

Deadline 2 Submission by National Highways Limited

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 2 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 provides an update on outstanding matters from NH's perspective.

2. OUTSTANDING MATTERS

- 2.1 Further progress has been made since NH's submission at Deadline 1. All technical matters relating to the modelling and design of the SRN mitigation works are now agreed, with the exception of Biodiversity Net Gain and Departures from Standard Approval. This is reflected in the Statement of Common Ground, which is to be submitted by the Applicants at Deadline 2. Specifically, the Applicant's standalone modelling of the proposed EMG1 changes (MCO) has been reviewed and NH is satisfied that there are no material safety or congestion impacts arising on the SRN, directly related to that proposal alone. Therefore, no mitigation is required in relation to the EMG1 changes beyond the committed EMG1-specific Travel Plan.

2.2 Biodiversity Net Gain (BNG)

- 2.2.1 NH's Relevant Representation, point 4.1.13 states that,

"NH requires an assessment of net change in biodiversity units, for each unit type present (i.e. area-based habitat units and hedgerow units) for the NH estate specifically. This is so it is clear what the impacts on the highways estate is as a result of these proposals. Further, a 10% net gain must be provided on the NH estate."

- 2.2.2 The Applicants' response, in paragraph 3.5.1 of Document DCO 7.2, submitted at Deadline 1 was that,

"The DCO Application was submitted prior to the mandatory requirement for 10% BNG to be provided. Notwithstanding that position, the DCO Applicant has designed the scheme to achieve in excess of 10% BNG when assessed across the entire project (See Biodiversity Net Gain Report (APP-116)). In the circumstances where the highway works to the SRN are not being publicly funded by the Road Investment Strategy and the highway works are part of a larger scheme, the KPI referred to by NH does not apply and there is no purpose served in carrying out an assessment purely for the existing SRN estate. It would be disproportionate to require 10% BNG on the National Highways estate alone."

- 2.2.3 NH remains concerned about the potential permanent loss of habitats on its estate, and about the lack of clear information from the Applicant (as requested by NH at 4.1.11-13 of its relevant representation). NH's KPIs require it to deliver no net loss of biodiversity on its estate. It is acknowledged that the Applicant's works are not part of the Road Investment Strategy, but the highway works will still impact NH's estate which is subject to NH's KPIs. It is not reasonable for the Applicant to put NH's compliance with its KPI (which apply across its estate) at risk, and not seek to provide enhancements on the estate. Potential negative impacts to existing habitats arise as a direct result of the Applicant's scheme, and it is not proportionate to expect NH (who are ultimately funded by the taxpayer) to remedy this across its estate alone.
- 2.2.4 NH considers that the Applicant should be reviewing whether land forming part of the NH estate (within the Order limits) can be used to deliver BNG enhancements, and if not, seek to enter into discussions with NH on enhancements to other parts of the NH estate.

2.3 DMRB Compliance (Departures from Standard)

2.3.1 All geometry departures from standard for the SRN mitigation scheme have been approved by NH.

2.3.2 The signal and signage departures have now been finalised following approval of the scheme layout. These have been discussed with NH specialists and will be submitted shortly for formal review. No significant challenges are anticipated.

2.4 Property (Compulsory Acquisition)

2.4.1 NH has completed its review of the plots contained within the Book of Reference and has provided comments to the Applicant. NH has only identified minor discrepancies and is therefore not proposing to submit this detail into the examination.

2.4.2 NH continues to oppose the compulsory acquisition of its land and/or rights and will discuss any relevant plots with the Applicant to find an appropriate solution, once they have digested NH's comments on the Book of Reference.

2.5 Protective Provisions

2.5.1 NH is currently negotiating the draft protective provisions with the Applicant. The key points in dispute were summarised by NH at Deadline 1 [REP1-233]. NH will provide the ExP with updates as negotiations progress.

National Highways Limited
21 April 2026