

**EAST MIDLANDS GATEWAY PHASE 2 –
EAST MIDLANDS GATEWAY RAIL FREIGHT
INTERCHANGE MATERIAL CHANGE**

Response to Deadline 1:

Written Representations

Leicestershire County Council

April 2026

Planning Inspectorate Reference: BC0410001/TR0510002

1.0 **Introduction**

- 1.1 In response to Deadline 1, this document sets out Leicestershire County Council's (LCC) Written Representation in response to an application submitted by SEGRO Properties Ltd (Applicant) for a Development Consent Order (DCO) and Material Change Order (MCO). The DCO includes for the construction of 300,000 sq.m of floorspace plus 200,000 sq.m. of internal mezzanines for logistics and advanced manufacturing development with ancillary buildings, and associated highway works, known as 'East Midlands Gateway Phase 2' (EMG2). The MCO is for includes additional warehousing development for plot 16 of 'East Midlands Gateway Phase 1' (EMG1) and associated access changes.
- 1.2 LCC is a host authority as the Order Limits fall within its the administrative area. LCC has statutory roles as the Local Highway Authority, Minerals and Waste Planning Authority and Lead Local Flood Authority, amongst other functions.
- 1.3 In response to Deadline 1, LCC has also prepared a Local Impact Report (LIR). The LIR should be read alongside these representations, and the previously submitted Relevant Representations [RR-002].

2.0 **Summary of Principal Issues**

- 2.1 These representations are divided into sections based on the Examining Panel's initial assessment of principal issues. These issues include Traffic and Transport; Materials and Waste; Flood Risk and Drainage; Population and Human Health; Ecology and Biodiversity; and Heritage and Archaeology.

3.0 **Traffic and Transport**

Background

- 3.1 LCC in its capacity as Local Highway Authority (LHA) was first engaged in scoping discussions on the EMG2 site proposals in March 2022. This approach came on the back of Government formal designation of the relevant land as a

'Freeport' site. Positive and ongoing engagement has occurred consistently since this time between the Applicant, LCC and other interested Highway Authorities through a formal Transport Working Group (TWG) administered principally by BWB Consulting on behalf of the Applicant, SEGRO.

- 3.2 In addition to this work, the LHA has been engaged in ongoing discussions by a consortium group, referred to as 'East Midlands Growth Point'. The Applicant is part of this group. The group was formed with the intention of progressing the assessment and development of strategic infrastructure proposals to support delivery of wider East Midlands Freeport designation and emerging growth in the local area including that coming forward in the North West Leicestershire Local Plan (Available at: https://www.nwleics.gov.uk/pages/local_plan_review_progress_so_far).
- 3.3 LCC supports this consortium group's intentions. However, the work remains at an early stage with no policy or delivery mechanism to underpin and secure future delivery should a safe and suitable comprehensive strategy emerge that would mitigate the cumulative impact of growth in the area.
- 3.4 The EMG2 submission therefore forms a singular part of an emerging whole. The acceptability and suitability of these proposals, in the context of the wider growth delivery strategy, may not fully be known during the lifetime of the Examination.
- 3.5 Notwithstanding this, the LHA acknowledges that this lack of a wider delivery strategy cannot preclude the consideration and advancement of the EMG2 application and therefore the LHA has committed to engage and consider the development proposals of EMG2 on its own merits.

Development Proposals

- 3.6 As indicated in the LCC formal response to non-statutory consultation dated 28th July 2025 [AoC-003D] the development proposals differ in quantum and land use from that which have been tested within the Pan Regional Transport Model (PRTM). In short, the development proposals have evolved to include an additional 100,000sqm of floorspace.

- 3.7 The TWG has been consistent in its advice that the quantum of land use as applied for should be assessed based on the trip rates agreed by the TWG. This was also a specific requirement detailed in the Planning Inspectorate's scoping response to the project.
- 3.8 The LHA had suggested that the Applicant could consider revising their trip rates to account for the inclusion of mezzanine floorspace. However, this approach was not adopted and therefore unconventionally, the Applicant has instead proposed wording as a DCO requirement (no.27) [PDA-005D] to seek to limit the highway impact of the additional mezzanine floorspace pursued. The Applicant has indicated agreement to this approach has been found with some TWG parties. However, agreement has not been reached with LCC.
- 3.9 In addition, the Applicant has provided LCC with a breakdown of the additional trips if the agreed trip rates were applied to the additional 100,000sqm mezzanine floorspace and how these would be assigned to the Local Road Network (LRN) in a without mitigation scenario. Without prejudice to the above, the LHA will consider the potential impact of these 'additional' flows on the LRN. However, LCC notes that the Applicant is yet to submit this information into the Examination.
- 3.10 The LHA have suggested to the Applicant that based on concerns over the acceptability and enforceability of a requirement to control mezzanine use, concerns also expressed by North West Leicestershire District Council, the full quantum of floor space should be modelled to confirm the acceptability of the mitigation strategy or otherwise.

Strategic Assessment

- 3.11 A significant proportion of the transport assessment work undertaken by the Applicant to date has used the pre-covid PRTM 2019 strategic transport model. The LHA is pleased that the Applicant committed to undertake a supplemental test of the development and infrastructure proposals in the post-covid PRTM 2023 model.
- 3.12 The Applicant has committed to following up this assessment with cordoned

input to the M1 J24 VISSIM model for completeness. The LHA are comforted by feedback through the TWG which identifies positive progress has been made with this work. LCC will comment on the outcomes of this work when completed and submitted by the Applicant into the Examination.

- 3.13 The LHA has been consistent in its advice that assessment and mitigation of the impact of the development proposals on the Strategic Road Network (SRN) should be considered first, and that the LRN impact should be considered in its residual state following agreement of strategic infrastructure mitigation on the SRN.
- 3.14 The LHA continues to be engaged in the advancement and design of the strategic infrastructure proposals where they impact the LRN. Through the TWG the LHA has recently signed off the Stage 1 Road Safety Audit (RSA1) and amended designs for the LRN (not yet submitted to the Examination by the Applicant). However, it remains the case that design changes or additional mitigation may be required following completion of the aforementioned modelling work.
- 3.15 The Applicant has acknowledged the risks associated with submission of a DCO application and fixing of an application boundary in advance of this work being undertaken.

Highway Design

- 3.16 The LHA has reviewed the latest highway design proposals (not yet submitted to the Examination by the Applicant), including the site access arrangements from the A453, a proposed toucan crossing, active travel proposals, and proposals for the Finger Farm roundabout where they impact the LRN. Whilst the LHA is generally content with the proposed designs at this stage, the LHA reserves its position on this matter pending the resolution of PRTM2023 modelling, final understanding of the impacts on the LRN, and submission of the relevant drawings and supporting RSA1 into the Examination for formal response.
- 3.17 The LHA has recently signed off the relevant design departures for the LRN.

However, it remains the case that design changes or additional mitigation may be required following completion of the aforementioned modelling work which may result in requests for further departures.

A453 Safeguarding of land

- 3.18 Transport evidence identifies significant congestion and capacity challenges in forecast modelling work along the A453 corridor north of the application site [APP-082].
- 3.19 LCC wish to see land along the EMG2 main site frontage with the A453 safeguarded and dedicated as public highway to allow future delivery of a dualling scheme to address the impacts of wider growth. Without this safeguarding, there is a risk that the EMG2 development (if permitted) could fetter delivery of wider growth, including, but not limited to, the Isley Woodhouse emerging allocation.
- 3.20 LCC understands that the Applicant will be including a requirement in the next revision of the dDCO to safeguard land along the EMG2 main site frontage with the A453 for future dualling. LCC reserves its position until a revised dDCO is submitted that reflects this change together with an associated plan.

Active Travel Provision

- 3.21 Proposed active travel provision includes works to Hyam's Lane to provide a dedicated cycle link that will form part of an extension to the existing National Cycle Route 15 [APP-042D].
- 3.22 The LHA has raised concerns over the mechanism to allow cycle access in conjunction with a Public Right of Way (PRoW) meaning that the PRoW is not removed from the definitive map. The Applicant is considering how this can be facilitated and LCC awaits their response.
- 3.23 The Applicant has proposed a new PRoW (points 6 to 16) [APP-037D] to be provided along the eastern boundary of the main EMG2 site. The LHA does not consider that this footpath would provide sufficient public benefit and utility to be formally adopted as a PRoW and considers that this should be a

permissive path. The LHA has requested that the Applicant amend the dDCO accordingly.

- 3.24 The Applicant has proposed a new PRow (points 10 to 11) [APP-037D] and a short section of footway directing pedestrians to cross the A453 at the existing signal-controlled junction for East Midlands Airport. However, this signal-controlled junction has no pedestrian provision.
- 3.25 Moreover, neither a detailed design, assessment, or RSA1 appear to have been produced by the Applicant for this crossing point. The appropriateness of the crossing should be determined via an assessment based on Traffic Signs Manual Chapter 6 guidance available at: (<https://assets.publishing.service.gov.uk/media/5df0e29fed915d15f42c4820/df-t-traffic-signs-manual-chapter-6.pdf>) and a comprehensive package of information submitted to the Examination. LCC reserves the right to comment further on the safety and suitability of this crossing provision.

Framework Travel Plan and Public Transport

- 3.26 The LHA is aware that EMG2 will adopt the Sustainable Transport Working Group (STWG) approach that has been successful for EMG1.
- 3.27 The LHA is generally content with the submitted Framework Travel Plan (FTP) [APP-085], public transport proposals, and the arrangements for the STWG. The main outstanding issue lies in the mechanism by which proposals will be secured and funded. LCC suggests that this should be by way of a s106 Agreement and awaits confirmation from the Applicant. LCC has also requested changes to the associated dDCO requirement.
- 3.28 LCC does however require the FTP [APP-085] to be amended such that occupier travel plans apply for a 10-year period from occupation and this requirement applies to subsequent occupiers of each plot.
- 3.29 LCC also requires the Applicant to provide one six-month bus pass to each employee at no cost to the employee. This is to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation,

and promote usage of sustainable travel modes other than the car. This should be secured via an appropriate mechanism, which LCC consider to be a s106 Agreement.

Walking, Cycling and Horse-Riding Assessment (WCHAR)

- 3.30 The LHA is broadly content with the findings of the WCHAR report, subject to the comments above on the proposed uncontrolled crossing the A453 at the East Midlands Airport access signalised junction.

Personal Injury Collision (PIC)

- 3.31 The LHA does not consider that there are any existing patterns of PICs which would be exacerbated on the LRN within the scope of assessment considered by the Applicant. However, the LHA reserves its position on this matter pending the resolution of PRTM2023 modelling and final understanding of the impacts on the LRN.

Construction Impacts

- 3.32 With regard to volumes of construction traffic, the submitted Transport Assessment [APP-080] quotes the East Midlands Freeport Model (EMFM) Forecasting Report for the construction traffic scenario (July 2025) that, *'the impact of construction traffic on the local road network is forecast to be minimal'*.
- 3.33 The LHA notes however that the assessment of materials and waste has not used the most up to date 2024 data available to the Applicant which could affect volumes and hence traffic movements (see 4.1 below). The LHA awaits a resolution on this matter before commenting further.
- 3.34 The LHA also notes that the Applicant does not appear to have considered the impact of construction of highway mitigation on the SRN and LRN. The LHA is concerned that such impacts are likely to be significant, take place over a prolonged period, and could in themselves require mitigation.
- 3.35 LCC has made the Applicant aware that the construction programme will be impacted by access to the road network in this traffic sensitive area with

constraints around the operation of East Midlands Airport and significant scheduled events at the Donington Park Circuit.

Traffic Regulation and Speed Limits

- 3.36 The following Traffic Regulation Orders (TRO's) are proposed, which are shown in drawing DCO2.13 [APP-055D]:
- No waiting at any time restrictions to protect a turning head on Hyam's Lane; and
 - Prohibition of motor vehicles along the section of Long Holden which passes through open fields.
- 3.37 The LHA is content with the proposals. No speed limit changes are proposed on the LHA's network.
- 3.38 Whilst the LHA is generally content with the proposed TRO's at this stage, the LHA reserves its position on this matter pending the resolution of PRTM2023 modelling and final understanding of the impacts on the LRN, should any further TRO's be required.

4.0 Materials and Waste

- 4.1 LCC advised the Applicant that the Environment Agency's 2024 Waste Data Interrogator (WDI) (released 23rd September 2025) was available to them prior to submission of the application, and that this data should have been used in the Environmental Statement (ES) Chapter 18 assessment [APP-185].
- 4.2 LCC consider that it is for the Applicant to demonstrate to the Examination the impact of using the most up to date data, and that ES Chapter 18 [APP-185] should be amended accordingly, together with any other assessment reliant on this data, including construction traffic movements.
- 4.3 In addition, LCC has advised the Applicant that there appears to have been a conflation of landfill and general capacity. The site inventory appears to show changes in capacity. Again, LCC has advised the Applicant to submit

information to the Examination that clarifies this matter.

- 4.4 LCC has raised concerns with the Applicant that the commitment to implementation of the Site Waste Materials Management Plan, its review, and associated approval process, appears to be absent from the requirement in the dDCO [PDA-005D]. LCC understands that the Applicant is considering revisions to Requirement 11 and Requirement 24 to address this concern.

5.0 Flood Risk and Drainage

- 5.1 While not specifically named as a statutory consultee within the list of consultees in Schedule 1 of The Infrastructure Planning Applications: Prescribed Forms & Procedure Regulations 2009, under Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 LCC in its capacity as the Lead Local Flood Authority (LLFA) is a statutory consultee for major planning applications in relation to surface water.
- 5.2 The LLFA was consulted by the Applicant at an early stage to allow for input into the development of the surface water strategy. Consequently, the proposals as presented in the Sustainable Drainage Statement EMG2 Works [APP-149] and the associated surface water drainage strategy drawing reference EMG2-BWB-WAT-ZZ-DR-CD-0501-S2-P06 (Main Site Concept Drainage Strategy) [APP-149] are in-line with the requirements that the LLFA would typically apply to major development.
- 5.3 However, LCC has consistently raised concerns with the Applicant regarding the wording of associated requirement 17 as reflected in [RR-002]. As currently drafted the wording only commits the Applicant to submitting details, and not implementation of works.
- 5.4 Typically, any works which alter the flow of any existing ordinary watercourse (including ditches) either permanently or during construction, require consent from the LLFA under Section 23 of the Land Drainage Act 1991. It is understood that if permitted, the DCO would grant the developer the right to forego this requirement. However, it is requested that this process be observed by the Applicant to demonstrate flood risk mitigation and to ensure the LLFA is abreast

of associated works being undertaken.

- 5.5 It is advised that LCC opposes the culverting of watercourses (refer to Policy 1: Culverting of Ordinary Watercourses in Appendix 3 of the Local Flood Risk Management Strategy available at: <https://www.leicestershire.gov.uk/sites/default/files/2024-02/Local-Flood-Risk-Management-Strategy-for-Leicestershire.pdf>). However, LCC recognises that there are situations where culverting may be necessary. In these cases, open span bridges should be considered first as alternatives to culverts. Where no technical alternative to culverting is reasonably practicable, their length should be minimised.

6.0 Population and Human Health

- 6.1 In LCC's Relevant Representations [RR-002] LCC identified concerns relating to the reliance of the ES Population and Human Health Chapter assessment [APP-180] and the Equality Statement [APP-183] on incomplete transport modelling, and set out that LCC's agreement to remove the standalone Health Impact Assessment (HIA) appendix was conditional upon all HIA content being fully and transparently embedded within ES Chapter 17 [APP-180] with no loss of analytical rigour.
- 6.2 LCC's position remains that, at this stage of the Examination, the public health conclusions presented within the ES cannot be considered robust. This is due to (a) unresolved transport modelling which underpins several core health determinants, and (b) sufficient clarity is required regarding how HIA content has been embedded within ES Chapter 17 [APP-180], without loss of scope or analytical integrity. These issues were first raised with the Applicant in January 2026 and continue to be relevant, as they directly affect the reliability and completeness of the assessments provided.
- 6.3 The Population and Human Health Chapter assessment [APP-180] and the Equality Statement [APP-183] rely on transport modelling assumptions that are not complete or agreed. LCC therefore maintains that conclusions in both documents cannot be treated as reliable until final, agreed modelling is

available.

- 6.4 The determinants assessed in the Population and Human Health Chapter include severance and access, active travel, road safety and community safety, and traffic-related air quality and noise. All are directly influenced by traffic volumes, routing, and infrastructure design. In the absence of agreed transport modelling, the conclusions cannot be regarded as fully accurate or truly representative of likely impacts.
- 6.5 The Applicant has committed to LCC that a proportionate update to the Population and Human Health Chapter assessment [APP-180] and the Equality Statement [APP-183] will be undertaken once the final transport modelling is completed and agreed. This includes commitments to provide LCC with the final modelling, re-check transport linked health pathways, update cumulative assessments where required, and revisit equality conclusions.
- 6.6 LCC welcomes this commitment but reserves its position until this information is formally submitted to the Examination for consideration.
- 6.7 Given the central role of transport modelling in determining changes to safety, access, connectivity, air quality and noise, LCC considers it entirely reasonable to expect that revised modelling may alter the conclusions of both the Population and Human Health Chapter assessment [APP-180] and the Equality Statement [APP-183]. The Applicant has acknowledged that increases in impacts would require updates, and that even in the event of impacts decreasing, further consideration may still be needed to determine whether conclusions should be narrowed or adjusted. Any change to the transport modelling therefore has potential to alter both the assessed significance and the differential impacts experienced by vulnerable groups.
- 6.8 As set out in LCC's Relevant Representations [RR-002] LCC agreed to the removal of the standalone HIA only on the condition that all HIA material was fully and transparently integrated into the Population and Human Health Chapter assessment [APP-180] with no loss of analytical content. LCC identified gaps in the completeness of this embedding, including the treatment of several Joint Strategic Needs Assessment (JSNA) identified vulnerable

groups, many of whom were assessed only through the Equality Statement [APP-183] rather than within the Population and Human Health Chapter assessment [APP-180]. LCC require clear justification for such exclusions, aligned to local evidence and JSNA priorities.

6.9 The Applicant provided a Technical Note to LCC in March 2026 that has not yet been submitted to the Examination by the Applicant. This Technical Note provides clarification relating to transport-linked pathways and air-quality-related health effects. Notwithstanding this, LCC considers that further clarification and explicit signposting within ES Chapter 17 [APP-180] is still required to demonstrate transparently where the embedded HIA components are located. This includes:

- determinants and pathways;
- baseline vulnerability and existing health burdens;
- assessment of health effects;
- proposed mitigation; and
- the relationship between the Population and Human Health Chapter assessment and Appendix 17C (Equality Statement) [APP-183].

6.10 Such signposting is necessary to confirm that the removal of the standalone HIA has not resulted in a loss or dilution of assessment content and to ensure that the Examination can easily identify where each HIA component is addressed. Any updates arising from final transport modelling may also affect the embedded HIA components, requiring additional revisions. Given the likelihood that updates to the Population and Human Health Chapter assessment [APP-180] will be needed once the final transport modelling is issued, LCC considers it important that the Applicant sets out a clear mechanism and timeline for updating the embedded HIA components. This is essential to support a transparent and effective Examination.

7.0 Ecology and biodiversity

Skylark Mitigation

7.1 LCC previously requested clarification on the breeding status of Skylark, which

was provided in the form of a Bird Report [APP-111]. The report included information on previous bird surveys undertaken at the site, and the results of the breeding and wintering bird surveys between 2024-2025. Skylark were confirmed as breeding and a 'common resident', along with other Priority Species. The ES Chapter outlines the provision of grassland to provide alternative habitat and to support the carrying capacity of surrounding habitats, however suitable breeding habitat provision has not been provided.

Biodiversity Net Gain (BNG) Matters

- 7.2 The Applicant has provided additional information/detail relating to the BNG assessment to LCC. LCC are currently reviewing this additional information for both the DCO and MCO and encourage the Applicant to submit this information into the Examination.

Lighting

- 7.3 LCC requested an outline lighting plan to determine how lighting may impact protected species. The Obtrusive Light Calculation [APP-131] includes a lux contour plan, however only 1.0 and 0.2 lux contours are shown on the plan. LCC awaits a response from the Applicant regarding the request for a sensitive lighting scheme. In addition, LCC has suggested that there is a requirement for the Applicant to provide bat boxes, again a response is awaited.

Veteran Tree Mitigation

- 7.4 LCC has reviewed the Landscape and Ecological Management Plan (LEMP) [APP-117] which includes a Veteran Tree Strategy as an appendix. It is noted that six of the identified veteran trees are to be retained, including the tree defined as veteran under the National Planning Policy Framework (2024). The Veteran Tree Strategy does not seem to fully consider the Natural England and Forestry Commission guidance on Ancient Woodland, Ancient and Veteran Trees available at: <https://naturalengland.blog.gov.uk/2022/01/24/updates-to-planning-guidance-to-help-safeguard-englands-protected-species-and-ancient-woodland-ancient-and-veteran-trees/>.

8.0 Heritage and Archaeology

Assessment of Significance

- 8.1 The Applicant, in liaison with LCC, has undertaken a thorough and robust assessment of the archaeological issues in respect of both designated and non-designated heritage assets and their related significance for the EMG2 project. LCC consider that a satisfactory programme of on-site archaeological mitigation could be achieved as set out in ES Chapter 12 [APP-133] and is content with the wording of requirement 13 in the dDCO [PDA-005D] requiring submission of, and agreement to, a written scheme of mitigation measures and associated programme.

Adequacy of Evaluation

- 8.2 The Applicant has undertaken a thorough archaeological evaluation of the proposed EMG2 project development area. This has comprised a desk-based assessment [APP-135], geoarchaeological assessment [APP-137], geophysical surveys [APP-136], fieldwalking [APP-138] and trial trenching investigation [APP-139].
- 8.3 LCC consider that all appropriate methods have been applied. Any constraint to the pre-determination investigation of the application site has been due solely to its viability and practicality at this stage. In this instance, associated with the proposed highways works, appropriate provision has been agreed with the Applicant to form part of the post-determination Archaeological Mitigation Strategy. The Applicant has submitted this Strategy in draft form for LCC review and comment. However, LCC notes that this is yet to be submit this to the Examination.

Archaeological Impact Assessment

- 8.4 LCC has reviewed the Applicant's submitted archaeological assessment [APP-135] and considered the impact of development upon the affected remains. It is concluded that the proposed assessment has adequately addressed the

impact of the scheme upon the affected archaeological resource and provided a thorough understanding of the affected remains. It is concluded that the impact of development upon the archaeological resource can be adequately addressed through the provision of a suitable programme of targeted archaeological mitigation, secured by requirement 13.

Archaeological Mitigation Strategy

8.5 In liaison with LCC the Applicant has prepared a full and through programme of archaeological mitigation as detailed in the draft Archaeological Mitigation Strategy. However, as set out above, LCC notes that the Applicant is yet to submit this information into the Examination.

9.0 Conclusion

9.1 This document sets out Leicestershire County Council's (LCC) Written Representation in response to an application submitted by SEGRO Properties Ltd (Applicant) for a Development Consent Order (DCO) and Material Change Order (MCO).

9.2 LCC continues to work proactively with the Applicant, but there remain outstanding matters to be resolved during the Examination. These outstanding matters include traffic and transport, materials and waste, flood risk and drainage, population and human health, and ecology and biodiversity.

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