materials and equipment</i> • <i>Details of cranes and other tall construction equipment (including the details of obstacle lighting)</i> • <i>Control of activities likely to produce dust and smoke etc</i> • <i>Details of temporary lighting</i> • <i>Height of storage areas for materials or equipment</i> • <i>Control and disposal of putrescible waste to prevent attraction of birds (tied with BHMP)</i> • <i>Site restoration.</i> • <i>Control of any detritus that has the potential to become airborne Foreign Object Debris (FOD).</i> • <i>Dust & Smoke management</i> • <i>Frequency emitting equipment when within 3km of the aerodrome</i> • <i>Drone usage</i> • <i>Gas purging / venting</i> Reason: <i>Flight safety - To ensure that construction work and construction equipment on the site and adjoining land does not breach the safeguarded surfaces surrounding East Midlands Airport and endanger aircraft movements and the safe operation</i>	N/A	There is no corresponding condition in the EMA protective provisions due to the fact that the CEMP is dealt with by requirement 11, which EMA is requesting a consultation right over.

	<i>of the aerodrome. To ensure the development does not endanger the safe movement of aircraft or the operation of East Midlands Airport through interference with communication, navigational aids and surveillance equipment. To ensure that site activity does not endanger the safe movement of aircraft or the operation of East Midlands Airport by creating: a dust or smoke hazard; a Birdstrike hazard; a security hazard; a glint/glare hazard.</i>		
10.	<u>Bird Hazard Management Plan</u> <i>We note that in the ‘Amended Airport Safeguarding Statement’, Section 5 ‘Bird Management Plan’, the applicant suggests that the BHMP is left to the reserved matters stage and gives a list of non-specific suggestions that could be included, despite this an ‘Updated ES Volume IV Appendices: Appendix 11.7 - Bird Hazard Management Plan’ has been added to the documents and a Breeding Bird Survey appears to have been linked to this in error rather than a BHMP. Therefore, there is currently no adequate BHMP and it should be clarified that both construction phase and operational phase BHMPs are needed.¹ As this is an outline application, we would be content for the operational phase BHMP to be left for reserved matters, however, the construction phase BHMP will be necessary to be in place before any preliminary ground works begin. During construction, exposed earth can be attractive to birds and therefore any exposed topsoil and any surface water ponding should be minimized and be appropriately managed. Waste and litter on site during construction can be attractive as a food source for hazardous birds so the plan should include details of the measures in place to remove waste, prevent overspill from bins and that lidded bins be used.</i>	<u>Aeronautical Safeguarding Assessment – Wildlife Hazard Management Plan Approval</u> (1) <i>No component of the authorised development pursuant to any phase approved under requirement 3 is to commence until the airport operator has approved a Wildlife Hazard Management Plan relevant to that phase and which was submitted to the airport operator under the Aeronautical Safeguarding Assessment.</i> (2) <i>The Wildlife Hazard Management Plan must include measures relating to—</i> <i>(a) landscaping;</i> <i>(b) habitat management;</i> <i>(c) drainage ponds and water features;</i> <i>(d) waste management;</i> <i>(e) pest control;</i> <i>(f) monitoring and reporting procedures; and</i>	The Joint Application will contain a bird hazard management plan condition in substantially the same form as the DCO protective provisions. SEGRO has submitted a Bird Hazard Management Plan as part of the Ecology and Biodiversity chapter of the Environmental Statement forming part of the EMG2 DCO application [APP-118]. This document was drafted to inform the assessment of likely significant effects of the project, with a view to agreeing any necessary mitigation for the impacts of the scheme. The document provided by SEGRO will need to be considered by the EMA safeguarding team as part of the discharge of the relevant approvals under the aeronautical safeguarding assessment. As this document was prepared for the purposes of satisfying the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and not the requirements of EMA under its own aeronautical safeguarding regime, further information may be requested at EMA’s discretion.

¹ This statement is from the EMA safeguarding response in July 2024. In the intervening two years, Spawforths have been negotiating a set of planning conditions (including a BHMP condition) with North West Leicestershire which are at a very advanced stage

<i>We wish to underline to the applicant that this development does need a very robust BHMP for roof nesting and roosting hazardous birds. The roofs must be designed to be safely accessible and walkable on to facilitate hazardous bird dispersal. Any solar PV on the roof will give additional security for roof nesting and roosting birds such as gulls and pigeons. If the roof is trapezoidal even if panels are flat to the upper sections, they may leave spaces in the valley sections that pigeons could roost or nest under and therefore they should be skirted. The roof of the office section is intending to have areas of garden with seating to provide 'roof offices'. Without robust management this will quickly become a hazard because staff are likely to eat in this location leave food detritus deliberately or accidentally for birds.</i> <i>Similarly, the new community park, with picnic benches and seating for the use of employees and the people of Diseworth with picnic benches planned close to the existing pond and the bus interchange gives the potential for people to eat at these locations and encourage hazardous waterbirds by feeding them, this should not be encouraged and the benches should be removed from the scheme and the area will need signs and management to deter feeding of birds. The amended 'Design and Access Statement' does say that the landscaping will focus on non-berry bearing species which is welcomed, but we will require confirmation of the specific proportions, and no more than 15% of e.g. hawthorn and blackthorn.</i> <i>Dense stands of trees with robust crowns can be attractive nesting sites for colonial nesting hazardous birds such as Rooks, corvids and Starlings. The applicant refers to preventing this in the 'Amended Design and Access Statement' stating that trees in the broad-leaved woodland would be 2-</i>	<i>(g) corrective measures where bird activity exceeds acceptable levels.</i>	
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	3m apart. This distance would not be sufficient for preventing establishment of colonial nests and roosts. Stands of trees with robust crowns such as Oak, Scots Pine and Beech should be excluded from the planting altogether.		
11.	N/A	<u>Aeronautical Safeguarding Assessment - Drainage & Landscaping Approval</u> <i>No component of the authorised development pursuant to any phase approved under requirement 3 is to commence until the airport operator has approved the relevant details of that phase relating to proposed drainage, landscaping and attenuation ponds which have been submitted to it under the Aeronautical Safeguarding Assessment.</i>	There is no corresponding landscape and drainage condition relevant to aerodrome safeguarding on the Joint Application. This is due to the fact that the Joint Application and EMG2 contain very distinct landscape and drainage solutions. The Joint Application proposes underground containment tanks which are discharged at greenfield rates. Whereas EMG2 proposes a mix of onsite containment and a series of swales which flow into existing drainage features. The airport has a number of surface water lagoons which discharge into existing surface water drainage solutions, primarily flowing into Diseworth Brook. EMA requires suitable protections in the DCO to ensure that the airport's existing drainage system and pollution control measures are not compromised.
12.	<u>Details of the area(s) subject to construction activity and the storage of materials and equipment</u> See Row 9 above (Construction Environmental Management Plan).	<u>Aeronautical Safeguarding Assessment – Construction Approval</u> <i>No component of the authorised development pursuant to any phase approved under requirement 3 is to commence until the airport operator has approved the relevant construction activities to be undertaken on that phase insofar as the same may be relevant to aerodrome safeguarding matters and which have been submitted to it under the Aeronautical Safeguarding Assessment</i>	Whilst there is no freestanding condition dealing with construction activity in the Joint Application, the construction environmental management plan condition (see Row 9 above) prevents commencement of development until the CEMP has been approved, which specifically deals with construction activity and requires details of any such construction activity to be approved. Accordingly, there is no practical difference between the Joint Application and the DCO protective provisions on construction activity.
13.	N/A	<u>Aeronautical Safeguarding Assessment – Detailed Drawings Approval</u>	The Joint Application does not have a corresponding condition to the DCO protective provisions clause dealing with detailed drawings approval under the Aeronautical Safeguarding Assessment. This is

		<i>(1) No component of the authorised development pursuant to any phase approved under requirement 3 is to commence until the airport operator has approved the relevant details of scaled plans, elevations and coordinates for all buildings, structures, cranes, plant and equipment along with proposed finished floor and roof levels which have been submitted to it under the Aeronautical Safeguarding Assessment.</i>	because this level of design detail would be forthcoming at reserved matters stage and the level of detail which EMA would be interested in and consulted on would be matters set out in the Construction Environmental Management Plan set out in Row 9 above, e.g. • Details of the area(s) subject to construction activity and the storage of materials and equipment • Details of cranes and other tall construction equipment (including the details of obstacle lighting) • Control of activities likely to produce dust and smoke etc • Details of temporary lighting • Height of storage areas for materials or equipment Accordingly, the details which EMA expects to be approved under the DCO protective provisions clause are adequately secured in the Joint Application conditions under the Construction Environmental Management Plan, with further detail to be approved at reserved matters stage.
14.	<u>Drone Usage</u> See Row 9 above (Construction Environmental Management Plan)	<u>Aeronautical Safeguarding Assessment - Drones and Unmanned UAS Approval</u> <i>(1) No drones, or unmanned aircraft systems shall be operated at any time from, on, or in connection with the construction or operation of the authorised development unless approved by the airport operator in writing.</i> <i>(2) Any approved drone operations pursuant to paragraph 5(1) of this Part shall be carried out in strict accordance with the terms of that approval</i>	Whilst there is no freestanding condition dealing with drone approvals in the Joint Application, the construction environmental management plan condition (see Row 9 above) prevents commencement of development until the CEMP has been approved, which specifically deals with drone usage and requires details of any such drone usage to be approved. Accordingly, there is no practical difference between the Joint Application and the DCO protective provisions on drone usage.
15.	N/AN/	<u>Surface Access</u> <i>(1) The undertaker must not obstruct or in any way interfere with the existing access (including all emergency access routes) to the airport without the prior written consent of the airport operator.</i>	There is no corresponding condition in the Joint Application because only the DCO application proposes major works to the A453 junction crossing (including, via the material change request, a pedestrian phase to the signal-controlled junction). The construction works are intended to take place at the Airport's main entrance, which for operational reasons cannot be obstructed or

		<i>(2) No access to the airport may be diverted, closed or in any way restricted until a replacement route is provided and available for use.</i>	interfered with without suitable programming and alternative routes being agreed.
16.	N/A	<u>Aeronautical Safeguarding Liaison Group</u> <i>(1) No application pursuant to requirement 7 (detailed design approval) in respect of the main site is to be submitted until the undertaker has established an aeronautical safeguarding liaison group, comprised of the undertaker, the airport operator, the local planning authority and the local highway authority, to coordinate the sharing of information to satisfy the requirements of the aeronautical safeguarding assessment.</i> <i>(2) The aeronautical safeguarding liaison group will meet as regularly as is necessary throughout the construction and operation phases of the authorised development to discuss and act on matters which are relevant to the safeguarding of the airport operator's undertaking.</i> <i>(4) The Aeronautical Safeguarding Liaison Group must operate, meet and make decisions in accordance with its terms of reference unless--</i> <i>a. Otherwise agreed by the members and the undertaker, in accordance with the process set out in its terms of reference; or</i> <i>b. Where the Aeronautical Safeguarding Liaison Group has not been established, otherwise agreed by the member and the undertaker.</i>	There is no equivalent condition in the Joint Application relating to an aeronautical safeguarding liaison group because the Joint Application is of a smaller scale compared with SEGRO's planned DCO. EMA require this provision as EMA will need to coordinate the construction works with the highways authorities and other third parties and there is no other means proposed by the Applicant through which this could be managed.
17.	N/A	<u>Arbitration</u>	There is no corresponding provision for Arbitration or dispute resolution generally in the Joint Application, which is entirely usual.

		<i>Any difference or dispute arising between the undertaker and the airport operator under this Schedule must, unless otherwise agreed between the undertaker and the airport operator, be determined by arbitration in accordance with article 45 (arbitration).</i>	This provision is preceded in EMG1. Because the protective provisions form part of the statutory order, it is common practice to include a specific clause which confirms whether the dispute resolution process under the protective provisions follows the process set out in the corresponding article of the DCO or whether a bespoke process takes effect under the protective provisions.
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N/A

APPENDIX 2

DRAFT AERODROME SAFEGUARDING CONDITIONS RECOMMENDED BY EMA FOR THE JOINT APPLICATION

From: EMA Safeguarding

Sent: 03 December 2025 15:02

To: [REDACTED]

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

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

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

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

Dear [REDACTED],

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

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

- **Condition:** Prior to construction, the submission of an Instrument Flight Procedure Assessment of the building and any associated tall equipment used during the construction of the building demonstrating no harmful impact. This is to be undertaken by MAG's CAA approved Procedure Design Organisation (APDO) NATS plc.

Reason – Flight Safety - To ensure adequate separation between aircraft and ground-based structures. It is likely that a height restriction will need to be imposed at this location

- **Condition:** Prior to construction, the submission of a wind shear assessment of the development in its entirety, demonstrating no harmful impact.

Reason – Flight safety – to ensure that the new development does not adversely increase the risk of a wind shear hazard to aircraft using East Midlands Airport.

- **Condition:** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

MAG Group Aerodrome Safeguarding Authority

Stansted Airport | East Midlands Airport | Manchester Airport

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

[Aerodrome Safeguarding | Manchester Airport](#)

www.magairports.com



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