

Deadline 1 Submission by National Highways Limited

NH Response to Written Questions and Actions

Application by Segro Properties Ltd for an Order granting Development Consent for the Extension of Freeport, the second phase of East Midlands Gateway and East Midlands Gateway Rail Freight Interchange Material Change Order

Planning Inspectorate Reference Number: BC0410001 /TR0510002

1. INTRODUCTION

- 1.1 This document is submitted by National Highways ("NH") for Deadline 1 in respect of application by **Segro Properties Ltd ("Applicant")** for an order granting development consent for **the East Midlands Gateway 2 project ("DCO")** and **East Midlands Gateway Rail Freight Interchange ("MCO")**. The Applicant seeks development consent for proposed authorised developments described in Schedule 1 of the draft DCO ("**Authorised Development**").
- 1.2 This document sets out the Examining Authority's Written Questions 1 (ExQ1) that are directly specifically to NH and NH's response to the same. In addition, the document provides NH's hearing summaries and responses to the Action Points assigned to NH. Appendix A sets out an agreed position statement with the Applicant on the strategic benefits of the proposed SRN mitigation scheme.

2. RESPONSE TO WRITTEN QUESTIONS (ExQ1)

EXQ1	Question to:	Question:	NH Response
Q1.0.1	All IPs	Planning and Infrastructure Act 2025 The Planning and Infrastructure Act received Royal Assent on Thursday 18 December 2025. All IPs, including the applicants, are invited to submit comments on the new Act in relation to any implications for the examination of this application.	NH has no material comments to make at this stage.
Q1.2.8	The applicants NWLDC LCC NH	20% advanced manufacturing floorspace Paragraph 3.2.7 of chapter 3 of the ES [AS-025] states that the development would primarily comprise logistics buildings with up to 20% of the floorspace capable of being used for 'advanced manufacturing'. Please can the applicants clarify how this 20% limitation is secured in the dDCO and explain the environmental effects in the event this 20% limitation is exceeded. For example, why is the limitation important, does advanced manufacturing generate different environmental effects in relation to traffic, noise and disturbance compared to storage and distribution?	NH has agreed the trip rates with the applicant for the relevant land uses. The trip rates are derived from TRICS, a national database widely recognised in the industry. This database calculates trip rates based on specific parameters such as land use and location, using a sample of observed data. This approach provides a solid foundation for the analysis. These trip rates reflect a robust assessment for all environmental impacts, because they do not account for the potential success of a travel plan, therefore, offering a more robust starting point for the analysis.

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Q4.0.3	The applicants NWLDC LCC NH	<p>Reasonable worst case scenario complexity (Air Quality)</p> <p>Paragraph 8.2.58 of chapter 8 of the ES [AS-037] establishes four scenarios considered as part of the traffic modelling that underpins the air quality assessment. These modelling scenarios were broken down into sub scenarios in paragraph 8.2.55. What is the rationale for conducting such a multitude of scenarios? Does it present an overly complex approach, and could it be streamlined by adopting one definitive reasonable worst case scenario for each of the following:</p> <p>Baseline traffic EMG2 project traffic (with DCO and MCO assessed discretely) EMG2 project traffic (with DCO and MCO assessed discretely) + mitigation EMG2 project traffic (with DCO and MCO assessed discretely) + mitigation + cumulative project traffic</p>	NH held a meeting with the Applicant on 27 th February 2026 to discuss the comments on air quality within its relevant representation [RR-022]. NH received a response from the Applicant on 1 st April 2026 and is reviewing the responses including a response in relation to the large magnitude of some of the modelling adjustment factors. NH notes that it has no preference regarding the number of air quality scenarios modelled.
Q4.0.10	The applicants NH NWLDC	<p>Modelling</p> <p>NH [RR-022] raised concern about the large magnitude of some of the modelling adjustment factors. On the other hand, NWLDC [RR-003] confirm that a range of matters in relation to the modelling have been agreed. For clarity, and subject to any PRTM 2023 updates, please can NH and NWLDC, in conjunction with the applicants, work together and coordinate a response on whether the modelling and subsequent conclusions are acceptable.</p>	Please see response to Q4.0.3 above.
Q5.0.2	The Applicants	<p>Biodiversity net gain on the SRN</p> <p>NH [RR-022] set out that 10% BNG is required on the SRN. Can the applicants please clarify whether this has been achieved? If it has not been achieved, please can the applicants provide amended proposals to ensure it is achieved or justify why it is not necessary to achieve in this particular case.</p>	The issue of the 10% Biodiversity Net Gain (BNG) provision on the SRN estate is yet to be resolved. NH is waiting for the Applicant to respond on this matter. NH will review the Applicant's Deadline 1 submissions to better understand their position.

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Q7.0.4	NH	<p>Plots in which NH has an interest</p> <p>In its RR [RR-022] NH indicates that it had not completed its review of the Book of Reference.</p> <p>NH is requested to fully review the Book of Reference and submit a table setting out by plot the plots in which it has an interest and then indicating:</p> <p>whether the land is held as operational land, as defined the TPCA, or for some other purpose, and if so, what is that purpose</p> <p>where land is held as operational land, NH should explain why it holds that view, and how the proposed development, if permitted, would specifically cause serious detriment to the carrying out of the undertaking. This should be done on an individual plot basis but could be on a cumulative basis of individual plots. In this scenario it should fully explained why each plot is required as part of the cumulative effect.</p>	<p>NH is currently reviewing the Book of Reference to identify whether each plot is operational or no-operational land. The review is expected to be completed by 10th April 2026. NH will provide an update in a submission at Deadline 2.</p> <p>In the meantime, the ExA should note that the rights held by NH on land subject to compulsory powers (e.g. plot 1/7) relate to access to and maintenance of apparatus owned by NH. This is therefore operational land for the purposes of s263 TCPA 1990 (land in which an interest is held for NH's statutory undertaking). The ExA is also respectfully asked to note that the relevant test for the purposes of the Planning Act 2008 is in s138, i.e. the Secretary of State must be satisfied that the extinguishment or removal of NH's rights <u>is necessary</u> for the purpose of carrying out the development to which the order relates. NH is not aware of any evidence from the Applicant to suggest that the extinguishment of NH's rights is necessary.</p>
Q8.0.2	Highway Authorities EA LCC as LLFA	<p>Deemed approvals</p> <p>All bodies which would approve approvals are asked to review the time periods set out and to comment as to whether they consider these periods appropriate. If a different period were to be sought, then the body should justify this revised period. Individual periods should be set out by provision.</p> <p>The ExP understands that the provisions are:</p> <p>Articles 9, 11, 13, 17, 19, 20.</p> <p>Schedule 13, part 1, paragraph 2</p> <p>Schedule 13, part 2, paragraphs 4, 13</p> <p>However, this should not be considered comprehensive, and parties are requested to consider the whole dDCO.</p>	<p>In the interests of reaching an agreement early in examination, noting the precedent agreed in the Northampton Gateway DCO, for which Segro was also the Applicant, NH has communicated to the Applicant that it will accept deemed consent provisions with 28 days' notice, followed by a further written request and 28 additional days' notice before deemed consent applies.</p> <p>This time period is required to enable NH to ensure the safe operation of the SRN in accordance with its Licence. There are safety implications of works being carried out to the SRN that may have bypassed NH's approval processes. The model outlined above worked successfully on the Northampton Gateway project, and it is understood that the Applicant is supportive of its application on EMG2.</p>
Q8.1.1	NH	<p>Article 9 – Power to alter layout, etc., of streets</p> <p>In its RR [RR-022] NH indicates refers to paragraph 7.27 of the EM [AS-015D]. This reference does not exist nor does the quote cited. Could the NH review this comment.</p>	<p>As NH explained during ISH2, and as summarised in the written submissions of EMG2, the typographical error was in fact a reference to the Explanatory Memorandum (EM) from the Northampton Gateway Rail Freight Interchange Order 2019, an Order promoted by the Applicant / a connected company. National Highways explained that on the Northampton DCO, the EM clearly</p>

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			explained that the power in article 9 only applied to private streets. NH was seeking clarity on whether the power applied to private streets only here, and that was confirmed by the Applicant during ISH2 (with confirmation that an amendment would be made to the DCO/EM).
Q8.1.2	Highway Authorities	<p>Article 13 – Accesses</p> <p>The Exp’s reading of this provision would allow new accesses to the SRN. In its RR [RR-022] NH states that it understands that these are not being proposed. However, in its Schedule of Changes to the Draft DCO submitted at Procedural Deadline A [PDA-008D] the applicants indicate that temporary access will be required to facilitate highway works on the SRN.</p> <p>Could NH please further comment on this matter and whether there should be a specific restriction included within the requirement.</p> <p>Could LCC confirm that it is content with this provision for the local road network.</p>	<p>NH notes that the Applicant may be proposing temporary accesses. This has not been previously discussed and such accesses are not agreed. Any agreement relating to a temporary access from the SRN will be subject to a full safety assessment and Road Safety Audit.</p> <p>NH supports amending the article to limit its applicability to the SRN.</p>
Q8.1.4	Highway Authorities	<p>Article 38 – Felling or lopping of trees and removal of hedgerows</p> <p>Could the identified parties please comment on the distance from the Order limits of 25 metres set out to allow works to trees and hedgerows. The Exp notes that general advice from NE is that 15m is sufficient buffer to ensure ancient woodland is not affected. Given there is no such resource here, any distance will need to be fully justified both in response to this question and in the EM.</p> <p>Could NWLDC confirm whether presently there are any trees protected by tree preservation orders within 25m of the Order limits? Should this situation change, could NWLDC ensure this information is submitted into the examination.</p> <p>Is any party aware of any hedgerow within 25m of the Order limits which would be defined as “important” for the purposes of The Hedgerows Regulations 1997 or an “important hedgerow” for the purposes of The Management of Hedgerows (England) Regulations 2024? If so, could this please be identified on a plan, along with the reasoning behind why the party holds that view.</p>	<p>NH notes the distance and would benefit from clarity from the Applicant on where this power may be used (particularly if it is proposed to be used on NH’s estate). NH proposes that this power is controlled by the protective provisions to avoid unduly impacting.</p> <p>Any activity would need to be agreed in advance with NH and any loss on NH’s estate would need to be replaced by the Applicant (as well as an additional 10% gain) on the estate.</p>

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Q8.3.1	NE NH EA Highway authorities LLC as LLFA Any person who is an approving body under schedule 3 of the Flood and Water Management Act	<p>Consultee in requirements</p> <p>In various requirements there is a requirement for consultation with a statutory body prior to the decision maker deciding whether to approve details pursuant to requirements. Could all statutory parties review the requirements and confirm whether consider that the current arrangements are appropriate. Should they wish to amend this, could they please set out where such a change should be made, and if requesting additional consultation explain why it is considered necessary.</p>	<p>Requirement 4: Sustainable Transport: NH notes the reference to a “transport working group” at paragraph 1 of this requirement. This seems to be the sustainable transport working group referred to at Schedule 15 to the draft DCO. NH has not been included in this group. NH’s understanding from paragraph 6.1 of the Sustainable Transport Strategy [APP-084] was that NH were meant to be included.</p> <p>Given the impacts of the scheme on the SRN, NH considers it reasonable to be involved in the working group. Rather than NH requiring its own approval role, it seems reasonable for NH to approve/comment on proposals under requirement 4 as part of the working group.</p> <p>NH therefore requests that it is expressly added as a member of the sustainable transport working group at Schedule 15, para 1.</p> <p>As set out in NH’s Relevant Representation [RR-022]:</p> <p>Requirement 7: Detailed design approval: NH notes that the design approach document can be reviewed and updated by the Applicant in agreement with the local planning authority. NH objects to the wording of this requirement. No amendments should be made to highway works design without agreement of NH, as the highway works comprise a NSIP in their own right, and the document covers highway design. It would be unreasonable for the Applicant and local planning authority to agree changes affecting the SRN without NH’s agreement.</p>
Q8.3.3	NH	<p>Requirement 4</p> <p>Could the applicants explain why the sustainable transport working group should only continue its duties for five years rather than in perpetuity, given the traffic generation figures for the life-time of the development are based on an effective travel plan? Furthermore, what arrangements should there be in place for a second and subsequent occupier of the buildings to ensure sustainable transport arrangements are continued? NWLDC, NH and LCC are all asked for their views on this</p>	<p>Whilst NH has agreed the Sustainable Travel Strategy [APP-084], it can see the benefits of the sustainable transport working group continuing its duties in perpetuity as opposed to for only five years. NH would support this change in duration of the sustainable transport working group.</p> <p>Please note NH’s response to Q8.3.1 relating to inclusion in this group.</p>

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Q8.3.6	Highway Authorities	<p>Schedule 2 – Part 2</p> <p>Are NWLDC and the highway authorities content with the eight-week period for determination of all matters as set out in paragraph 1(2)(a)? If not, what period would they consider appropriate? Should different periods apply to different works? Any answer should be justified.</p> <p>Could the parties please give their views as to whether the phrase “before the end of the period in paragraph (a) or (b)” in paragraph 1(2)(c) is justified?</p> <p>Are NWLDC and the highway authorities content with the fee arrangement set out in paragraph 3? If not, what arrangements should be put in place?</p> <p>In paragraphs 4(8) and 4(9) should “must” be replaced with “may” in case of an outside event so as to ensure natural justice?</p> <p>In paragraph 4(13) should the appointed person be able to award costs under their volition?</p> <p>In the definition of “discharging authority” should this be referred to as a “body” as any party can be a discharging authority; they do not need to be created by statute?</p>	<p>NH is content with:</p> <ul style="list-style-type: none"> - the eight week period set out in paragraph 1(2)(a); - The “before the end” wording at paragraph 1(2)(c);The fee arrangements in the Schedule (note that National Highways can recover cost of approvals through the protective provisions, see paragraph 9 of the protective provisions) <p>NH notes the benefit of adopting “may” over “must”. NH has no material comments on costs or the drafting of the discharging authority provision.</p> <p>NH notes one minor typographical error in Part 2:</p> <ul style="list-style-type: none"> - At 4(4), should the reference be to paragraph “2(c)” rather than “(c)”?
Q8.4.1	NH	<p>Protective Provisions - Part 1</p> <p>NH has referred in its RR [RR-022] on numerous occasions to ‘precedented’ provisions. NH is requested to provide these precedents, setting out the precise reference to paragraph number level.</p>	<p>NH draws the Examining Authority’s attention to:</p> <ol style="list-style-type: none"> 1. The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 – Schedule 9, Part 3. Key points in dispute: <ol style="list-style-type: none"> a. Current guidance / standards: See the definition of ‘detailed design information’ at paragraph 20(2) b. Deemed consents and Notice Periods: See deemed refusal at paragraph 25(4)(c) although NH is prepared to accept deemed approval on the basis of receiving 28 days notice plus a further 28 days as per The Northampton Gateway Rail Freight Interchange Order 2019 (see para 15, Part 2, Schedule 13) c. Exercise of DCO Powers: See the controls over exercise of DCO powers at paragraph 25(2) d. Bond: See the definition of ‘bond sum’ at paragraph 20(2) e. Commuted sum: See the commuted sum at paragraph 34 f. Insurance: See the insurance requirement at paragraph 70. NH acknowledge the insurance requirement was only £10

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			<p>million on this scheme. However, the level of insurance sought has increased across schemes as a result of higher risks and the cost of works on the SRN.</p> <p>2. The M5 Junction 10 Development Consent Order 2025 – Schedule 9, Part 3. Key points in dispute:</p> <ul style="list-style-type: none"> a. Current guidance / standards: See the definition of ‘detailed design information’ at paragraph 19(2) b. Deemed consents and Notice Periods: See deemed refusal at paragraph 24(4)(c), although NH is prepared to accept deemed approval on the basis of receiving 28 days’ notice plus a further 28 days as per The Northampton Gateway Rail Freight Interchange Order 2019 (see para 15, Part 2, Schedule 13) c. Exercise of DCO Powers: See the controls over exercise of DCO powers at paragraph 24(2) d. Bond: See the definition of ‘bond sum’ at paragraph 19(2) e. Commuted sum: See the commuted sum at paragraph 33 f. Insurance: See the insurance requirement at paragraph 70. NH acknowledge the insurance requirement was only £10 million on this scheme. However, the level of insurance sought has increased across schemes as a result of higher risks and the cost of works on the SRN. <p>3. The Cambridge Waste Water Treatment Plant Relocation Order 2025 – Schedule 15, Part 5. Key points in dispute:</p> <ul style="list-style-type: none"> a. Current guidance / standards: See the definition of ‘detailed design information’ at paragraph 56(2) b. Deemed consents and Notice Periods: See deemed refusal at paragraph 60(4)(c) although NH is prepared to accept deemed approval on the basis of receiving 28 days’ notice plus a further 28 days as per The Northampton Gateway Rail Freight Interchange Order 2019 (see para 15, Part 2, Schedule 13) c. Exercise of DCO Powers: See the controls over exercise of DCO powers at paragraph 60(2) d. Bond: See the definition of ‘bond sum’ at paragraph 56(2)

Commented [ra1]: Sima - have NH obtained £50m on any DCO?

Commented [ra2R1]: hinckley DCO

EXQ1	Question to:	Question:	NH Response
			<p>e. Commuted sum: See the commuted sum at paragraph 69 f. Insurance: See the insurance requirement at paragraph 70. NH acknowledge the insurance requirement was only £10 million on this scheme. However, the level of insurance sought has increased across schemes as a result of higher risks and the cost of works on the SRN.</p> <p>On the Insurance provision noted above, the Examining Authority will note that this had been agreed with the promoter on the proposed Hinckley National Rail Freight Interchange (and forms part of the protective provisions accompanying the recommended order, as appended to the Recommendation Report). The figure is also agreed on the proposed Green Hill Solar Farm DCO (currently in examination).</p>
Q8.4.2	All those with a benefit of protective provisions	<p>Protective Provisions - All parts All those who would benefit from the protective provision in the dDCO are requested to fully review them. Should the protective provisions not be agreed, then the party is to provide their own set of protective provisions both in 'clean' and 'tracked change' from that submitted by the applicant. Furthermore, the party needs to explain on a provision-by-provision basis why the drafting provided by the applicants is unacceptable and why its drafting is to be preferred.</p>	NH confirms that clean and tracked change versions of its preferred protective provisions will be submitted to the Examination if they are not agreed. NH proposes to submit these at the penultimate examination deadline.
Q8.5.1	Highway Authorities NWLDC	<p>Miscellaneous controls In the EM submitted as an additional submission [AS-015D] in response to the s51 advice issued at acceptance, the applicants have set out the reasoning for various disapplications of legislation. Would those who would otherwise be responsible for the issuing of appropriate approvals under the would be disappplied provisions comment as to whether they are content? If not, could they explain why they hold that view. If an 'alternative' position, for example one which may apply in certain areas but not others were to be acceptable, the party is asked to set that out, explaining their position.</p>	NH has no comments on the disapplication of legislation at this stage.
Q9.0.1	All IPs	<p>Updated MCO at Procedural Deadline A At Procedural Deadline A, the applicant updated the dMCO [PDA-006M] with an explanation for those changes in the Schedule</p>	NH has no comments on the updated MCO at this stage.

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		of Changes document [PDA-008] . All IPs are asked to review these changes and the justifications for them and submit any comments that they may have into the examination.	
Q9.0.2	The applicants NWLDC NH	Article 2(18), (19) and (20) In order to avoid ambiguity, could the applicant. NWLDC and NH consider whether their agreements should be in writing, and if so, could the drafting be amended to provide for this.	NH agrees, agreements should be secured 'in writing' and the drafting should be amended to reflect this.
Q9.0.3	The applicants NWLDC NH LCC	Article 2(26) Could the applicants explain why any occupier should only comply with the travel plan for five years rather than in perpetuity, given the traffic generation figures are based on an effective travel plan for the lifetime of the development? Furthermore, what arrangements should there be in place for a second and subsequent occupier of the buildings to ensure sustainable transport arrangements are continued? NWLDC, NH and LCC are all asked for their views on this.	Whilst NH has agreed the Sustainable Travel Strategy arrangements [APP-084], it can see the benefits of the sustainable transport working group continuing its duties in perpetuity as opposed to for only five years. NH would support this change in duration of the sustainable transport working group. Please note NH's response to Q8.3.1 relating to inclusion in this group.
Q9.0.6	The applicants NH	Reasonable endeavours Article 2(18) inserts a new requirement stating, "The undertaker must use reasonable endeavours to complete the highway works identified as Works No. 8A in schedule 1 (authorised development) prior to occupation of plot 16 or such alternative trigger as may be agreed by Highways England." Please can the applicants clarify whether the use of the phrase reasonable endeavours is sufficiently precise and enforceable. For example, if the undertaker uses reasonable endeavours but fails to complete the highway works prior to occupation, what would be the environmental effects? Would the environmental effects be such that it would be reasonable to require that highway works must be delivered prior to occupation? Given that reasonable endeavours could be open to interpretation, is it too ambiguous for the purposes of enforcement?	NH's view is that the phrase 'reasonable endeavours' is not sufficient for the purposes of this requirement. The highway works identified as Works No. 8A must be completed prior to occupation of plot 16, without reference to 'reasonable endeavours'. The drafting which allows for an alternative trigger is acceptable in principle.

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		In terms of drafting, should 'Highways England' be 'National Highways'? Comment from NH is also invited in respect of the above.	
Q16.0.19	NH	Design Manual for Roads and Bridges (DMRB) LA111 (Noise) ES chapter 7 [AS-035] table 7.3 records NH's request to identify where the "few places" with increases up to 1.6dB occur and the duration of those increases. In the same table, the applicant response states that the receptors with the highest magnitude of change are R04 (Radisson Blu, +2.1dB) and R11 (Grimes Gate, +3.4dB), that only R04 is on the SRN, and that the "up to 1.6dB" point relates to construction traffic noise assessed using DMRB LA111. Prologis's RR [RR-028D] reproduces NH's consultation response raising the same request. Could the identified parties please: explain which locations/ receptors are referred to as the "few places" where increases up to 1.6 dB occur whether any of these locations/ receptors are alongside the SRN the duration/ time period(s) over which those increases are expected to occur	In its response to the Statutory Consultation, NH requested that the Applicant should indicate the exact locations/receptors from the noise modelling where increases up to 1.6 dB occur and the durations. NH has now reviewed and agreed the noise modelling with the Applicant and is satisfied with the Applicant's conclusions. Therefore, NH has no further comments to make on the topic of noise.
Q19.0.1	NH	AECOM It is noted the AECOM has been commissioned by the applicants, NH and LCC in relation to the proposed development to support their individual positions. Could the parties set out their individual relationships (non-financial) with the company, along with what arrangements are in place to ensure that there has been no conflict of interests within AECOM?	AECOM are NH's appointed consultants for the Midlands region under a national spatial planning contract for technical support and advice on the review of development impacts, NSIPs, Local Plans and other forms of development that impact the SRN. AECOM are also the framework consultants for Leicestershire County Council (LCC), providing traffic modelling support. AECOM have been involved in the development and use of the Pan Regional Transport Model (PRTM, also known as the East Midlands Freeport model – EMFM in the case of the DCO) 2019 and 2023. LCC can commission AECOM directly themselves or on behalf of a 3 rd party (typically Applicants/ Developers/ Promoters) to test the impacts of development using PRTM and/or undertake other modelling tasks. The latter is the case for the DCO. NH does not consider it appropriate that AECOM undertake strategic traffic modelling on behalf of an Applicant through the LCC contract and are then

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			<p>called upon by NH to appraise those outputs in the context of the SRN. NH therefore arranged for an alternative consultant from the spatial planning contract, Jacobs/ Systra Joint Venture (JSJV), to support NH on matters where AECOM is conflicted due to its work on the PRTM for LCC and third party developers. This arrangement has been in place since 2021, prior to the development of the evidence base for the DCO/MCO.</p> <p>In the context of the DCO and MCO, JSJV and AECOM have no commercial, business or any other relevant interrelated relationship. NH is satisfied that work undertaken by AECOM, commissioned by LCC on behalf of the Applicant, has been undertaken professionally without any conflicts of interest that may prejudice or otherwise unreasonably impact upon the examination.</p>
Q19.0.6	The Applicants	<p>Dualling of A453 west of Finger Farm Roundabout At ISH1 there was discussion about the potential dualling of the A453 west of Finger Farm roundabout. Could LCC please set out: what, if any, proposals have been drawn up for this section of road, providing drawings if necessary any timetable for potential works or triggers for a requirement, and how land would be secured and funding for the works themselves provided The applicants are asked: does the response have any implications in relation to your response to ExQ1? Error! Reference source not found.? Prologis and EMIA are asked to set out their understandings of this matter, along with any matters within the joint application which would impinge on that.</p>	<p>NH supports the safeguarding of land to enable the future dualling of the A453. Although this is part of the local road network, it is adjacent to the SRN and it is important that there is sufficient capacity on all parts of the highway network if growth is to be safely and effectively accommodated.</p>
Q19.0.9	NH	<p>Departures from highway standards The applicants have set out various departures from standards for the highways to be provided (see appendices 26 and 27 of the TA [APP-082]). Could NH and LCC please formally consider whether there are likely to be any issues in approving details post-consent?</p>	<p>It is essential that Departures from Standard at the Preliminary Design stage are approved before the project is granted development consent. This will enable NH to support the proposed design in full and will de-risk the detailed design process. Some minor amendments to the design may be required at the detailed design stage. However, it is expected that design approvals will be agreed and that no works will be required outside the red line boundary.</p>

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		The ExP notes that once in principle consent has been granted the Courts have indicated that it would not be possible to refuse consent at the detailed design stage.	
Q19.0.11	NH	<p>Isley Woodhouse development</p> <p>LCC is concerned to ensure that none of the proposed development would prejudice the delivery of any of the proposed allocations in the emerging local plan. Could the applicants please explain: what measures it has undertaken to ensure that this does not occur; and provide us with evidence to support any response? LCC, NH and NWLDC are all asked for comments in relation to the proposed Isley Woodhouse development.</p>	<p>The Isley Woodhouse development is currently subject to a live planning application (25/00865/OUT). It also forms a draft allocation in the North West Leicestershire District Council (NWLDC) emerging Local Plan (Draft North West Leicestershire Local Plan 2024 – 2042: IW1). In both cases, NH is engaged with NWLDC.</p> <p>NH required the Applicant to account for committed and emerging development proposals when undertaking its strategic traffic modelling assessment in line with the Department for Transport’s Transport Appraisal Guidance (TAG) Unit M4: <i>Forecasting and Uncertainty</i>, as well as the requirements set out in the DfT Circular 01/2022: <i>Strategic road network and the delivery of sustainable development</i>.</p> <p>TAG advises the practitioner to summarise all known assumptions and uncertainties in the modelling and forecasting approach in an Uncertainty Log. The data that informs the status, build-out and trajectory of developments in the Uncertainty Log (the planning data) is informed by information supplied by the various local planning authorities.</p> <p>For the DCO, this is documented in the associated Uncertainty Log and traffic modelling Proforma [TA 8.10 and 8.11]. This process takes account of the Isley Woodhouse development including the associated traffic demands within the PRTM 19 and PRTM 23 strategic modelling assessments. The Applicant refers to these included assumptions as the ‘A variant’.</p> <p>TAG advises that it is essential that all assumptions made are fully documented in a forecasting report [TAG Unit M4: 2.1.4]. A full list of assumptions is appropriately included in the associated forecasting reports TA Appendix 41 and 45 sub appendices A and B [APP-82]. This is also documented in the forthcoming PRTM 23 Forecasting Report submitted by the Applicants at Deadline 1].</p>

EXQ1	Question to:	Question:	NH Response
			NH is content that committed and emerging development, including Isley Woodhouse, has been taken into account in the Applicant's evidence.
Q19.0.15	NH	<p>Traffic modelling</p> <p>Paragraph 14.27 of the TA [APP-080] indicates that there would be an increase of queuing on the Bostocks Lane arm of Junction 79 (M1 J25) of some 11.2%, that is from 133.8 PCUs to 148.8 PCUs. The applicants have described this increase as 'negligible' and would not affect the operation of the arm.</p> <p>NH and LCC are asked for their views as to the analysis and whether they consider any mitigation works are required at this junction from the effects of the proposed development taking into account paragraphs 5.281 and 5.282 of the NPSNN.</p>	<p>For the proposed development, the Area of Influence has been defined by considering the links which are forecast to change flow by more than $\pm 5\%$ and ± 30 PCUs between the 2028 and 2038 'With Development (1a)' and 'Without Development (1a)' scenarios in either the AM Peak or the PM Peak hours.</p> <p>Given M1 J25's strategic function and known capacity constraints at peak times, NH considered the junction warranted further analysis through the LinSig standalone junction modelling. This analysis is set out in the TA [APP-80 – 83].</p> <p>The analysis demonstrates that the junction is anticipated to operate over capacity both in the AM and PM peak hours. Whilst the junction is considered sensitive to variation in traffic flow, as demonstrated through the strategic and LinSig modelling, NH considers the scale and implication of the development traffic impacts to be both limited and mixed.</p> <p>Following the introduction of mitigation at M1 J24, the analysis shows betterment in junction performance at M1 J25 in 2038 but not in 2028 when comparing the <i>with development</i> to the <i>with development and mitigation</i> scenarios. The overall Practical Reserve Capacity (PRC) for the AM peak hour for the six scenarios is provided in TA [APP-80].</p> <p>The nature of strategic modelling means that network changes, such as the M1 J24 mitigation scheme, result in altered traffic distribution patterns.</p> <p>For the Stage B assessment within the TA [APP-80], M1 J25 detailed junction modelling has not been undertaken due to the more limited impacts shown by the strategic modelling (PRTM 19 and 23).</p> <p>Consequently, a proposal for hard interventions, such as measures to increase capacity at M1 J25, are not considered proportionate nor reasonable by NH. The analysis does however continue to highlight the need for a coordinated and effective site travel plan with supporting</p>

EXQ1	Question to:	Question:	NH Response
			measures that seek to reduce car dependency contributing to mitigating the impacts of varying degrees including those beyond M1 J24.
Q19.0.16	NH	<p>Road Safety Audits</p> <p>There was discussion at ISH1 as to road safety audits. Could the applicants please ensure that any further road safety audits or iterations of those completed to date are submitted as they become available.</p>	The RSA1 for the proposed SRN works has been completed and signed off by the overseeing organisation (NH). It is understood that the Applicant intends to submit the RSA1 at Deadline 1.
Q19.0.17	NH	<p>Traffic signals</p> <p>What analysis has been undertaken of ensuring the phasing between the various traffic lights in the vicinity of the EMG1 and EMG2 sites are co-ordinated to ensure the maximum free-flowing of traffic?</p> <p>If none has been done to date, what analysis could be undertaken, and should this recommend particular solutions, how would these be secured?</p>	<p>M1 J24 and the EMG1 site access (A453/A6 Keyworth bypass) signalised junction operate using adaptive traffic signal control systems called MOVA. This area has been modelled using VISSIM microsimulation.</p> <p>The MOVA configuration has been modified by the Applicant to reflect the proposed network changes associated with the mitigation measures (highways works). Through the audit of the VISSIM model and analysis which included receipt of the model itself, NH is satisfied that the configuration of the MOVA system is realistically reflected in the model and the Applicant's analysis.</p>
Q19.0.21	NH	<p>TA Appendices 45 and 46 [APP-082]</p> <p>Appendix 46 to the TA VISSIM Local Model Validation Report indicates in paragraph 2.10 that surveys have identified the network peak hours as 0730 to 0830 and 1700 to 1800. However, other documents, such as Appendix 45 EMFM Stage 1B Modelling Forecasting Report Addendum have identified the peak hours as 0800 to 0900 and 1700 to 1800.</p> <p>Could the applicants, NH and LCC comment as to whether the difference in the morning peak have any implications for the modelling and the analysis thereafter?</p>	<p>NH's view is that modelling should model the highest demand periods for the area being analysed, whatever they may be. In the case of the VISSIM modelling, which is focused on the highway network in the immediate vicinity of East Midlands Airport (EMA), the observed AM and PM peak hours are 0730 to 0830 and 1700 to 1800 respectively.</p> <p>As noted, the PRTM 19 (and PRTM 23) PM peak hour is identical to the VISSIM PM peak hour but the AM peak hour is 0800 to 0900 rather than 0730 to 0830. This is because PRTM models a much larger area, including traffic movements associated with urban areas more specifically.</p> <p>In practical terms, the 30 minute difference in the AM peak hours in the local and strategic modelling will have no material implications for the results obtained from the two levels of modelling.</p>
Q19.0.25	NH	<p>Sustainable Transport Strategy [APP-084]</p> <p>Could NWLDC, LCC and NH comment on whether they consider that the one week taster bus tickets would be sufficient to provide an incentive? If they consider a different period would be more</p>	NH has agreed the Sustainable Travel Strategy [APP-084], including the provision of one week taster tickets. However, it is recognised that an extended period of taster tickets would provide more of an incentive to encourage bus use. It should be noted that the mode share targets set out in the Framework Travel Plan [APP-085] are secured through two ring-fenced, indexed-linked funds secured via a S106 agreement. Where targets

EXQ1	Question to:	Question:	NH Response
		appropriate, could they provide that timeframe, providing a justification.	are not being achieved the Applicant will draw on the funds (via the Section 106 agreement) to deliver the mode share targets. Therefore, the Applicant should consider whether one week taster tickets provide sufficient incentive to achieve their bus mode share targets.
Q19.0.27	NH	<p>Severance and non-motorised user delay</p> <p>Paragraph numbers in this question related to Chapter 6 of the ES [AS-032].</p> <p>Paragraphs 6.8.10 to 6.8.18 deal with the issue of severance, and paragraphs 6.8.24 to 6.8.27 relates to non-motorised user delay which is stated to be "closely related to severance".</p> <p>Both paragraphs 6.8.10 and 6.8.24 refer to a list of links where it is said that there would be an increase of 30% in AADT flows or HGVs.</p> <p>Looking at Table 6.9 there would appear to be a number of other links where AADT or HGVs would increase greater than 30% which have not been discussed. Could the applicants please explain why this has not occurred, since not all would not have non-motorised traffic excluded.</p> <p>Paragraph 6.8.10 notes those links where there would be a 30% increase in AADT figures. However, for links 18 and 19 it is stated that there would be "a reduction in traffic". This is not shown in Table 6.9 where both show increases in total traffic. For Link 18 there is a small, -2/-5.4%, decrease in HGV traffic and no change in HGV traffic for link 19. Could the applicants therefore please justify the statement that there would be a beneficial effect from the proposed development on the links? This also relates to the comment in paragraph 6.8.25.</p> <p>Paragraph 6.8.14 refers to Links 21 and 48, and the changes in traffic. While the percentage given of increase in AADT for link 21 is as given, (114%, that is a greater than doubling) that for link 48 is some 260% (that is over a three and a half times increase). Could the applicants please comment whether using the figure for link 48 makes a difference to the analysis?</p> <p>Paragraph 6.8.17 refers to Links 26, 100 and 126 and refers to areas in Hemington. However, links 100 and 126 are linked</p>	NH has no comments to make in relation to severance and non-motorised user delay in the traffic modelling.

EXQ1	Question to:	Question:	NH Response
		<p>with link 68 and link 26 refers to the M1 southbound on-slip at Junction 23A. Furthermore, the plan does not show link 126 in this area, rather it shows link 150, although it is stated that this is a duplicate of link 100 in Appendix 4 of the applicants' response to s51 advice [AS-079]. Could the applicants confirm what paragraph 6.8.17 should refer to and amend the text appropriately. In addition, the text refers to a reduction in overall traffic numbers, which is not reflected in table 6.9. Could the applicants therefore please justify their statement that there would be a beneficial effect from the proposed development on the links? This also relates to the comment in paragraph 6.8.25</p> <p>Paragraph 6.8.31, in discussing non-motorised user amenity, sets out information in relation to link 158 in Kegworth. It states, in relation to peak hour movements that "EMFM shows there could be up to 420 movements, or one vehicle every 7 minutes in either direction. ... The impacts of one additional vehicle every 7 minutes will have a <i>negligible</i> impact" (italics in original). 420 movements in an hour equates to 7 movements every minute. Using the correct analysis, could the applicants and other IPs comment on the data provided.</p>	
Q21.0.5	NH	<p>Greenfield runoff rates</p> <p>Protect Diseworth [RR-025D] raised a significant number of concerns in relation to flood risk, including greenfield runoff rates. Please can the applicants clarify the greenfield runoff rate associated with existing surface water on the northern part of the EMG2 main site and community park that currently drains into Hall Brook?</p> <p>If it is lower than the greenfield runoff rate associated with existing surface water on the southern part of the EMG2 main site and community park that currently drains into Diseworth Brook, via the A42 culvert, would the proposed strategy within the Sustainable Drainage Statement [APP-149] inadvertently increase the rate of surface water entering the Long Whatton Brook catchment as a whole?</p>	NH has no comments to make in relation to the Greenfield runoff rates.

EXQ1	Question to:	Question:	NH Response
		<p>For example, would the EMG2 works take surface water currently being discharged at a lower rate into Hall Brook, and instead discharge it at a higher rate into Diseworth Brook, via the A42 culvert? Consequently, would this increase the rate of some of the surface water entering the Long Whatton Brook catchment compared to baseline? As such, would there be an increase in flood risk elsewhere as a result of the proposed development?</p> <p>Does the EA, NH or LCC have any comments to make on this matter?</p>	
Q21.08	NH	<p>1 in 1000 year credible maximum climate change floodplain</p> <p>Paragraphs 13.5.18 and 13.5.19 of chapter 13 of the ES [AS-056] identify that some of the highway works could encroach into the 1 in 1000-year credible maximum climate change floodplain, but such extreme flood events are above the design standard and do not require floodplain compensation. Does the EA agree with this statement, or should compensation be provided?</p> <p>For the avoidance of doubt, can the applicants clarify whether any part of the highway works, work no. 10 in particular, would flood during the 1 in 1000-year credible maximum climate change floodplain scenario? If yes, how would this be mitigated to ensure any residual risks are safely managed and that the SRN remained operational over the proposed development's lifetime in accordance with paragraph 5.133 of the NNNPS, and that it could adapt to climate change in accordance with paragraphs 4.33 to 4.44 of the NNNPS.</p> <p>The ExP would also invite comments from NH on these matters.</p>	<p>The Credible Maximum Scenario for the assessment is not the 1:1000 event but 1:100+60% event for fluvial flood risk. To inform the FRA, the Applicant has extracted peak water levels from the EA's River Trent hydraulic model, which provides peak fluvial water levels in the vicinity of Works Area 10 for the 1:100 +62% event. The statistical frequency of the Credible Maximum Scenario event is comparable to a 1:1000-year event, or an event that has an approximately 10% chance of occurrence every century. Paragraph 13.5.19 of Chapter 13 of the ES [APP-141] states that the scheme is outside the design flood extent, but that the carriageway is 'marginally' within the Credible Maximum Scenario extent. However, Paragraph 4.4.8 and Figure 4.11 of the FRA demonstrate that under the Credible Maximum Scenario event the carriageway of the A50 westbound merge would be flooded to a depth of 0.42m. In this rare climate change driven scenario, NH believes that it would be appropriate to manage the risk operationally. Should flooding of the mainline carriageway occur, the carriageway would be closed using advance overhead gantry signage on the M1 mainline, with access restricted solely to blue light emergency services for the duration of the event.</p>

3. HEARING SUMMARIES

3.1 Compulsory Acquisition Hearing 1 (CAH1)

NH attended CAH1 on 10 March 2026 and makes the following written submissions:

3.1.1 Agenda item 2(c): "To consider the structure and content of the BoR"

NH confirmed at CAH1 that it awaited detailed information from the Applicant in the form of shapefiles. The Applicant helpfully provided this information shortly after CAH1. NH is now reviewing the Applicant's shapefiles against its own land interest boundaries, and expects to be able to verify the information in the Book of Reference by Deadline 2.

3.1.2 Agenda item 3 – Statutory Undertakers

NH made clear that it did not object to the scheme in principle. However, as set out in NH's Relevant Representation [RR-022], NH objects to the compulsory acquisition of its land/rights. The Applicant has helpfully excluded the vast majority of NH land from the scope of powers, but it seems that there are some plots still subject to powers, and also some powers which still generally apply to the SRN.

A preliminary review of the BoR has revealed that the Applicant is seeking compulsory powers over plots in which NH has rights. Having now received the shapefiles, NH is reviewing these plots and other plots in the Order limits.

NH noted the Examining Authority's emphasis on 'operational land'. While the specific rights are being investigated by NH, the rights held by NH are 'relevant rights' for the purposes of s138 of the Planning Act 2008. The test in s138 is that an order may include provision for the extinguishment of a relevant right "only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates" (s138 (4) Planning Act 2008). It is unclear to NH why its rights (e.g. rights of entry to maintain apparatus for the benefit of adjoining land at plot 1/7) would need to be extinguished for the authorised development to proceed. If the Applicant intends to extinguish such relevant rights, the Applicant should clearly justify why the removal of those rights is necessary.

NH confirmed that protective provisions are currently being negotiated with the Applicant. The Examining Authority will note that NH's preferred protective provisions protect against the extinguishment of its rights (subject to reasonableness)

3.2 Issue Specific Hearing 1 (ISH1)

NH attended ISH1 on 11 March 2026 and makes the following written submissions:

3.2.1 Agenda item 3 – Legal basis of determination of applications

NH noted the discussion on the operation of sections 104 and section 105 of the Planning Act 2008. While a highways NSIP forms part of the scheme, NH understands that those highway works are only necessary as a result of the main site works, to which s105 applies. Accordingly, NH agrees with the position summarised orally by the Applicant, that strictly speaking both sections apply, but the highway works only arise as a result of the main works, which are assessed under s105. NH notes a similar position on the Gatwick Airport DCO and agrees with the Examining Authority position at paragraphs 23.1.1 – 23.1.3 of the Recommendation Report:

Section (s) 104 of the Planning Act 2008 (PA2008) sets out the matters to which the Secretary of State (SoS) must have regard in deciding an application, and s105 of the PA2008 applies to an application where s104 does not apply. Where there is a relevant national policy statement s104 applies. In both cases the SoS must have regard to Local Impact Reports (LIR), prescribed matters, and any other matters which the SoS thinks are both important and relevant to their decision.

For the reasons set out in Chapter 3 we have considered the Proposed Development under s105 of the PA2008. The Aviation National Policy Statement (ANPS) only has effect in relation to the delivery of additional airport capacity through the provision of a London Heathrow North West Runway. Nevertheless, the contents of the ANPS are both important and relevant considerations in the determination of an application for development consent for other airport development, particularly where that development relates to London or the south east of England (as in this case).

The works to improve the M23/ A23, the North and South Terminal junctions and Longbridge roundabout are subsidiary to the airport works and are a Nationally Significant Infrastructure Project in their own right. Section 104 of the PA2008 applies to the highway elements of the Proposed Development although the highway works are subsidiary to the airfield works. Consequently, the National Networks National Policy Statement (NNNPS) is also an important and relevant consideration in the determination of the application (where appropriate).

NH notes the Applicant's confirmation during ISH1 that the MCO is being assessed against the latest legislation, guidance and standards. Any new highway works would therefore need to be in accordance with the latest highway standards. NH can confirm that the MCO addresses these concerns already, as the MCO protective provisions define "Road Safety Audit Standard" as including "any replacement or modification of that part of the Manual".

3.2.2 Agenda item 5 – Relationship between the application for the DCO and that for the MCO

NH confirmed that it was in discussions with the Applicant on the MCO. Additional analysis/modelling has been undertaken by the Applicant and NH is currently reviewing this. NH noted that the Applicant would be providing an update on this modelling at Deadline 1.

3.2.3 Agenda item 6 – Need and alternatives

In response to comments on highway works and the Applicant's mitigation, NH explained that in recognition of the need for a series of significant interventions at Junction 24 to mitigate the impact of the growth in the area, and to avoid a suboptimal piecemeal approach, a consortium of developers (including the Applicant, the owner of the power station, the proposed developers of a new village and other landowners) has been working on a strategic solution to address the forecast congestion at the junction. A design (which incorporates the Applicant's proposed SRN mitigation) has been proposed to enable growth to come forwards, and work is under way to demonstrate that the proposed design is operationally effective through traffic modelling. NH has been involved in the discussions with the consortium and agrees that the mitigation proposed by the Applicant could in due course form part of a wider strategic solution for the junction. While mitigation / junction modelling for the whole strategic solution is not yet agreed, the Applicant's work at J24 could support it. NH noted that the Applicant's scheme helps eliminate forecasted congestion and there would be residual issues without the scheme.

3.2.4 Agenda item 7 – Traffic and Transport

On Requirement 27 (Mezzanine) NH confirmed that, from an operational perspective the mezzanine floor is unlikely to be a trip generator in comparison to the ground floor. This has accordingly not been quantified through further modelling. NH noted that the modelling that has been undertaken to date provides a robust assessment which does not account for the potential success of a travel plan. The mezzanine floor has been dealt with through an agreed requirement with the Applicant that reflects its treatment in the modelling. NH is open to feedback on the drafting of the requirement provided that the principle remains secured.

NH confirmed that the Road Safety Audit was agreed, and 3 departures from highway standards remained outstanding (with agreement expected shortly). All geometric departures were agreed by NH post-hearing.

3.3 Issue Specific Hearing 2 (ISH2)

NH attended ISH2 on 12 March 2026 and makes the following written submissions:

3.3.1 Agenda item 4 – ExP's questions on the dDCO (**Action Point**)

R6D15 Article 9 – Power to alter layout, etc., of streets: Effect on SRN: NH explained the typographical error at paragraph 7.27 of its Relevant Representation. This was in fact a reference to the Explanatory Memorandum (EM) from the Northampton Gateway Rail Freight Interchange Order 2019, an Order promoted by the Applicant / a connected company. NH explained that on the Northampton DCO, the EM clearly explained that the power in article 9 only applied to private streets. NH welcomes the clarification from the Applicant that the draft DCO / EM can be updated to reflect the same.

R6D17 Article 13 – Accesses: NH noted the Applicant's comments on accesses. NH's understanding had been that there were no new accesses on the SRN. NH will review the Applicant's updated position and welcomes discussions on this point if the Applicant's works have changed. NH's position is that there should be no new accesses to the SRN without agreement and review by NH.

Requirement 27 – NH noted with interest the concerns of the Local Highway Authority (LHA) on the enforceability of Requirement 27. NH explained during ISH2 that, while wording has been agreed with the Applicant, NH is attached to the principle rather than any specific drafting. NH proposes to review the LHA and Applicant's next submissions on this requirement and then provide a detailed response. In the meantime, NH acknowledges that the drafting could be refined for certainty.

3.3.2 *Protective Provisions (Action Point)*

NH provided a brief update on the status of the protective provisions. The Applicant has provided NH with a list of key issues. NH agreed to provide the Examining Authority with a list of key outstanding issues, and these are set out below:

- Current guidance / standards: NH's standard protective provisions refer to various standards that have not yet been incorporated into the protective provisions by the Applicant. Clarity is being sought by NH.
- Deemed consents and Notice Periods: NH has communicated to the Applicant that it is prepared to accept the deemed consent provisions adopted in the Northampton Gateway Rail Freight Interchange Order 2019, which operated effectively for both parties. This would provide sufficiently robust notice periods as to ensure that any safety implications of works being carried out on the SRN are avoided.
- Exercise of DCO Powers: NH welcomes paragraph 19 (Land) of the Protective Provisions which controls the exercise of compulsory powers and extinguishment of NH's rights. However, other powers in the draft Order still materially impact NH. For example, the street work powers which apply to the SRN. NH is seeking reasonable controls over the exercise of these DCO powers, and has reduced its list of proposed controls.
- Bond: NH requires a 200% bond for major schemes of this nature. The Applicant is seeking a 120% bond. Given the scale of the works, the precedent for a 200% bond for highway NSIP works (e.g. Gatwick Airport), and the potentially significant impact on the public purse, NH considers 200% reasonable, proportionate and justifiable. NH draws the Examining Authority's attention to paragraph 442 of the Secretary of State's decision letter on the Gatwick Airport scheme, dated 21 September 2025.
- Commuted sum: NH requires a commuted sum to be paid where a third-party developer constructs parts of the SRN to be owned and managed by NH. The specific sum is to be negotiated between the parties but the Applicant seems opposed to the principle of a payment owing to perceived betterment to NH. The highway works arise as a direct result of the Applicant's proposals. NH's view is that it is therefore reasonable for the Applicant to contribute towards the future maintenance of these works. NH is a publicly funded body, and it would be disproportionate and unreasonable to pass on the entire sum to the public as the Applicant is currently seeking to do.
- Insurance: NH is seeking a £50 million insurance sum whereas the Applicant is seeking a significantly lower sum (£10 million). £50 million is now the amount sought by NH across highways NSIPs. In the unlikely event that insurance was used, NH does not consider it reasonable or proportionate for a scheme of this scale to pass on costs over £10m to NH (and effectively, the taxpayer).

NH also noted that the Examining Panel referred to disputes between the parties on definitions such as “NH” vs “National Highways”. NH has reviewed this point and respectfully submits that those comments were based on a misunderstanding. For the avoidance of doubt, the key issues being negotiated between the parties are as set out above. While the form of protective provisions enclosed with NH’s Relevant Representation include minor typographical differences, these are not in dispute nor is either party spending time negotiating these points. NH included its standard form of protective provisions with its Relevant Representation so that the Applicant, and the Examining Panel had a copy and understood the key points sought by NH. NH will mark up the version of the protective provisions on the face of the Order prior to the close of examination if an agreement is not reached.

4. ACTION POINTS FROM ISH 1

4.1 Article 13 – As set out above at 3.3.1.

4.2 Article 18 – NH does not have any in principle objection to the Applicant seeking to enter into agreements to erect signage on highways.

4.3 Requirement 27 – As set out above at 3.3.1.

4.4 Protective Provisions – As set out above at 3.3.2.

5. ACTION POINTS FROM ISH 2

5.1 Action Point 7: Position on Strategic Benefits of Mitigation Scheme

5.1.1 The Applicant’s microsimulation modelling, based on forecasts in both PRTM19 and PRTM23, which have been validated by NH, demonstrates the following:

- In 2028, with no development in place, there is forecast to be severe congestion on the SRN, specifically causing lengthy queues on the M1 Northbound offslip at Junction 24 and back onto the mainline carriageway, causing significant delays and safety concerns relating to shunt type collisions.
- Without mitigation, the proposed commercial development would worsen the situation on opening. The proposed mitigation would provide sufficient capacity to enable the development traffic to be accommodated safely on the SRN and would result in there being no residual cumulative impacts, including at M1 Junction 24, the M1 northbound offslip or on the M1 mainline carriageway.
- It is not possible to say whether the proposed SRN works in this DCO application would be required to mitigate the impact of the development on the northern part of the site, which is the subject of a separate planning application, as NH only received the PRTM Forecasting Report on 27 March and has not yet agreed the modelling. Therefore, the impact of that development and the mitigation required is not yet understood.
- In relation to forthcoming developments, NH has insufficient information from agreed modelling to know the specific mitigation requirements for other developments in the general vicinity of M1 J24.

5.1.2 In summary, the EMG2 modelling has been agreed by NH, and is accepted as robust, demonstrating that the proposed mitigation in this DCO is required to mitigate the impact of the EMG2 development and is required by the end of the current decade to remove extensive queuing from the M1 Junction 24 northbound offslip and mainline. The mitigation proposed within this DCO alleviates NH's safety and congestion concerns on the M1. Based on this modelling, it can be concluded that the proposed mitigation package will be needed as part of an overall solution to congestion at M1 Junction 24, in conjunction with other interventions to mitigate the impacts of other major developments.

5.1.3 Appendix A contains a Position Statement agreed with the Applicant that outlines the Strategic Benefits of the proposed scheme, which is being submitted by the Applicant at Deadline 1.

5.2 Action Point 20: To confirm the position regarding the use of the EMGP1 zone as the most appropriate PROXY for the EMFM construction traffic forecasting assessment given paragraph 2.3.4 of Appendix 74 of the TA states that there is no EMFM zone in the immediate vicinity of the M1 junction 24

5.2.1 NH is satisfied that the use of the EMGP1 zone is a suitable proxy for the EMFM construction traffic forecasting assessment.

**National Highways Limited
7 April 2026**

APPENDIX A

POSITION STATEMENT ON THE STRATEGIC BENEFITS OF THE PROPOSED EMG2 SRN MITIGATION SCHEME

1. Introduction

- 1.1 This Joint Position Statement has been agreed between National Highways and the DCO Applicant and relates to the DCO Application for the DCO Scheme known as East Midlands Gateway Phase 2. It relates specifically to the wider benefits that would be delivered by the mitigation works on the Strategic Road Network (SRN) included in the DCO.
- 1.2 This statement explains the broader context for the DCO Applicant's highway mitigation in relation to Junction 24 of the M1 motorway, and how that mitigation provides wider benefits and could contribute to an overall strategy for addressing the current and future issues relating to highway capacity at Junction 24 which, unless resolved, will operate as a constraint on planned growth in the region.

2. Operational Context of M1 Junction 24

- 2.1 It is recognised that Junction 24 of the M1 motorway is at times currently operating over capacity and that, without significant highway interventions, traffic on the SRN will encounter increased congestion, meaning that identified, planned growth necessary to grow the regional economy may not be able to be accommodated on the network. It is also recognised that the highway interventions required to mitigate the impact of development will need to be of a significant scale.
- 2.2 The planned growth in the immediate vicinity includes much of the proposed local plan allocations in the replacement North West Leicestershire Local Plan (involving a significant amount of employment development and approximately 6,000 houses). It also includes the Freeport sites in the area comprising the EMAGIC sites and the redevelopment of Ratcliffe-on-Soar Power Station into a zero-carbon technology and energy hub for the region. The Power Station redevelopment is authorised by a Local Development Order but much of the re-development is dependent upon a solution to the constraints at and around Junction 24 and a Planning Condition exists for mitigation to be implemented by the developer before an employment threshold equivalent to previous-use employment levels can be implemented on the site. Further afield the operational issues at Junction 24 will operate as a constraint on wider regional growth.

3. The Proposed DCO Mitigation Scheme as Part of a Strategic Solution to M1 Junction 24

- 3.1 In recognition of the need for a series of significant interventions at Junction 24 to mitigate the impact of their developments, and to avoid a suboptimal piecemeal approach, a consortium of developers (including the DCO Applicant, the owner of the Power Station, the proposed developers of a new village proposed in the local plan to the west of Diseworth and other landowners) has been working on a strategic solution to address the forecast

congestion at the junction. To this end work has been undertaken to develop a design and demonstrate its operational effectiveness through traffic modelling, in consultation with National Highways.

- 3.2 The consortium, through engagement with National Highways and other key stakeholders, has identified a combination of highway upgrades which the consortium considers together provide a solution to the capacity issues at Junction 24. That solution has been discussed with National Highways. The consortium is undertaking strategic and microsimulation modelling to demonstrate the suitability of the proposed solution to mitigate the impacts of all planned growth in the area. National Highways is engaged in this exercise and will review the modelling and the effectiveness of the mitigation when it is available.
- 3.3 The majority of the works to the SRN proposed by the DCO Applicant in the DCO Application, which are required to mitigate the impact of the DCO Scheme, consist of one of those upgrades – known as “the green package”, which comprises Works Nos. 8 - 12 in Schedule 1 of the draft DCO [**APP-012D**], being a new freeflow link from the M1 Northbound to the A50 Westbound. Due to its scale, this scheme of works constitutes a nationally significant infrastructure project itself and the NNNPS applies to it. The mitigation put forward by the DCO Applicant is consistent with, but not reliant upon, the remainder of the highway upgrades proposed by the consortium.

4. Wider Benefits of the Proposed SRN Mitigation Scheme

- 4.1 The DCO Applicant has included the “green package” as part of its highway mitigation and has assessed its impact in the environmental assessment and Transport Assessment submitted with the DCO Application. That assessment is dealt with in a SOCG between the parties to this statement. The assessment demonstrates that, as required by the NNNPS, the NSIP works comprising Works Nos, 8 – 12 improve the operation of the network and assist with capacity issues (NNNPS Para 5.283).
- 4.2 The DCO Applicant’s strategic and microsimulation modelling, validated by National Highways, demonstrates that the proposed highway mitigation works (including the highways NSIP) provide wider benefits than simply mitigating the impacts of the East Midlands Gateway 2 development. They also eliminate forecast mainline congestion on the M1 northbound mainline on the approach to Junction 24 (without the planned growth / development) and remove substantial traffic from Finger Farm Roundabout and the A453, enabling additional capacity to accommodate the traffic arising from the planned growth / development. Without these works being implemented, safety and congestion concerns will persist on the M1 Mainline and at Junction 24, which can be expected to act as a constraint on future development.
- 4.3 The mitigation included in the DCO in respect of Works Nos. 8 - 12 addresses forecast capacity constraints on the western side of Junction 24 and can be augmented by interventions on the eastern side of the junction, which will be required to enable further development to be brought forward, to form a strategic solution for the entire junction. Its early delivery as part of the DCO Scheme, provided such delivery is secured, will be beneficial to the future operation of the SRN and can be expected to enable the junction – in conjunction with improvements to the eastern side of the gyratory - to accommodate transformational growth in the region.

5. Conclusion

- 5.1 National Highways has been working with the DCO Applicant to discuss the detail of the highway works proposed as part of the DCO (including the M1 Northbound to the A50 Westbound link) and is satisfied, subject to the approval of a small number of departures from standard, that the scheme would deliver the mitigation required, including resolving safety and congestion issues apparent in the baseline, and could in due course form part of a wider strategic solution for the junction. National Highways is therefore supportive of the proposals.

Segro Ltd and National Highways Limited

7 April 2026