

East Midlands Gateway
Phase 2 (EMG2)

DCO 7.21 / MCO 7.21

Applicants' Response to Examining Panel's Third Written Questions

JULY 2026

The East Midlands Gateway Phase 2
and Highway Order 202X and The East Midlands Gateway
Rail Freight and Highway (Amendment) Order 202X

[SEGRO.COM/SLPEMG2](https://segro.com/slpemg2)

SEGRO

**The East Midlands Gateway Phase 2 and
Highway Order 202X and The East Midlands
Gateway Rail Freight and Highway (Amendment)
Order 202X**

**APPLICANTS' RESPONSE TO EXAMINING PANEL'S
SECOND WRITTEN QUESTIONS**

(DOCUMENT DCO 7.21 / MCO 7.21)

Version	Date	Status of Version
0	July 2026	Deadline 6

CONTENTS

Section		Page
1.	Introduction	1
2.	Applicants' Response	2
Appendices		
1.	General and cross-topic questions	3
2.	Design, parameters and other details of the proposed development	5
3.	Agriculture and soils	7
4.	Air quality and emissions	8
5.	Biodiversity, ecology and natural environment (including Habitats Regulations Assessments)	9
6.	Climate change and energy	18
7.	Compulsory acquisition, temporary possession and other land rights considerations	22
8.	The draft Development Consent Order	27
9.	The draft Material Change Order	30
10.	Ground conditions	32
11.	Historic environment	33
12.	Landscape and visual	34
13.	Major accidents and disasters and other safety risks	35
14.	Materials and waste	36
15.	Need and alternatives	37
16.	Noise and vibration	48
17.	Population and human health	49
18.	Socio-economic effects	52

Section		Page
19.	Traffic and transport	53
20.	Utilities	55
21.	Water environment	57
22.	Construction environmental management plan (CEMP)	60
Annexures		
2A	Response to Q2.0.1 Email dialogue with National Highways and Leicestershire County Council regarding the PRTM 2023 mezzanine sensitivity test VISSIM note	61
5A	Response to Q5.0.2 Air Quality Note	62
7A	Response to Q7.0.1 Third party interests	63
20A	Response to Q20.0.2 Typical cross-section of shared use cycle track	64

1 Introduction

- 1.1 This document relates to the applications for a second phase at East Midlands Gateway Logistics Park (EMG1), being an application for a Development Consent Order (DCO) made by SEGRO Properties Limited (DCO Applicant) and an application for a Material Change Order (MC) made by SEGRO (EMG) Limited (MCO Applicant). The DCO Applicant and the MCO Applicant are together the "Applicants".
- 1.2 This document has been prepared by the Applicants to set out their responses to the Examining Panel's (ExP) Third Written Questions issued on 14 July 2026 [\[PD-028\]](#). This document is submitted at Deadline 6 of the Examination.

2 Applicants' Response

- 2.1 The Applicants' response to the ExP's Third Written Questions is set out in the tables in Appendix 1 to 22 of this document.
- 2.2 Where a response refers to an annexure, this can be found at the end of this document. Annexures are numbered using the relevant Appendix number followed by a letter (A, B, C, etc.).

APPENDIX 1

GENERAL AND CROSS-TOPIC QUESTIONS

ExQ3	Question to	Question	Applicants' Response
1. General and cross-topic questions			
1.0 Consideration of application – general matters			
Q1.0.1	All IPs	National Planning Policy Framework All parties are requested to consider the draft National Planning Policy Framework published in December 2025 and set out if and how any changes in government policy from the December 2024 version of the National Planning Policy Framework, if the December 2025 version were published, would affect the consideration of the proposed developments. If an updated National Planning Policy Framework is published after the issue of ExQ3 but before deadline 6, then please consider the updated framework and make submissions accordingly.	Please see paragraphs 4.60 to 4.62 of the Planning Statement accompanying the DCO Application and the MCO Application [REP4-016]
Q1.0.2	Long Whatton and Diseworth Parish Council	Neighbourhood Plan The ExP notes from the revised Planning Statement that the Long Whatton and Diseworth Neighbourhood Plan has now progressed further through examination with modifications proposed by the Examiner before the plan goes forward to a referendum. Could the Long Whatton and Diseworth Parish Council please provide a copy of	N/A

ExQ3	Question to	Question	Applicants' Response
		the Examiner's report, and advise as to the latest situation.	

APPENDIX 2

DESIGN, PARAMETERS AND OTHER DETAILS OF THE PROPOSED DEVELOPMENT

ExQ3	Question to	Question	Applicants' Response
2. Design, parameters and other details of the proposed development			
Q2.0.1	The applicants NH LCC	Mezzanines/ internal floorspace <u>Note:</u> Please also see the relevant ExP's proposed change to these requirements. The ExP notes the response to AP 66 in the applicants' 'Applicants' Response to Deadline 4 Submissions' [REP5-033] in relation to NWLDC that "following further engagement with [NH], is it anticipated that the requirement may not be required." Should this be the situation, then the applicants', NH and LCC should set out clearly and fully why this would be the case. In any event, should the ExP's proposed change to this requirement be imposed to ensure that no additional internal floorspace is provided, as the provision of internal floorspace would not represent 'development' and without this, it is possible that the effects which have not been assessed could occur?	The Applicants confirm that the 200,000sqm GFA of mezzanine floor space has now been assessed in VISSIM (assuming 100% trip generation), and Document DCO 7.24 has been submitted at Deadline 6. This positively sets out the findings of the assessment, and National Highways (NH) have confirmed via email on 14 July 2026 that they are <i>"content with the modelling work undertaken on the Mezzanine floor and is satisfied that there are no material impacts on the SRN. In that context, we do not consider that Requirement 27 is required as any change of use would be subject to planning approval"</i>. Having shared this document, and NH's agreement to it, with Leicestershire County Council (LCC) they responded by email on 15 July 2026 to say that <i>"It is positive that you have now undertaken this. Our interests on the residual LRN impact and requirement for mitigation is as just set out. We remain hopeful these may be resolved soon"</i>. This emails referred to above are found in Annex 2A of this document.

ExQ3	Question to	Question	Applicants' Response
			The outstanding issues referred to by LCC are in Castle Donington and Kegworth and these have been assessed in detail by the Applicants as set out in Document DCO 7.23 submitted at Deadline 6. On the above basis, the Applicants has removed requirement 27 from the draft DCO submitted at Deadline 6.

APPENDIX 3

AGRICULTURE AND SOILS

ExQ3	Question to	Question	Applicants' Response
3. Agriculture and soils			
Q3.0.1	The applicants Natural England	Soil Management Plan – cumulative effects Please can the applicants and NE confirm whether agreement has been reached relating to the contents of the updated Soil Management Plan to reflect the assessment of cumulative effects on the soil resource.	It is the Applicants position that following further discussion with NE and sharing of a revised draft Soil Management Plan that NE is now satisfied with the updated Soil Management Plan (Document DCO 6.15C) subject to it being submitted at Deadline 6.
Q3.0.2	The applicants	Soil Management Plan Please can the applicants confirm whether the NE advice on the soil management measures has been included in an updated Soil Management Plan.	The Applicants can confirm that the NE advice on soil management measures has been included in the revised draft Soil Management Plan (Document DCO 6.15C) that is being submitted at Deadline 6.

APPENDIX 4

AIR QUALITY AND EMISSIONS

ExQ3	Question to	Question	Applicants' Response
4. Air quality and emissions			
Q4.0.1	The applicants LCC	PRTM 2023 The Statement of Commonality [REP5-036] sets out that there are a number of areas where NWLDC have SoCGs agreed subject to confirmation from LCC about PRTM 2023 modelling. Can LCC and the applicants provide detailed up to date positions on the PRTM 2023 modelling insofar as it is preventing the air quality SoCG (and any other SoCGs) with NWLDC from being agreed. Particularly, the ExP would like LCC to set out why the technical notes submitted with the SoCGs do not resolve the issues, and what steps the applicants could take to bring about a resolution.	The PRTM 2023 modelling has been concluded and agreed. There is a single outstanding issue with Leicestershire County Council (LCC) about perceived impacts in Castle Donington and Kegworth arising from the PRTM 2023 modelling, which is addressed in Document 7.23 to be submitted at Deadline 6. That single issue only arises from the 2023 PRTM sensitivity test and should not prevent any other SoCGs from being agreed, because it was agreed with LCC in September 2025 (LCC's email dated 11 September 2025 which was included in Appendix 1 of the PRTM 2023 Sensitivity Test Modelling Note [REP1-058]) that PRTM 2023 would only be adopted to inform a sensitivity test of original PRTM 2019 modelling undertaken within the Transport Assessment, and not the associated workstreams which based their work on PRTM 2019. The 2019 PRTM was the relevant version of PRTM available at the time the supporting DCO documentation and associated assessment work was produced, and hence the subsequent PRTM 2023 assessment work in effect formed a sensitivity test (albeit a detailed one).

APPENDIX 5

BIODIVERSITY, ECOLOGY AND NATURAL ENVIRONMENT (INCLUDING HABITATS REGULATIONS ASSESSMENT)

ExQ3	Question to	Question	Applicants' Response
5. Biodiversity, ecology and natural environment (including Habitats Regulations Assessment)			
5.0 Non-Habitats Regulations matters			
Q5.0.1	The applicants	Biodiversity net gain guidance The applicants are asked to comment on the following documents published on 2 June 2026 and to set out how they relate to its biodiversity net gain (BNG) proposals. • Biodiversity net gain: nationally significant infrastructure projects • Biodiversity net gain statements for nationally significant infrastructure projects The ExP asks the applicants to set out how their proposals compare and whether, if the applications had been submitted after 2 November 2026, they would comply with the guidance and whether anything in the Biodiversity Net Gain Report [REP3-041] would need amending or adding to in order to be in compliance with the recently published guidance on BNG.	The Applicants note that biodiversity gain objective in the national networks statement applies only to DCO applications made on or after 2 November 2026; as such, BNG remains voluntary for EMG2, and the requirements and specification in the latest guidance are not mandatory. The Applicants have considered the 'Biodiversity net gain: nationally significant infrastructure projects' guidance and the 'Biodiversity gain statements for nationally significant infrastructure projects', published on 2 June 2026, including the biodiversity gain statement for national networks, which is applicable to EMG2 which includes a road NSIP. The proposals for EMG2 already achieve, and exceed, the 10% biodiversity gain objective the statement would require. Across EMG2 as a whole the indicative on-site proposals deliver net gains of: • 19.02% (habitat units), • 13.44% (hedgerow units)

ExQ3	Question to	Question	Applicants' Response
			• 23.54% (watercourse units) The project's approach to irreplaceable habitat, identifying affected veteran trees and securing bespoke compensation through the Landscape Ecological Management Plan (LEMP) [REP3-043] rather than relying on the metric or biodiversity credits, is also consistent with the statement's approach to irreplaceable habitat. Were the application to have been submitted on or after 2 November 2026, the Biodiversity Net Gain Report would need to be presented differently to demonstrate full compliance with the statement and associated guidance. This would include: • a BNG boundary plan differentiating negatively impacted habitat, habitat contributing to BNG, and unimpacted habitat included in or excluded from the baseline, in place of the current baseline habitat plans; • an explicit statement of how the proposals follow the mitigation hierarchy in the context of BNG specifically. The mitigation hierarchy is already applied and set out in full in the Environmental Statement Chapter 9 at paragraphs 9.5.124–9.5.126 (DCO Scheme) and 9.6.66–9.6.67 (MCO Scheme) [REP3-014]; • confirmation that the baseline reflects the realistic worst-case extent of habitat loss, based on maximum design and construction

ExQ3	Question to	Question	Applicants' Response
			parameters. The metric assessment already reflects this, as it is based on the Parameter Plans, which fix the maximum development extents used for EIA purposes; - confirmation of how the biodiversity gain has been derived. None of the categories of habitat work that only count in part towards BNG apply to EMG2: the Applicants are not relying on nutrient mitigation, RBMP mitigation, SANG, mitigation or compensation to a SAC, SPA or protected species, EIA compensation, or mitigation to functionally linked land, and have not claimed credit from Natural England district level licensing. The Applicants' habitat creation and enhancement therefore counts in full towards the BNG figures presented, and the 10% minimum non-mitigation contribution requirement does not arise. In any event, given the scale of the net gain achieved, which is close to double the 10% minimum across all unit types, the Applicants consider this requirement would in any case be met; - a draft habitat management and monitoring plan (HMMP) for significant on-site enhancements, identifying the body responsible for reviewing it. The Applicants have provided a LEMP, which contains the key elements a draft HMMP would be expected to set out. It is considered that the core information mandatory NSIP BNG would require is already set out and

ExQ3	Question to	Question	Applicants' Response
			secured elsewhere in the application. Habitat quantification is established through the statutory biodiversity metric assessment in the Biodiversity Net Gain Report itself, and delivery, management and monitoring of habitats, equivalent to the function of an HMMP, is set out in the LEMP and secured through the relevant requirements of the dDCO. As BNG is not a mandatory requirement for the EMG2 Project, the Applicants do not intend to restructure the Biodiversity Net Gain Report against the mandatory requirements.
Q5.0.2	The applicants	Air quality standing advice In relation to the applicants' response to Q5.0.3 of ExQ2 [REP4-036] please can they provide further details that demonstrate compliance with the air quality standing advice. In doing so please set out how the requirements within each step of the standing advice has been followed. Furthermore, please can the applicants explain how the ES demonstrates compliance with paragraphs 5.61, 5.62 and 5.63 of the NNNPS and associated statutory duties? For example, would the proposed development's air quality impacts have an adverse effect on SSSIs or irreplaceable habitats and would the relevant exceptions apply, and statutory duties be complied with?	Please see the detailed note at Annex 5A of this document.
Q5.0.3	The applicants	Effect on badgers The applicants responded to Q5.0.4 of ExQ2 [REP4-036] explaining that the details being	A plan showing the retained and affected [REDACTED] and their position relative to the SuDS basins and footpaths has been produced as requested submitted

		requested by Natural England primarily relate to post-consent license applications rather than matters that affect the conclusions of the [ES] or the decision making process. Natural England also responded to Q5.0.4 of ExQ2 [REP4-091] stating that the [ES] should take account of the impacts on species. Based on the latest Risk and Issues Log [REP4-090] and SoCG [REP4-054] and the aforementioned responses to Q5.0.4 of ExQ2 [PD-022], whilst the ExP agrees some matters can be deferred to the licensing stage, the ExP is not clear that all of the matters are for the licensing stage alone. For example, referring to NE25 of the Risk and Issues Log [REP4-090], it is not clear why the location of the sustainable drainage system and footpaths relative to the badger setts and the risk of flooding and disturbance should not be addressed in the ES. These appear to be matters of principle and parameter design rather than matters of detail design that might be secured by requirements in the dDCO and addressed under the future management documents (P-CEMP etc.) that in turn would inform future license applications. In order to ensure that the ExP and SoS have sufficient information to take a view either way, and using the Risk and Issues Log [REP4-090] as a reference, please can the applicants submit the following additional details and justification:	confidentially [REDACTED] [REDACTED] [REDACTED] Buffer distances and artificial setts [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Flood risk The SuDS basins are sited along the western and south-western boundaries to operate under gravity and capture exceedance flows before leaving the site; relocating them away from the retained setts would constrain the drainage strategy. Hydraulic modelling using the LLFA's Diseworth and Long Whatton catchment model (BWB, August 2025) confirms the drainage strategy attenuates discharge
--	--	---	--

		NE25 and NE26– updated Community Park Plan [REP4-015D] showing buffer distances between existing natural badger setts and proposed artificial badger setts and sustainable drainage systems and public footpaths. The impact on badgers from flood risk and recreational disturbance and how this would be mitigated during construction and operation. The applicants should submit the relevant information in a confidential manner, consistent with previous submissions relating to sensitive protected species.	to the equivalent greenfield QBAR rate and directs runoff away from the Hall Brook, resulting in a reduction in downstream flood risk, [REDACTED] [REDACTED] The SuDS scheme therefore potentially provides a minor betterment in flood risk to the setts, not an increase. Recreational disturbance The footpath links Diseworth village to the wider public footpath network and forms part of the green infrastructure strategy. New scrub planting will buffer the setts from the footpath long-term. Badgers readily habituate to routine human presence where sett and foraging conditions are maintained, and persecution is absent, as shown by established populations in urban and urban-edge locations across the UK. The Community Park's access routes, lighting and vegetation management are designed to minimise disturbance to the retained setts, and the resulting habitat mix is expected to improve year-round foraging relative to the current arable baseline. Construction mitigation An exclusion fence will be erected at the edge of [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] tunnel systems are not
--	--	--	---

ExQ3	Question to	Question	Applicants' Response
			expected to extend to within the fenced exclusion zone. SuDS basin excavation will be undertaken using conventional bulk excavation plant, comprising excavators and dumper trucks. No machinery will be permitted within the fenced exclusion zone at the footpath edge, ensuring no direct damage to retained setts. Particular care will be taken in the [REDACTED] [REDACTED] The fence along the works boundary will also comprise a visual screen covering to reduce visual and noise disturbance to badgers in the vicinity of retained setts during construction. [REDACTED] [REDACTED] (1 July to 30 November inclusive). Licence status The LONI application, reflecting the updated Method Statement, was submitted to Natural England on 1 July 2026. Natural England has confirmed in the meeting on the 10 July 2026 that they do not anticipate any significant issues in providing a new LONI on this basis.
Q5.0.4	The applicants	Local nature recovery strategies Paragraph 4.30 of the NNNPS sets out that applicants should have regard to appropriate guidance and plans such as local nature recovery	The LNRS has been considered within the LEMP and CEMP which aim to support the stated strategic aims by:

ExQ3	Question to	Question	Applicants' Response
		strategies. Please can the applicants explain where they have had regard to the relevant local nature recovery strategy in this case, including Leicester City Tech Guidance (2021) and associated SuDS standards. If regard has not been had to the relevant local nature recovery strategy, and associated guidance, please justify accordingly.	• increasing the area and diversity of land and water managed for wildlife in Leicestershire, Leicester, and Rutland; • making space for water and utilise Nature-Based-Solutions to support nature and climate resilience; and, • protect and enhance green and blue spaces within urban habitats. Further consideration of specific measures within the LNRS (spatially set targets) has been made within the Biodiversity Net Gain assessment. The measures provided extremely limited coverage of the Site and related to areas already under suitable management. Natural England has confirmed in the Statement of Common Ground (4.2, 4.3) and that they agree with this approach. Specifically with regards to SuDS designs, the 'Leicester City Technical Guidance (2021) for urban SuDS design' is not a relevant guidance document for the EMG2 DCO / EMG1 MCO, as the Lead Local Flood Authority for the site is Leicester County Council, rather than Leicester City Council. The drainage strategy has been prepared in accordance with the Leicester County Council SuDS guidance 'Interim LLFA Guidance Note: Planning and Development in Leicestershire', which is the relevant guidance document for the area.

ExQ3	Question to	Question	Applicants' Response
Q5.0.5	The applicants Natural England	SoCG with Natural England Notwithstanding any overlapping questions elsewhere within ExQ3, please can Natural England and the applicants provide a detailed up to date position clarifying what is preventing 4.9, 4.26, 4.27 and 5.8 within the SoCG [REP4-054] from being agreed?	Following additional meetings on the 10 July 2026 between Natural England and FPCR for the Applicants, and on 13 July 2026 between Natural England and LRA for the Applicants, progress has been made towards resolving the points identified. The revised SoCG is largely agreed. Amendments to the Soil Management Plan (SMP) are to be reviewed by NE to ensure that they are satisfied before the final item can be agreed. The updated SMP has been submitted at Deadline 6.

APPENDIX 6

CLIMATE CHANGE AND ENERGY

ExQ3	Question to	Question	Applicants' Response
6. Climate change and energy			
Q6.0.1	The applicants	Seventh Carbon Budget 2038-2042 The Carbon Budget Order 2026 (SI 2026 No. 695) came into force on 26 June 2026. The applicants are asked to consider this and undertake an appropriate analysis updating the ES as necessary.	The Carbon Budget Order 2026 confirms the Seventh Carbon Budget for the 2038-2042 budgetary period, which totals 0.535 GtCO₂e (or 535,000,000 tCO₂e). The below response summarises the review of emissions arising from the DCO Scheme, MCO Scheme, and EMG2 Project as a whole, in line with the assessments presented in Chapter 19 of the ES (Document DCO 6.19/MCO 6.19) [AS-069]. Given construction of EMG2 will take place over a 5 year period from 2027-2031 (as set out in Chapter 3 of the ES (Document DCO 6.3/MCO 6.3) [REP3-006]), the construction phase lies outside of the Seventh Carbon Budget budgetary period, and as such does not alter the assessment of effects presented within Chapter 19 of the Environmental Statement (Document DCO 6.19/MCO 6.19) [AS-069]. With regards to the operational phase, based on the above-mentioned delivery programme (as set out in Chapter 3 of the Environmental Statement (Document DCO 6.3/MCO 6.3) [REP3-006]), the DCO and MCO Schemes would be operational for the entirety of the Seventh Carbon Budget

ExQ3	Question to	Question	Applicants' Response
			budgetary period. Operational emissions (magnitude of Impact) presented within Chapter 19 of the Environmental Statement (Document DCO 6.19/MCO 6.19) [AS-069] would remain unchanged. Project operational emissions in the context of the Seventh Carbon Budget period would amount to less than 0.2%. As stated throughout Chapter 19 of the Environmental Statement (Document DCO 6.19/MCO 6.19) [AS-069], operational emissions presented are likely to present a conservative overestimate of emissions resultant from the DCO and MCO Schemes, and EMG2 as a whole. Emissions resulting from electricity demand have been calculated using current grid average carbon intensity, and as such does not take into account future decarbonisation of grid electricity and the transport sector in line with national policy and legislation, which will in turn result in reduced operational emissions. Furthermore, the per annum transport emissions do not incorporate an increase in the proportion of zero emission vehicles on UK roads, or the use of the EMG1 Rail Freight Terminal (and thereby the associated reduction in long-haul HGV movements replaced by lower emissions rail freight movements). As such, operational emissions and their proportion of carbon budget expenditure can be considered a conservative estimate, that will likely be reduced. When assessing significance, the magnitude of emissions is considered in the context of national

ExQ3	Question to	Question	Applicants' Response
			carbon budgets, alongside the proposed mitigation measures and alignment with local and national policy regarding the transition towards net zero. This is in line with Institute of Environmental Management and Assessment (IEMA, now Institute of Sustainability and Environmental Professionals, ISEP) guidance on assessing greenhouse gas emissions. The above presented additional context against the Seventh Carbon Budget does not alter the conclusions reached within Chapter 19 of the Environmental Statement (Document DCO 6.19/MCO 6.19) [AS-069] given the scheme continues to contribute immaterially to national carbon budgets, and proposed mitigation measures are judged to align with a net zero trajectory. As such, no further analysis is necessary.
Q6.0.2	The applicants NWLDC	Building Research Establishment Environmental Assessment Method (BREEAM) The dDCO [REP5-008D] secures BREEAM. To what extent is this comparable to the Net Zero Carbon Building Standard? Further, what does the NNNPS or other important and relevant policy or guidance require in terms of minimum sustainable building standards, and is the level of BREEAM secured in the dDCO consistent with such requirements?	BREEAM and the UK Net Zero Carbon Building Standard (UK NZCBS) are not comparable certifications. BREEAM assesses a building's holistic performance across a range of sustainability metrics (including water, waste, carbon and energy, materials, land use and ecology, transport etc); performance is scored across these metrics with a final score and rating provided. The UK NZCBS is a standard against which a building can be assessed to determine whether it is net zero carbon aligned to support lower embodied carbon and operational energy consumption. Whilst BREEAM does have

ExQ3	Question to	Question	Applicants' Response
			targets around operation energy emissions and embodied carbon the two are not directly aligned or transferrable. The National Networks National Policy Statement (NNNPS) does not reference BREEAM or other comparable sustainability-related regulations or standards regarding building construction. The NNNPS requires a carbon management plan to be produced. Requirements are set out in Appendix 19A to the Environmental Statement (Document DCO 6.19A/MCO 6.19A) [APP-194], and the Carbon Management Plan for the scheme is provided at Appendix 19E to the ES (Document DCO 6.19E/MCO 6.19E) [APP-196].

APPENDIX 7

COMPULSORY ACQUISITION, TEMPORARY POSSESSION AND OTHER LAND RIGHTS CONSIDERATIONS

ExQ3	Question to	Question	Applicants' Response
7. Compulsory acquisition, temporary possession and other land rights considerations			
Q7.0.1	The applicants	Private rights on land controlled by applicants The ExP notes (item 2.3 in 'Applicants' Post Hearing Submissions (OFH1, CAH2 and ISH3' in respect of CAH2)) that the applicants have reverted to the original drafting of the dDCO in respect of private rights in relation to article 24. The ExP also notes that the third party interests are set out in Part 2 of the Book of Reference [APP-021D]. The applicants are asked to set out in a table, by individual plot, party and interest, what effect the retention of the interest would have on the deliverability of the proposed development. The applicants should ensure that as much information as possible is provided so that the ExP and SoS can be satisfied whether complying with the interest could or would affect the deliverability of the proposed development. If specific negotiations have taken place with the beneficiary of the right to acquire the right or to	The Applicants confirm that, considering the ExP's comments on the proposed extinguishment of private rights, they reviewed the affected plots (2/25, 3/2, 3/4 3/5, 3/6, 3/7 and 3/9), the purposes for which they are required (being limited to the footpath L57 works, highway works in and around Junction 24 and the substation extension) and the likely private rights affecting them. See the table at Annex 7A of this document. They also had regard to their in-depth land ownership knowledge in and around EMG1 (it is relevant, for example, that plots 3/2, 3/4, 3/5, 3/6 and 3/9 were subject to the EMG1 DCO and Article 25 of that DCO provided for the extinguishment of private rights over that land meaning that private rights prior to 2017 will have been extinguished albeit not removed from the title). And to their extensive development experience to determine the extent to which any private rights might interfere with their ability to deliver the proposed development. Based on this review, the Applicants were able to conclude that none of the private rights will impact on the deliverability of the DCO Scheme. The review enabled the Applicants to make the decision to revert to the original wording of the dDCO. Had they considered there to be an impediment then they would not have made such a

ExQ3	Question to	Question	Applicants' Response
		allow the development to proceed, these should also be set out. Where the third party is “unknown”, the applicants should explicitly explain how they would ensure that the third party right would not affect the deliverability of the proposed development. The applicants are also asked to set out what sum (financial) has been included to acquire any necessary rights in the viability model, explaining how that figure has been derived.	decision. The Applicants are also mindful that, in the event a landowner did seek to enforce a private right then the Applicants would be entitled to rely on article 25 of dDCO [REP5-008D] to override that interest. As regards the final point, the Applicants confirm that the viability appraisal for the DCO Scheme includes an allowance for compensation for the acquisition of third-party interests, including private rights. The precise amount is confidential, and the Applicants consider that it would be prejudicial to any future claims to specify the precise sum that has been identified.
Q7.0.2	The applicant All affected parties	Revised guidance on the compulsory purchase process On 17 June 2026 MHCLG published updated Guidance on the compulsory purchase process. The applicant and all affected persons are invited to make comment on the changes between that and the previous January 2025 version insofar as they relate to the proposed development and the associated request for compulsory acquisition.	The Applicants note that the changes to the guidance relate to the recent changes affecting the compulsory purchase process and associated compensation regime introduced through by the Levelling-up and Regeneration Act 2023 and the Planning and Infrastructure Act 2025. For instance, in relation to condition CPOs. The Applicants do not consider that any of the changes will affect EMG2 or the associated request for compulsory acquisition.
Q7.0.3	The applicant Prologis EMIA NWLDC	Possible take over of SEGRO PLC by Prologis Inc The ExP is aware that Prologis Inc has made a bid to take over SEGRO PLC, and thus the two applicant companies, which has been, at least initially, rejected by the SEGRO PLC board.	(a) The position as at 28 July 2026 is that no formal offer for SEGRO has yet been made by Prologis. Instead, a proposal in respect of a possible offer for SEGRO has been made by Prologis which SEGRO has indicated it would be minded to recommend to shareholders, subject to agreement on remaining terms and conditions. Prologis must now make an announcement of its firm intention to make an offer for SEGRO by no later than 17.00 on 12 August

ExQ3	Question to	Question	Applicants' Response
		The ExP also understands that under UK Stock Market Takeover Rules, a formal bid has to be made by 22 July 2026 at the latest. (a) Prologis and the applicants are asked to confirm the situation on 28 July 2026, setting out the position of the parties, along with the timeframe for any bid. (b) Prologis and the applicants are asked to set out, as far as they are able, their positions in respect of the application for development consent, including compulsory acquisition and funding, and whether this bid amends their positions in any way. If so, they are also asked to set this out as fully and clearly as possible. (c) EMIA are asked to confirm its position in respect of the compulsory acquisition of its interests as of 28 July 2026 in light of the above and whether the bid makes a difference to its non-statutory undertaker position. (d) Prologis and the applicants are asked, as part of their submissions at deadlines 7 (1 September 2026) and 8 (9 September 2026) to set out the legal situation of the two applicant companies at those dates (should this change on 10 September 2026 this should also be supplied to the ExP) and to update the ExP as to any implications for the consideration of the applications, including compulsory acquisition and funding.	2026 or otherwise walk away. There remains no certainty at this stage as to whether or not any formal offer will be made by Prologis for SEGRO nor, should one be made, whether such transaction will ultimately complete. (b) The proposal made by Prologis makes no difference to the situation which has pertained throughout the Examination with regard to funding and compulsory purchase. Prologis and SEGRO are two separate entities and will remain so until any relevant transaction (should one proceed) completes. Even if a formal offer for SEGRO is made by Prologis, completion of such transaction would be subject to various conditions (such as, among other things, approval/acceptance of the offer by the requisite level of SEGRO's shareholders and any relevant anti-trust clearances). There therefore remains no certainty at this stage as to whether or not any formal offer will be made by Prologis for SEGRO nor, should one be made, whether such transaction will ultimately proceed or complete. Accordingly, the ExP should proceed on the basis that Prologis and SEGRO are two separate entities (which they are), that this may not change and that there therefore remains a need for SEGRO to have compulsory purchase powers. (c) Importantly, the situation with Prologis does not affect the need for compulsory purchase powers in respect of the interests of EMIA and EMA. (d) Noted. The ExP will be updated as requested.

ExQ3	Question to	Question	Applicants' Response
		(e) EMIA is also asked to confirm its statutory undertaker position. (f) NWLDC, EMIA and Prologis are also asked to confirm the situation as regards the Joint Application as of both 28 July and 9/ 10 September.	
Q7.0.4	EMIA	Prologis Land In paragraph 27 of Annex L to the 'Applicants' Response to Deadline 2 and 3 Submissions' [REP4-033] it is stated that the applicant was an "underbidder" for the Prologis Land. Could EMIA confirm whether the applicants were 'underbidders' in the full sense of the term, that is at a lower price than that paid by Prologis. The ExP is not interested in the amount, rather whether it was less than the applicants' bid, or whether it was in different terms, and if so, the nature of those terms.	N/A
Q7.0.5	The applicants Prologis EMIA	Viability In Annex 7A to the 'Applicants' Response to Examining Panel's Second Written Questions' [REP4-036] in the entry for 9 March 2026 it is noted that the applicants' suggested a meeting to update Prologis "on progress in getting landowner consent to release terms of its Option Agreement". Given how the sentence is drafted, the ExP assumes that this relates to land in which the applicants have an interest. Could the applicants confirm whether this interpretation is correct.	The Applicants confirm that, yes, the reference in Annex 7A to the Applicants' Response to Examining Panel's Second Written Questions [REP4-036] in the entry for 9 March 2026 was to the Applicants' option over the land south of Hyams Lane. A meeting between the Applicants and Prologis was proposed but did not take place until 13 April 2026. The Applicants confirm that the release of the Option Agreement merely confirmed the minimum price of £225,000 (with inflation) per acre utilised in the Applicants' valuation exercise. This did not change the outcome of the valuation exercise.

ExQ3	Question to	Question	Applicants' Response
		The entry also “suggests a meeting”, but it is not clear whether this took place. Could all three parties confirm. Finally, assuming the ExP’s interpretation of the sentence is correct, it is reasonable that this will affect the £225,000 (with inflation) per acre utilised in the applicants’ valuation exercise. Could the applicants set out the implications of this in his regard.	
Q7.0.6	The applicants NWLDC LCC Castle Donington Parish Council EMA National Grid Electricity Distribution (East Midlands) plc	Plots 2/18, 2/20, 2/23 and 2/25 Could the applicants please explain why it needs to compulsorily acquire all interests in these plots and why Work 19 could not be delivered by the temporary possession of land and permanent acquisition of rights? As NWLDC, LCC, Castle Donington Parish Council, EMA and National Grid Electricity Distribution (East Midlands) plc all have interests in these plots they are also invited to comment.	The Applicants confirm that, whilst Work No. 19 could be undertaken pursuant to temporary possession powers, it is not possible to secure the dedication and adoption of the proposed public path and cycle track through the acquisition of rights. This is because the acquisition of rights creates private rights in favour of the undertaker only i.e. it would not allow the creation of a public right. Nor would a private right compel the landowner to dedicate or offer for adoption the proposed public path and cycle track.

APPENDIX 8

THE DRAFT DEVELOPMENT CONSENT ORDER (DCO) [[REP5-008D](#)]

ExQ3	Question to	Question	Applicants' Response
8. The draft Development Consent Order (dDCO) [REP5-008D]			
8.1 Articles			
The ExP has no further questions on this topic at this time.			
8.2 Schedule 1 – Authorised development			
The ExP has no further questions on this topic at this time.			
8.3 Schedule 2 – Requirements			
Q8.3.1	The applicants	Requirement 7 - EV Charging points Should the electrical charging points have a rating, for example, 7kW or 22kW?	The Applicants confirm that the electrical charging points will be type 2 to British Standard EN62196 rated at 7.2 kW single phase. The dDCO submitted at Deadline 6 has been updated accordingly.
Q8.3.2	The applicants NWLDC	NWLDC SoCG Noting 3.4 of the Overarching SoCG [REP4-039] between the applicants and NWLDC, please can the parties set out or direct the ExP to their latest respective positions on the requirements listed and explain why these cannot yet be agreed.	The Applicants understand that NWLDC is now in agreement with the wording of Requirements 10, 11, 20, 21, 22, 23, 25 and 30, and is also content with the suggested amendments out forward by the ExP on 14 July 2026. The only outstanding issues relating to the dDCO is NWLDC's wish to see a requirement added relating to the inclusion of 20% advanced manufacturing which has been responded to as part of the Deadline 6 submission.

ExQ3	Question to	Question	Applicants' Response
8.4 Schedule 13 – Protective provisions			
Q8.4.1	EMA	Protective Provisions in favour of EMA In its document 'Applicants' Response to Deadline 4 Submissions' [REP5-033] the applicants state “the protective provisions included in the dDCO submitted at Deadline 5 represent the wording proposed by the Applicants which aligns with the proposed conditions approved by EMIA for the Joint Application, suitably adapted to apply to the DCO Scheme. The Applicants await reasoned justification why the DCO Scheme should be subject to more stringent and onerous requirements.” EMA are requested to provide a copy of the proposed conditions recommended by EMIA for the Joint Application. The ExP notes in the draft SoCG between the applicants and EMA [REP5-048] that “EMA would typically expect the level of detail agreed in terms of operational safety matters to be resolved at reserved matters stage for those proposals. EMG2 is a development consent order, meaning the level of detail to be secured in the terms of the consent must be negotiated and secured now, prior to determination of the application”. However, the decision of the Supreme Court in <i>C G Fry & Son Limited v SoSHCLG</i> [2025] UKSC 35 makes clear that conditions of this type should	N/A The Applicants confirm that a copy of the proposed conditions recommended by EMIA for the Joint Application can be found at Annex D of the Applicants' Response to Deadline 2 and 3 Submissions (DCO 7.13 / MCO 7.13 and [REP4-033]).

ExQ3	Question to	Question	Applicants' Response
		be finalised at the grant of permission stage; in the case of the Joint Application or Isley Woodhouse developments meaning the outline stage. Therefore, the conditions/ requirements for all the projects should effectively be the same, subject to any variations due to specific site location or other project specific matter. Other than amendment for a development consent order, should EMA seek different protective provisions for this proposal, EMA should set out in a 'provision by provision' basis why alternative provisions different are required from those sort on the Joint Application and Isley Woodhouse application.	

APPENDIX 9

THE DRAFT MATERIAL CHANGE ORDER (MCO) [[REP5-007M](#)]

ExQ3	Question to	Question	Applicants' Response
9. The draft Material Change Order (dMCO) [REP5-007M]			
Q9.0.1	The applicants	Article 2(21) - EV Charging points Should the electrical charging points have a rating, for example, 7kW or 22kW?	The Applicants confirm that the electrical charging points will be type 2 to British Standard EN62196 rated at 7.2 kW single phase. The dMCO submitted at Deadline 6 has been updated accordingly.
Q9.0.2	EMA	Protective Provisions in favour of EMA In its document 'Applicants' Response to Deadline 4 Submissions' [REP5-033] the applicants state "the protective provisions included in the dDCO submitted at Deadline 5 represent the wording proposed by the Applicants which aligns with the proposed conditions approved by EMIA for the Joint Application, suitably adapted to apply to the MCO Scheme. The Applicants await reasoned justification why the MCO Scheme should be subject to more stringent and onerous requirements." EMA are requested to provide a copy of the proposed conditions recommended by EMIA for the Joint Application. The ExP notes in the draft SoCG between the applicants and EMA [REP5-048] that "EMA would typically expect the level of detail agreed	N/A

ExQ3	Question to	Question	Applicants' Response
		in terms of operational safety matters to be resolved at reserved matters stage for those proposals. EMG2 is a development consent order, meaning the level of detail to be secured in the terms of the consent must be negotiated and secured now, prior to determination of the application”. However, the decision of the Supreme Court in <i>C G Fry & Son Limited v SoSHCLG</i> [2025] UKSC 35 makes clear that conditions of this type should be finalised at the grant of permission stage, in the case of the Joint Application or Isley Woodhouse developments meaning the outline stage. Therefore, the conditions/ requirements for all the projects should effectively be the same, subject to any variations due to specific site location or other project specific matter. Other than amendment for a material change order, should EMA seek different protective provisions for this proposal, EMA should set out in a ‘provision by provision’ basis why alternative provisions are required different from those sort on the Joint Application and Isley Woodhouse application.	

APPENDIX 10
GROUND CONDITIONS

ExQ3	Question to	Question	Applicants' Response
10. Ground conditions			
The ExP has no further questions on this topic at this time.			

APPENDIX 11
HISTORIC ENVIRONMENT

ExQ3	Question to	Question	Applicants' Response
11. Historic environment			
The ExP has no further questions on this topic at this time.			

APPENDIX 12

LANDSCAPE AND VISUAL

ExQ3	Question to	Question	Applicants' Response
12. Landscape and visual			
Q12.0.1	The applicants	Viewpoints In the 'Applicants' Response to Deadline 4 Submissions' [REP5-033] in commenting on Protect Diseworth's representations on viewpoints, in point 29 the respond "the applicants note the response". However, in points 30 to 35 is stated "see response to point 29 above" which would imply a longer and more comprehensive response to point 29. Could the applicants please confirm the situation.	The Applicants apologise for the error. The response to point 29 should have read: <i>The Applicants confirm that they have responded to issues surrounding the methodology for undertaking the verified views in response to the ExP's first written questions and consider there are no new issues arising [REP1-054].</i> <i>The Applicants have agreed the methodology for undertaking viewpoints with the Landscape advisors to NWLDC and this is recorded within the relevant Statement of Common Ground item ref 4.2 and 5.2 [REP4-044].</i>

APPENDIX 13

MAJOR ACCIDENTS AND DISASTERS AND OTHER SAFETY RISKS

ExQ3	Question to	Question	Applicants' Response
13. Major accidents and disasters and other safety risks			
Q13.0.1	The applicants EMIA	Aerodrome safeguarding The ExP's understanding is that requirement 33 in the dDCO [REP5-008D] is now fully drafted. The ExP also notes EMIA reserves its position on the Operational Environmental Management Plan in relation to aerodrome safeguarding. In this context, should requirement 33 require the local planning authority to consult EMIA as part of approval process?	The Applicants confirm that no further changes are proposed to requirement 33 in the dDCO at [REP5-008D] save for the change proposed by the ExP in their commentary on the dDCO [PD-027]. The Applicants do not however consider it appropriate or necessary for EMIA to be a consultee on approval of the Operational Environmental Management Plan (OEMP). The need for the OEMP arose from comments made by the Environment Agency and its purpose is to draw together the various environmental commitments made into one document which will be adhered to for the life of the development. It is not intended to deal with aerodrome safeguarding matters.

APPENDIX 14

MATERIALS AND WASTE

ExQ3	Question to	Question	Applicants' Response
14. Materials and waste			
Q14.0.1	The applicants LCC	Waste monitoring The SoCG between LCC and the applicants submitted at D5 records that the only remaining matter under discussion relates to monitoring of waste types and quantities during construction (matter 4.8 and 5.7). Please clarify whether agreement has now been reached on the proposed monitoring arrangements. If not, please identify precisely what remains outstanding, including when and how monitoring will be undertaken, to whom the information will be reported, and whether any amendment to the CEMP, Site Waste Management and Materials Plan or draft DCO is required to secure those arrangements.	The Applicants have updated the Site Waste and Management Materials Plan (SWMMP) (Appendix E of Chapter 18 of the Environmental Statement on Materials and Waste [APP-190]) to provide clarify on how both excavation waste and construction waste would be monitored for EMG2, as Leicestershire County Council (LCC) requested. The updated SWMMP was circulated to LCC for approval on 9 July 2026 and is submitted at Deadline 6. An email received from LCC on 21 July 2026 confirmed that the clarifications on how both excavation waste and construction waste would be monitored within the updated SWMMP have been accepted. The SoCG with LCC will be updated to reflect agreement on the arrangements for waste monitoring. This concludes agreement on all waste and materials matters.

APPENDIX 15

NEED AND ALTERNATIVE

ExQ3	Question to	Question	Applicants' Response
15. Need and alternatives			
Q15.0.1	The applicants LCC	Alternatives Why was the alternatives site search not conducted on a more regional scale in the context of East Midlands Combined County Authority's (EMCCA) and is the scope of the alternatives site search ultimately too localised given the cross boundary nature of the freeport? Please can the applicants explain their approach in this regard and whether EMCCA were consulted or otherwise engaged as part of the DCO application process.	The EIA Regulations require the Environmental Statement to include a description of the reasonable alternatives studied which are relevant to the proposed development and its specific characteristics. As set out in Chapter 4: Consideration of Alternatives of the Environmental Statement ([REP5-021]), the site search was focused on land around East Midlands Airport and EMG1 as this location is recognised, both regionally and nationally, as a prime location for growth and investment. The East Midlands Freeport programme forms a cornerstone of the East Midlands Combined Authority's (EMCCA) vision for growth. It provides one of the key growth opportunities within the 'Trent Arc', one of six strategic growth areas within the East Midlands, identified by the EMCCA. The EMCCA's economic priorities align with those of other regional strategies which seek to focus development in and around East Midlands Airport, and in particular, at the designated Freeport sites.

ExQ3	Question to	Question	Applicants' Response
			As set out in Chapter 4, all three Freeport sites (EMAGIC, Ratcliffe-on Soar Power station and EMIP) have a role to play in transforming the region, and all three sites are required to fully realise the Freeport's ambitions of delivering significant investment and creating thousands of new job opportunities. It is not a matter of progressing one in preference to another. It is therefore considered that the site search has not been drawn too narrowly and that it is reasonable to focus the search on this location as a key growth opportunity within the region. The Applicants further note that the cross-boundary nature of the Freeport does not provide a basis to consider alternative sites more widely given that the Freeport sites are identified by the Freeport.
Q15.0.2	The applicants	Regional need In relation to the Iceni Projects Limited report [REP1-126], please can the applicants clarify whether it is sufficiently granular to demonstrate the scale and immediacy of need for EMG2 in this particular location. Or whether it merely demonstrates a broader level of need that could be delivered regionally across multiple sites, rather on one site alone? Please can the applicants clarify the extent to which the report	The Leicester and Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment Study (the 2025 Study) [REP1-126] updates the 2021 Warehousing and Logistics in Leicester and Leicestershire: Managing Growth and Change study. Both reports were prepared by Iceni Projects. The 2025 Study has two principal objectives: To provide an updated assessment of need for strategic warehousing (B8 units of 9,300 sqm and above) across

ExQ3	Question to	Question	Applicants' Response
		is based on projections, and whether the use of projections could overstate future demand?	Leicester and Leicestershire for the period 2024–2046; and - To recommend how this need should be apportioned across different locations within the Leicester and Leicestershire Functional Economic Market Area (FEMA). The Study considers a range of methodologies to estimate future strategic warehousing demand, namely: - Traffic Growth and Replacement Demand (MDS Transmodal); - Gross Completions; - Net Absorption (Past Take-up); and - Net Absorption with a Supressed Demand Adjustment at 5% and 8% rate. The final methodology considers Savills' Suppressed Demand approach. Using its preferred methodology, the Study identifies a gross requirement for 5.26 million sqm of strategic B8 floorspace. After accounting for completions during 2023/24 and commitments as at April 2024, this equates to a net requirement of approximately 3.06 million sqm of strategic warehousing floorspace over the period 2024–

ExQ3	Question to	Question	Applicants' Response
			2046. This preferred figure is derived from the gross completions methodology. There are a number of limitations of adopting a gross completions methodology. Principally it represents a backward-looking supply-side measure rather than a true market facing indicator of future demand, as required by Paragraph 32 of the NPPF. In effect it is a measure of supply, capturing the volume of new floorspace delivered. Although some delivery can occur through redevelopment or intensification of existing sites, it is largely dependent on the allocation and release of new employment land through the planning system. Where land allocations are insufficient, development rates, and therefore recorded completions, will be constrained, <u>irrespective of underlying demand</u>. Effectively, projecting forward historic gross completions merely plans for the economy of the past, not the future. In the past, the economy was smaller with less homes and population, less goods being purchased online, fewer business making and distributing goods, less freight being moved around the country and same day and next day deliveries were less prevalent than they are today and will be in the future. As a result, this will likely underestimate the true future market demand for I&L land rather than overstate future demand. A more appropriate methodology to adopt would have been the 'Net Absorption with Suppressed

ExQ3	Question to	Question	Applicants' Response
			Demand Adjustment at 8%'. This approach considers Savills Suppressed Demand methodology and generates a higher demand estimate, as per Figure 4.6 of the 2025 Study, given it is based on market signals. The second purpose of the 2025 Study is to recommend how the measured need for strategic warehousing floorspace (in sqm) could be apportioned to locations within Leicester and Leicestershire. This follows a multi-stepped approach as follows: • Identify broad locations to meet demand, based on a number of criteria including minimum site size, constraints and proximity to the SRN. • Further cross check and inclusion of sites included in emerging Local Plans and call for sites or promoted submissions. • Assessment and ranking of broad locations. • Derive a target apportionment: prioritising the expansion of rail-served sites / delivery of a new SRFI and reflecting market ranking. • Apportion the additional floorspace requirement using the target apportionment, net off

ExQ3	Question to	Question	Applicants' Response
			completions/commitments and consider rail-based locations first, meeting the residual requirement at road-based locations Whilst we consider that a more market-led apportionment methodology would have been preferable, such as the approach adopted in the Savills 2025 I&L Need Assessment [APP-078], which apportions demand using historic shares of net absorption, net deliveries and existing stock, the exercise nevertheless clearly identifies North West Leicestershire (NWL) as the principal location for accommodating future strategic warehousing growth, particularly in the context of EMG1. Indeed paragraph 7.40 of the 2025 Study states: <i>'North West Leicestershire is expected to accommodate the greatest volume of floorspace, reflecting the broad East Midlands Gateway location connectivity, as well as the relatively unconstrained A42 corridor'</i>. Specifically, the Study apportions 44% of the residual strategic warehousing requirement to NWL, equivalent to approximately 1.3 million sqm over the period 2024–2046. Pro-rating this to align with the North West Leicestershire Local Plan period (2024–2042) results in demand for approximately 1.09 million sqm, equivalent to around 313 hectares of land at a 35% plot ratio. This demonstrates that the Study does not merely identify a broad sub-regional need capable of

ExQ3	Question to	Question	Applicants' Response
			being met anywhere within the FEMA. It concludes that a substantial proportion of that need should be accommodated within NWL, reflecting the area's established strategic advantages, including its location on the Strategic Road Network and its existing role within the strategic logistics market. For comparison, the Savills 2025 I&L Need Assessment submitted with the DCO application [APP-078], estimated strategic B8 land requirements across the Leicester and Leicestershire FEMA of between approximately 780 and 1,177 hectares over a 16-year period. Applying Savills' market-led apportionment methodology resulted in NWL demand estimates of 557 hectares, 369 hectares and 273 hectares under different apportionment scenarios. When adjusted to the equivalent 18-year Local Plan period, these equate to approximately 626 hectares, 415 hectares and 307 hectares respectively. Accordingly, the Iceni Study's estimate of 313 hectares for NWL is closely aligned with Savills' lower-bound estimate of 307 hectares. In summary, whilst Savills has reservations regarding certain aspects of the Iceni methodology, particularly its reliance on gross completions and its approach to apportionment, these methodological differences do not materially affect the overall conclusions in this case with respect to EMG2. The Study identifies a

ExQ3	Question to	Question	Applicants' Response
			substantial requirement for strategic warehousing within NWL, with its estimate being broadly consistent with the lower end of the range identified by the Savills assessment. The Savills 2025 assessment [APP-078] provides additional granularity by combining a market signals-based assessment of need with a detailed appraisal of local market dynamics (Section 5) and the characteristics of the subject site (Section 2). It demonstrates not only that there is a significant and urgent need for strategic I&L development within NWL, but also that EMG2 is particularly well placed to meet that need. As such, it provides a scheme-specific assessment that complements and builds upon the strategic conclusions of the Icen Study. The urgency of need is evidenced by a range of market demand and supply indicators presented in the Savills 2025 Assessment [APP-078], including: • Availability tracking below the 8% equilibrium rate, where demand and supply are considered to be in balance, across both NWL and the wider Leicester and Leicestershire FEMA (Figure 5.2). • Rental growth significantly outpacing inflation, indicating that occupiers are competing for a limited supply of available space (Figure 5.5).

ExQ3	Question to	Question	Applicants' Response
			Only 1.1 years' worth of available supply based on historic rates of demand (Figure 5.4). Collectively, these indicators demonstrate that there is an urgent need for additional strategic I&L floorspace. Furthermore, as explained in the Savills 2025 Assessment (APP-078), paragraph 2.3.7), the attractiveness of NWL as an I&L location, and the strength of occupier demand, is illustrated by the rapid take-up of space at EMG1. The scheme was originally expected to be delivered over a ten-year period; however, within just four years, all land capable of accommodating units exceeding 96,000 sq.ft (approximately 9,000 sqm) had been taken up. This provides compelling, site-specific evidence of the strength and immediacy of demand for strategic I&L floorspace in NWL, particularly for rail-linked logistics premises¹, complementing and reinforcing the strategic conclusions of the Icen Study. The strong demand for rail-linked logistics premises is also consistent with national policy. The Government has established a clear objective to increase the movement of freight by rail, as set out in <i>Future of Freight: A Long-Term Plan</i> (June 2022)². The demonstrated success of EMG1 therefore reflects not only market demand in this location but also the direction of national transport

¹ The Design Approach Document ([REP2-022](#)) confirms the new warehousing aims to integrate with the existing rail terminal at EMG1.

² The Future of Freight: a long-term plan. Department for Transport June 2022

ExQ3	Question to	Question	Applicants' Response
			and freight policy, further supporting the need to bring forward additional rail-linked strategic logistics capacity in NWL in the immediate term.
Q15.0.3	NWLDC	Local need The applicants set out in their post hearing submissions [REP1-052] that the Iceni Projects Limited report [REP1-126] demonstrates a need for 3,969,400m ² of additional floorspace for strategic B8 development over the 23 year forecast period, weighted towards NWLDC where there is a 1,000,000m ² unmet need. Consequently, the ExP notes around 30% would be met by EMG2 over the coming years. This would leave around 70% of the unmet need to be addressed as part of the emerging local plan. In this context, please can NWLDC explain how EMG2 would result in over delivery?	N/A
Q15.0.4	The applicants NWLDC	Policy Ec2(2) NWLDC in their LIR [REP1-103] and responses to ExQ1 [REP1-106] state that the proposed development does not comply with policy Ec2(2). The applicants subsequently responded [REP2-031] and [REP2-032] . However, this disagreement does not seem to be reflected in any of the SoCGs between the parties. Please can NWLDC and the applicants update the SoCGs with their latest positions on this issue. Furthermore, can the parties also consider Policy Ec2(2)(c) and the extent to which the	The point of disagreement regarding compliance with Local Plan Policy Ec2(2) will be recorded within the next draft of the Policy SoCG with NWLDC. This will include the issue relating to Ec2(2)(c). The Applicants consider that the Environmental Statement demonstrates that the DCO Scheme would not result in significant impacts on amenities of any nearby residential properties and thereby complies with Ec2(2)(c). It is understood NWLDC do not agree this point, and this will be made clear through the updated SoCG.

ExQ3	Question to	Question	Applicants' Response
		proposed development would affect the amenities of any nearby residential properties (such as those within Diseworth) or the wider environment and the implications in terms of policy compliance.	

APPENDIX 16

NOISE AND VIBRATION

ExQ3	Question to	Question	Applicants' Response
16. Noise and vibration			
Q16.0.1	The applicant	Construction noise management The applicant's response to ExQ2 Q16.0.2 explains that each P-CEMP would include construction noise trigger thresholds, monitoring arrangements, complaint investigation procedures, escalation processes, identification of affected properties and response measures. Please identify the specific provisions within the current CEMP and/or the draft DCO which secure these matters. If these matters are intended to be developed only at P-CEMP stage, please explain how the draft DCO ensures that those minimum requirements will be included within each P-CEMP.	The Applicants confirm that section 6 of the CEMP (DCO 6.3A and [REP4-018D]) specifically covers noise and vibration issues. Wording has been added to the amended version of the CEMP submitted at Deadline 6 to ensure the role of P-CEMPs is explicit with regards to construction noise. As explained in the response to ExQ2 Q16.0.2 [REP4-036], it is anticipated that P-CEMPs will typically include a Construction Noise Management Appendix. This is now reflected in section 6 of the CEMP and the revised wording of Requirement 20(1) in the dDCO submitted at Deadline 6. Requirements 11 and 20 of the dDCO in combination reinforce the role of the P-CEMPs and the Construction Noise Management Appendix specifically in addressing construction noise, with a clear emphasis on the process should there be justified noise complaints. Requirement 11 also makes it clear that P-CEMPs should be reviewed and may be required to be updated to ensure it addresses any unacceptable construction impacts.

APPENDIX 17

POPULATION AND HUMAN HEALTH

ExQ3	Question to	Question	Applicants' Response
17. Population and Human Health			
Q17.0.1	The applicant LCC	Updated modelling and SoCG matters The Population and Human Health SoCG between the applicant and LCC states that several matters remain under discussion following the applicant's Population and Human Health Technical Note. • Please can the applicants confirm whether they intend to provide any further update to ES chapter 17 and/ or appendix 17C before the close of the examination to address LCC's outstanding concerns; • if not, identify precisely where in the examination documents the applicant says the integrated re-evaluation requested by LCC is already provided, including signposting to the relevant parts of ES chapter 17, appendix 17C, the technical note and related noise / air quality / transport material; and • provide a short schedule showing, for each transport modelling dependent determinant (transport/access, air quality, noise/vibration and diet/nutrition), how the updated modelling has been considered,	The Applicants do not propose providing an update to Chapter 17 or Appendix 17C to the Environmental Statement beyond what has already been submitted at Deadline 5 (i.e. an update to provide a signposting exercise as to where the principles of Health Impact Assessment are embedded within the chapter). It is noted that the tracked changes on the updated version of ES chapter 17 submitted at Deadline 5 were not visible and this has been corrected at Deadline 6. An update to the PRTM 2023 Technical Note at Appendix 4 of the SoCG [REP4-050] will be provided, drawing from and building upon the Local Road Network Assessment undertaken. The PRTM 2023 Technical Note will include analysis for all health determinants that rely on traffic modelling (transport/access, air quality, noise/vibration and diet/nutrition). The Applicants have set up a meeting with LCC to discuss the outstanding SoCG matters with the intention to produce an interim version which shows some matters which are currently 'under discussion' and do not relate to traffic modelling outputs as being 'agreed'.

ExQ3	Question to	Question	Applicants' Response
		whether any mitigation conclusions change, and how vulnerable groups including Gypsy and Traveller receptors have been considered. LCC is invited to confirm whether the information provided would be sufficient to resolve the matters currently identified as under discussion in the SoCG, or to identify the minimum further information still required. Please also clarify whether section 6.1 of the SoCG [REP5-042] should be corrected, given the matters marked as “under discussion” in sections 4 and 5.	It is the Applicants' understanding that, due to holiday commitments, LCC may be unable to provide their comments on the updated version by Deadline 6.
Q17.0.2	The applicants LCC	PRTM2023 modelling The ExP notes that the some of the SoCGs state that several matters remain under discussion pending LCC's consideration of the PRTM2023 modelling updates and associated technical note. Please can LCC confirm its current position on the updated modelling insofar as it relates to Population and Human Health and other areas if relevant, including whether the applicant's technical note satisfactorily demonstrates the implications of the updated modelling for the ES chapter assessment. If not, please identify the specific remaining concerns and the minimum further information required to resolve them.	Please see the response to Q4.0.1 above.

ExQ3	Question to	Question	Applicants' Response
		The applicant may comment.	

APPENDIX 18

SOCIO-ECONOMIC EFFECTS

ExQ3	Question to	Question	Applicants' Response
18. Socio-economic effects			
Q18.0.1	EMF NWLDC	Retained business rates In relation to the East Midlands Freeport (EMF) response to Q18.0.2 and Q18.0.8 [REP4-070D], the ExP notes that it expects around £288M from the EMG2 sites south of Hyams Lane up to 2048. Firstly, please can EMF clarify if this relates to the entirety of the EMG2 main site to the north and south of Hyam's Lane, or just land to the south. Furthermore, please clarify the distinction between government reimbursement of business rates relief and retained rates. For example, does the £288M retained business rates to 2048 include both the rates that are reimbursed by government and the rates that would be payable up to 2048 once rate relief ends? Comments from NWLDC are also invited.	N/A

APPENDIX 19

TRAFFIC AND TRANSPORT

ExQ3	Question to	Question	Applicants' Response
19. Traffic and Transport			
Q19.0.1	The applicants NH LCC	Co-located office functions The applicants are asked to explain demonstrate how a “co-located office function”, which could be, within an eventual individual planning unit (please refer back to earlier discussion on “substantial completion”) part of a mixed use also incorporating storage and distribution uses or advanced manufacturing uses or a combination of all three, has been considered in relation to the traffic generation assessment of the proposed development. NH and LCC are also requested to comment on this.	The Applicants confirm that, from a transport perspective, an element of office use is in built in the trip rates originally adopted from the TRICS Database, and indeed traffic surveys of EMG1. That is because a B2 or B8 unit cannot operate without an internal office function. This is considered in paragraph 6.3 of the TA [REP1-031], which states that “<i>office floor space is expected to comprise around 6% of the total development floor space, which is standard for Segro schemes, and is therefore ancillary to the predominant B2/B8 floor space</i>”.
Q19.0.2	The applicants NH LCC NWLDC	Advanced manufacturing It its proposed changes to the DCO the ExP as set out that 20% of the total gross floorspace provided as part of the authorised development shall be for advanced manufacturing use. Should, for example, it be possible to let more than 20% of the gross floorspace as advanced manufacturing the ExP is also concerned to ensure that the total of advanced manufacturing	The Applicants confirm that the dDCO has been updated at Deadline 6 to include requirement 31 which caps the advanced manufacturing use to 20% of the total gross floorspace. Exceeding this limit would be in breach of the requirement and consequently would require a new consent which would be subject to its own assessment.

ExQ3	Question to	Question	Applicants' Response
		does not result in additional effects that have not been assessed. The applicants, NH, LCC and NWLDC are asked to consider mechanism(s) to ensure that no additional effects not assessed occur.	

APPENDIX 20

UTILITIES

ExQ3	Question to	Question	Applicants' Response
20. Utilities			
Q20.0.1	The applicants	Microwave/ radio link infrastructure In response to ExQ2 20.0.2 [REP4-036] the applicants indicate a proposal for a direct, ethernet connection between the Pegasus Business Park and Bondwood Radio facility to overcome the objection from the Joint Radio Company and National Grid Electricity Distribution. Could the applicants signpost where this would be secured in the dDCO, or if necessary, make adequate provision.	The Applicants refer to their response to ExQ1 Q20.0.5 [REP1-054] which confirmed that initial discussions had taken place with the Joint Radio Company who operate on behalf of UK Energy Industry. Whilst some initial desktop work has been undertaken, it is too early in the development programme for any works to be progressed. Once the detailed proposals have been sufficiently progressed then Joint Radio Company / National Grid Electricity Distribution will issue a quotation and implement the works to deliver their connection utilising their own powers. It is not considered necessary therefore to make provision for this within the dDCO.
Q20.0.2	The applicants	Proposed public footpath and cycle track In the changes to the proposed development consent order introduced at deadline 5, the applicants, in response to queries from LCC, have ensured that the cycle tracks proposed would also incorporate a public footpath. Could the applicants please provide a typical drawing, both plan and section, showing how this would be laid out to ensure that there is no conflict between these uses.	The cycle tracks are to be shared use as stated on the highway plans i.e. with a right of way on foot. They are as defined in section 329 of the Highways Act 1980: <i>“cycle track” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot;.</i> The Applicants have produced typical sections showing the shared use cycle track at Annex 20A of this

ExQ3	Question to	Question	Applicants' Response
			document (the overall width varies as indicated on the highway plans). The Applicants have, in response to queries from Leicestershire County Council (LCC), provided for dual status within the dDCO to enable LCC to show these routes both as a public highway and a public footpath on their definitive mapping. This is purely a status and mapping point and does not affect the design of the proposed works.

APPENDIX 21

WATER ENVIRONMENTAL

ExQ3	Question to	Question	Applicants' Response
21. Water Environment			
Q21.0.1	The applicants	Sustainable drainage system design and silt management The original construction management framework for the EMG1 DCO is not before the ExP as part of the examination. Consequently, it is not clear whether silt management during construction has been secured by the dMCO in the same way as the dDCO secures silt management as part of the CEMP [REP4-018D]. As such, please can the applicants update the dMCO accordingly.	The Applicants have prepared and submitted an addendum to the construction management framework plan relating to the EMG1 DCO to secure a silt management plan (SMP). The dMCO has been amended and resubmitted at Deadline 6 to require the P-CEMP to accord with the addendum.
Q21.0.2	The applicants	Abnormal flood events Whilst not originally directed to them, please can the applicants provide a response to Q21.0.1 of ExQ2 [PD-022]. For clarity, the ExP wishes to understand whether any uncertainty about the causes of flooding in Kegworth means EMG2 should take a particularly precautionary approach to flood risk within the EMG2 drainage catchment, and strengthen EMG2 drainage monitoring and remediation measures in the dDCO [REP5-008D]?	The Applicants do not agree that the bypass has exacerbated flooding within Kegworth. Further explanation of the Applicants position is set out in the response to submissions made by Leicestershire County Council at Deadline 4 [REP5-033]. The DCO Scheme will include an operational and maintenance plan for the drainage system. The plan will detail inspection schedules, routine cleaning and maintenance tasks, and repair protocols. Inspections will be undertaken at regular intervals but also after large storm events. Agreement of the long-term maintenance,

		It would assist the ExP if the applicants could provide 'without prejudice' wording for a requirement securing monitoring and investigation of the EMG2 surface water drainage systems in the event of abnormal flood events within the EMG2 drainage catchments. The requirement should also secure updated drainage modelling and remediation measures if the surface water drainage systems are found to be underperforming. The applicants should also explain how third parties would be required to comply with such provisions in the event they adopted part of the EMG2 drainage systems.	remedial actions, and monitoring is secured by Requirement 17(3)(a). However, in light of the ExP's request, Requirement 17(3) has been enhanced to also specifically include agreement of the assessment procedures that should be undertaken in the event of the drainage infrastructure being exceeded as follows: <i>"(3) No phase of the authorised development shall be occupied until details of the long-term maintenance of the surface water drainage system that will not be adopted by a third party within that phase have been submitted to and approved by the local lead flood authority. The maintenance details will include:</i> <i>(a) details of routine maintenance, access, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party; and</i> <i>(b) where relevant, procedures that must be implemented in the event of pollution incidents; and</i> <i>(c) the procedures that will be undertaken in the event of unexpected flooding from the surface water drainage system that will not be adopted by a third party which will include drainage modelling and implementation of remedial measures where the drainage is found to be performing below the agreed design standard".</i> As regards drainage adopted by third party drainage bodies, such bodies are bound by
--	--	---	---

ExQ3	Question to	Question	Applicants' Response
			obligations set out in their respective legislation to ensure that adequate maintenance is undertaken on adopted systems. They will review the calculations, designs, and the constructed drainage prior to adoption to ensure that they are happy to adopt the drainage and take on liability for future maintenance.
Q21.0.3	The applicants	Water quality Within the applicants' response to deadline 4 submissions [REP5-033], under appendix 4 and water quality 26, the Environment Agency identifies unresolved issues. However, the applicants do not provide a response. Please can the applicants provide a detailed response explaining whether they will be updating the application documents as requested. If the applicants do not intend to update the application documents, please justify why the existing approach is acceptable.	The Environment Agency (EA) requested updates to the wording of paragraph 13.6.39 and 13.6.59 of Chapter 13 Flood Risk and Drainage of the Environmental Statement to include reference to HGV parking areas. This update was made and the updated chapters submitted at Deadline 5 [REP5-026]. The EA also asked how fuel and oil mitigation measures in the drainage strategy is secured. Agreement on the final drainage strategy is secured as Requirement 17, with the EA as a named consultee.

APPENDIX 22

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP) [[REP4-018D](#)]

ExQ3	Question to	Question	Applicants' Response
22. Construction Environmental Management Plan (CEMP) [REP4-018D]			
The ExP has no further questions on this topic at this time.			

ANNEX 2A

RESPONSE TO Q2.0.1

EMAIL DIALOGUE WITH NATIONAL HIGHWAYS AND LEICESTERSHIRE COUNTY COUNCIL REGARDING THE PRTM 2023 MEZZANINE SENSITIVITY TEST VISSIM NOTE

[REDACTED]

From:
Sent:

[REDACTED]

15 July 2026 10:44

[REDACTED]

This email originated from outside of our organisation. Please exercise caution with content, links and attachments.

Hi [REDACTED]

It is positive that you have now undertaken this. Our interests on the residual LRN impact and requirement for mitigation is as just set out. We remain hopeful these may be resolved soon.

Kind regards,

[REDACTED]

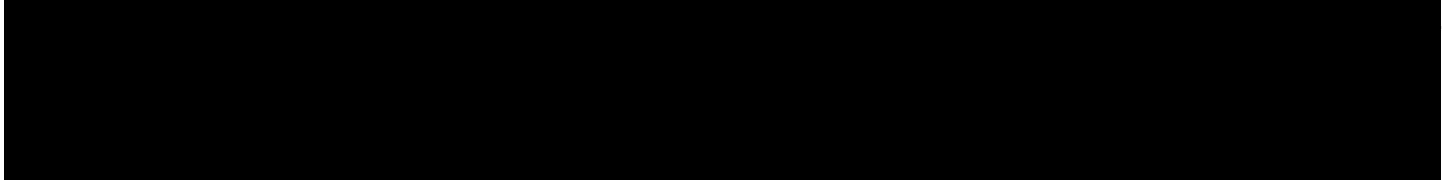
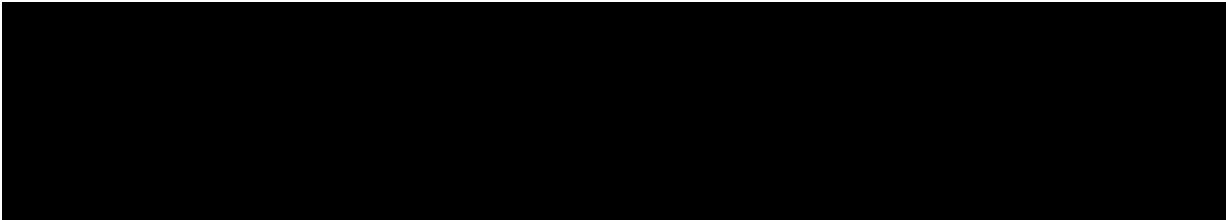
[REDACTED]

[REDACTED]

Subject: 260714 EMG2 - PRTM 2023 mezzanine sensitivity test VISSIM note - NH agreement

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]



ANNEX 5A
RESPONSE TO Q5.0.2
AIR QUALITY NOTE

TECHNICAL NOTE: ExQ3 Q5.0.2 (Air quality standing advice)**Segro****EMG2****24.07.26****1.0 EAST MIDLANDS GATEWAY PHASE 2 (EMG2) DCO EXAMINATION****Draft Applicants' Response to ExQ3 – Deadline 6 (28 July 2026)****Q5.0.2 – Air quality standing advice**

ExQ3 question: In relation to the applicants' response to Q5.0.3 of ExQ2 [REP4-016], please can they provide further details that demonstrate compliance with the air quality standing advice, setting out how the requirements within each step of the standing advice have been followed. Furthermore, please can the applicants explain how the ES demonstrates compliance with paragraphs 5.61, 5.62 and 5.63 of the NNNPS and associated statutory duties – including whether air quality impacts would have an adverse effect on SSSIs or irreplaceable habitats, whether relevant exceptions apply, and whether statutory duties would be complied with?

Response

- 1.1 This response supplements the applicants' answer to Q5.0.3 of ExQ2 [REP4-016] and should be read alongside ES Chapter 4 Consideration of Alternatives (Document DCO 6.4), ES Chapter 5 Socio-Economic (Document DCO 6.5), ES Chapter 8: Air Quality (Document DCO 6.8), ES Chapter 9: Ecology and Biodiversity (Document DCO 6.9), and Appendix 8H: Ecological Site Assessment (Document DCO 6.8H). It addresses (A) compliance with each step of Natural England's Standard Advice for Air Quality Impacts in NSIPs, and (B) compliance with NNNPS paragraphs 5.61–5.63 and associated statutory duties.

A. Compliance with the Standard Advice (step-by-step)

- 1.2 The Standard Advice sets out a six-step sequential approach to assessing air quality impacts on protected sites. Table 1 below sets out how each step has been addressed in the ES for the three SSSIs identified within the zone of influence of Project-related traffic; Lount Meadows SSSI, Oakley Wood SSSI, and Breedon Cloud Wood and Quarry SSSI. No Habitats Site was identified as being affected by air quality pathways (see Step 6).

Step	Requirement of the Standard Advice	How the requirement has been followed
1 – Distance criteria (initial screening)	Check whether significant emissions from the affected road network could credibly reach a protected site.	The affected road network was screened against all statutory nature conservation sites within 200m, in line with the DMRB guidance (LA 105) and IAQM (2020) guidance, using Magic Map and consultation with Natural England on

Step	Requirement of the Standard Advice	How the requirement has been followed
		relevant Impact Risk Zones (IRZs). Of the sites within reach, three SSSIs were identified as being within proximity to links on the affected road network experiencing changes of >1,000 AADT and/or >200 HDV/day: Lount Meadows SSSI, Oakley Wood SSSI, and Breedon Cloud Wood and Quarry SSSI (ES Chapter 9, Document DCO 6.9). These three sites were scoped in for further assessment; all other statutory sites were screened out at Step 1 as being beyond the zone of influence.
2 – Sensitivity of qualifying features	Check whether the qualifying/notified features (or their supporting habitat) are sensitive to air quality impacts, using APIS site-relevant critical loads/levels.	Site-specific critical levels and loads for NO _x , NH ₃ , acid deposition and nutrient nitrogen deposition were obtained from APIS for each of the three scoped-in SSSIs and cross-checked against their notified features (ES Chapter 8, Table 8.7). Where APIS held no data for a specific receptor (e.g. Tonge Gorse Ancient Semi-Natural Woodland and Ancient/Veteran Trees), the project ecologist supplied critical loads for the nearest comparable habitat type. This confirmed the notified interest features of all three SSSIs (lowland neutral grassland at Lount Meadows; lowland mixed deciduous woodland at Oakley Wood and Breedon Cloud Wood) are sensitive to nitrogen-related air pollutants, so each was carried forward to Step 3.
3 – Detailed air quality modelling	Undertake detailed dispersion modelling (e.g. ADMS) using recognised scenarios (baseline, construction year, operational year(s), do-something/do-nothing) and, unless robust site-specific evidence exists, the lower end of the critical load range.	Detailed dispersion modelling was carried out using ADMS-Roads, verified against 2023 local monitoring data in accordance with Defra's Technical Guidance (TG22) (ES Chapter 8, paras 8.2.108–8.2.111). Modelling covered baseline, construction and operational (2028) scenarios, with and without the Project, using traffic data from the East Midlands Freeport Model (EMFM 2019). Transects perpendicular to affected

Step	Requirement of the Standard Advice	How the requirement has been followed
		roads were modelled out to 200m at each of the three SSSIs and other ecological receptors, with results reported in Appendix 8H (Document DCO 6.8H). Worst-case (lower end) critical levels/loads were used throughout, as recommended by the Standard Advice.
4a – Screening threshold alone	Compare the Process Contribution (PC) against the 1% screening threshold of the relevant critical level/load, using annual averages.	The Process Contribution of the Project alone was compared against the 1% threshold for each pollutant and each SSSI. Exceedances of 1% PC alone were identified at each of the three sites (e.g. NO _x to c.100–110m and nitrogen deposition to c.50–60m at Lount Meadows; NH ₃ to c.30m and nitrogen deposition to c.90–100m at Oakley Wood; acid deposition to c.30–40m at Breedon Cloud Wood and Quarry) (ES Chapter 9; Appendix 8H). As the 1% threshold was exceeded alone at each site, the assessment proceeded to Step 4b/5 rather than being screened out.
4b – Screening threshold in-combination	Where the alone threshold is exceeded, consider other reasonably foreseeable plans/projects in combination, or apply JNCC decision-making thresholds/OCC methodology where robustly justified.	The traffic modelling scenarios used to derive the Process Contributions are set out in Paragraph 8.2.55 and Paragraph 8.2.63 of ES Chapter 8: Air Quality, which also sets out the rationale behind the in combination effects assessed. These scenarios are considered justified and in line with the ES works and the associated quantification of impacts.
5 – Detailed assessment of ecological impacts	Consider the ecological (not purely numerical) implications for the interest features, sufficient for the decision maker to determine whether there would be an adverse effect on an SSSI.	For each of the three SSSIs, Chapter 9 (Document DCO 6.9) considered the location of the sensitive features relative to the pollution footprint, existing condition (including non-air-quality pressures such as undergrazing at Lount Meadows and ash dieback/acute oak decline at Oakley Wood), the buffering effect of established woodland/hedgerow belts, and the reversibility of the predicted change as

Step	Requirement of the Standard Advice	How the requirement has been followed
		the vehicle fleet decarbonises. On this basis: Lount Meadows SSSI and Oakley Wood SSSI were each assessed as Moderate–Minor Adverse (Reversible), and Breedon Cloud Wood and Quarry SSSI as Negligible. None of these effects were judged significant in EIA terms (ES Chapter 9, Tables 9.17 and 9.33). As none of the three sites is a Habitats Site, Step 6 (Appropriate Assessment) does not apply; the Step 5 conclusion is the applicants' evidence to the decision maker on whether there would be an adverse effect on each SSSI.
6 – Appropriate Assessment (Habitats Sites)	Where Habitats Sites are affected, the competent authority undertakes an Appropriate Assessment to conclude on adverse effect on integrity (AEOI).	Not applicable to air quality. No Habitats Site (SAC/SPA/Ramsar) was identified as being within the zone of influence of Project-related traffic; the River Mease SAC was scoped in for other pathways and assessed as Negligible (ES Chapter 9, Table 9.17). The HRA process addresses AEOI separately from this air quality standing advice response.

B. Compliance with NNNPS paragraphs 5.61–5.63 and statutory duties

- 1.3 Table 2 sets out the applicants' position on how the ES demonstrates compliance with paragraphs 5.61 (SSSIs), 5.62–5.63 (irreplaceable habitats) and the associated statutory duty under section 28G of the Wildlife and Countryside Act 1981.

NNNPS paragraph	Test	Applicants' position
5.61 (SSSIs)	Development consent should not normally be granted where a proposal is likely to have an adverse effect on an SSSI, unless benefits clearly outweigh the impact on the site's special interest and any broader impacts on the national SSSI network.	The ES (Chapter 9) identifies a Moderate–Minor Adverse (Reversible) air quality effect on Lount Meadows SSSI and Oakley Wood SSSI, and a Negligible effect on Breedon Cloud Wood and Quarry SSSI. The applicants recognise that the policy test in paragraph 5.61 ("adverse effect") is a lower bar than "significant effect" for EIA purposes, and so do not rely solely on the EIA "not significant" conclusion to answer this question. Taken on its own terms, the

NNNPS paragraph	Test	Applicants' position
		assessed change at Lount Meadows and Oakley Wood is low magnitude, spatially limited (c.6–9% of SSSI extent), substantially buffered by existing woodland/tree belts, and reversible as the vehicle fleet transitions to cleaner technologies; it is not considered to amount to an adverse effect on the special interest features that would engage the paragraph 5.61 presumption against consent. Were the Secretary of State nonetheless to find an adverse effect, the applicants' position is that the substantial benefits of the EMG2 Project (economic, employment and freight/logistics benefits set out in the Planning Statement [REP4-016] and elsewhere in the application) clearly outweigh the limited, reversible impact on these two features and on the wider national network of SSSIs, none of which are lost.
5.62 / 5.63 (Irreplaceable habitats)	Consent should not be granted for development resulting in the loss or deterioration of irreplaceable habitats (ancient woodland, ancient and veteran trees) save in wholly exceptional circumstances with a suitable compensation strategy.	Tonge Gorse Ancient & Semi-Natural Woodland and March Covert Ancient Woodland were expressly scoped in the ES as "offsite ancient woodland" for air quality purposes; they are assessed as Minor Adverse (Reversible) and Negligible respectively (ES Chapter 9, Table 9.33). Oakley Wood SSSI and Breedon Cloud Wood and Quarry SSSI are also ancient woodland in their own right (both are recorded/described as ancient semi-natural woodland). The assessed operational effects at all four sites (and at the veteran tree resource) are low-magnitude changes in nutrient/acidity exposure; Negligible at Breedon Cloud Wood and Quarry and March Covert, Minor/Moderate-Minor Adverse (Reversible) at Oakley Wood and Tonge Gorse, rather than any physical loss, felling, or direct structural deterioration of the woodland. Given that background nitrogen deposition and ammonia concentrations at these receptors are already elevated relative to woodland critical loads/levels, and have likely been so for a sustained period (by virtue of their location close to or adjacent to the SRN), it is considered unlikely that nitrogen-sensitive

NNNPS paragraph	Test	Applicants' position
		species (e.g. lichen and bryophyte assemblages), which require sustained low-nitrogen conditions to establish and persist are likely to be present in any notable capacity. On this basis the applicants' position is that none of the four ancient woodlands experiences any significant "loss or deterioration" in the sense engaged by paragraph 5.63, and the wholly-exceptional-circumstances/compensation test is therefore not triggered by the air quality pathway at any of them. No irreplaceable habitat is proposed for direct loss as a result of the air quality effects addressed in this response (direct/physical effects on trees and woodland, where relevant, are addressed separately in Chapter 9 and the Arboricultural Impact Assessment, Appendix 10C).
Associated statutory duties	Section 28G, Wildlife and Countryside Act 1981 (public body duty, in exercising functions, to take reasonable steps to further the conservation and enhancement of SSSI notified features).	The applicants consider the section 28G duty is met through: (i) the Step 1–5 assessment process itself, which ensures the decision maker has the ecological evidence needed to take a properly informed view; (ii) embedded design mitigation, including retained woodland/hedgerow buffers between the highway network and each SSSI; (iii) construction-phase dust and emissions controls secured via the CEMP/P-CEMP under draft DCO Requirement 11 (Appendix 3A, Document DCO 6.3A); and (iv) the reversible nature of the residual operational effects as vehicle emissions reduce over the lifetime of the Project. Taken together, these measures represent reasonable steps, consistent with the proper exercise of the Secretary of State's functions, to further the conservation of the notified features at Lount Meadows and Oakley Wood SSIs.

Summary

- 1.4 The Standard Advice's sequential six-step approach has been followed for all three SSSIs within the zone of influence of Project traffic; no Habitats Sites are affected by the air quality pathway, so Step 6 (Appropriate Assessment) is not engaged.
- 1.5 The ES assesses residual operational effects on Lount Meadows SSSI and Oakley Wood SSSI as Moderate–Minor Adverse (Reversible), and on Breedon Cloud Wood and Quarry SSSI as Negligible; none is assessed as significant in EIA terms.
- 1.6 The applicants' position is that while these effects may amount to a hypothetical "adverse effect", retarding the potential re-establishment of any species lost as a result of the already sustained elevated background nitrogen deposition and ammonia concentrations at these receptors, thus engaging the paragraph 5.61 presumption against consent, the benefits of the Project clearly outweigh the very limited, reversible impact identified.
- 1.7 No loss or deterioration of an irreplaceable habitat arises from the air quality pathway at any of the four ancient woodlands (Tonge Gorse, March Covert, Oakley Wood, Breedon Cloud Wood and Quarry), so the paragraph 5.63 exceptional-circumstances/compensation test is not engaged by air quality effects.
- 1.8 Embedded mitigation (retained buffer woodland/hedgerows), construction controls secured through the CEMP/P-CEMP (draft DCO Requirement 11), the sustainable transport plan and the reversible nature of residual effects together demonstrate reasonable steps consistent with the section 28G WCA 1981 duty.

FPCR Environment and Design Ltd

Registered Office: Lockington Hall, Lockington, Derby DE74 2RH

Company No. 07128076. [T] 01509 672772 [E] mail@fpcr.co.uk [W] www.fpcr.co.uk

This report is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the written consent of FPCR Environment and Design Ltd. Ordnance Survey material is used with permission of The Controller of HMSO, Crown copyright 100019980.

ANNEX 7A
RESPONSE TO Q7.0.1
THIRD PARTY INTERESTS

Plot	Description	Needed for	Category 3 Interests (Name of owner and description of right) ¹		Effect on the DCO Scheme
2/25	3,633 square metres, or thereabouts, of public footpaths (L57 and L78) situated to the east of Castle Donington Community College, Castle Donington	Works No. 19 (footpath L57 works)	East Midlands International Airport Limited	1. Restrictive covenant not at any time to use the property to be used for any use other than for agricultural purposes as contained in a Transfer dated 31 March 2017 for the benefit of neighbouring land 2. Rights relating to service media and maintenance of boundary structures as contained in a Transfer dated 31 March 2017 for the benefit of neighbouring land	The proposals for footpath L57 for which the plot is required have been under discussion for many years. SEGRO has during that time discussed the matter with East Midlands International Airport Limited who have indicated support for the works. Notwithstanding this, the DCO Applicant proposes to rely on article 25 of dDCO [REP5-008D] to override the interests and the interests will consequently not have any impact on delivery of the DCO Scheme. Given the limited nature of the works, it is not anticipated however that the works will interfere with the rights.
			National Grid Electricity Distribution (East Midlands) plc	1. Restrictive covenants not to do or permit any exercise which may interfere or damage the underground electric lines as contained in a Deed of Grant dated 20 February 2017 2. Right of way at all times with or without vehicles and to park vehicles on the accessway and rights to lay retain maintain and use underground electric lines and rights of lateral support and protection as contained in a Deed of Grant dated 20 February 201	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			Unknown	Restrictive covenants as may have been imposed thereon before 5 February 1957 and are still subsisting and capable of being enforced	The beneficiary is unknown. If the beneficiary comes forward, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest. The interest will consequently not have any impact on delivery of the DCO Scheme.
3/2	36,322 square metres, or thereabouts, of agricultural land situated to the east of rail freight interchange, Castle Donington	Works No. 9 (link road from M1 northbound to A50 westbound)	BCAP 7 Limited	Restrictive covenants not to obstruct or hinder in any way the exercise of the rights granted as contained in a Transfer dated 28 February 2019 for the benefit of title number LT510345	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			British Telecommunications Plc	1. Restrictive covenants to not make telegraphs difficult to access as contained in an Agreement dated 7 November 1963 2. Rights of access with or without vehicles and rights relating to laying and maintaining telegraph lines and apparatus as contained in an Agreement dated 7 November 1963	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			Cadent Gas Limited	1. Restrictive covenants to make no material alteration to any land nearer than six feet in any direction of a service area for a gas main and that no tree, large shrub, building, wall, or other structure of any kind shall be constructed or placed on or over the service area as contained in a Deed of Grant dated 15 February 1954 and varied by a Deed dated 4 October 1965, a Deed of Release and Grant dated 23 January 1984 and a Deed of Release and Grant dated 18 March 1987 2. Rights relating to a gas main as contained in a Deed of Grant dated 15 February 1954 and varied by a Deed dated 4 October 1965, a Deed of Release and Grant dated 23 January 1984 and a Deed of Release and Grant dated 18 March 1987	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			Charles Henry Curzon Coaker	Unilateral notice in respect of manorial and other reserved rights and emoluments	The Applicants confirm that the notice / rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.

¹ Note that interests held by the Applicants are not listed.

Plot	Description	Needed for	Category 3 Interests (Name of owner and description of right) ¹		Effect on the DCO Scheme
			DHL Supply Chain Limited	1. Rights relating to a lease of unit 12 Wilders way as contained in a Lease dated 24 February 2022 2. Right of way with or without vehicles to pass and repass along estate roads and rights relating to the uninterrupted passage of service media as contained in a Lease dated 14 December 2021 for the benefit of adjoining land	DHL Supply Chain is a tenant at EMG1. The Applicants confirm that the rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			Games Workshop Limited	Right of support, right to use common parts, right to be named on estate signboards, and rights relating to service media and drainage as contained in a Lease dated 31 July 2020 for the benefit of title number LT541622	Game Workshop is a tenant at EMG1. The Applicants confirm that the rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			Maritime Group Limited	1. Unilateral notice in respect of a contract to lease dated 23 January 2019 2. Unilateral notice in respect of a contract for the grant of a pre-emption agreement granted by a contract dated 23 January 2019	Maritime operate the SRFI at EMG1. The Applicants confirm that the interests protected by the notices do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			National Grid Electricity Distribution (East Midlands) plc	1. Unknown rights as contained in a Deed of Grant dated 28 February 2000 2. Rights relating to laying and maintaining electric lines and works as contained in a Wayleave Consent dated 19 November 1985	The Applicants confirm that the rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. The protective provisions in favour of National Grid Electricity Distribution (East Midlands) plc further apply to protect their interests.
			National Highways Limited	Rights to enter onto the Easement Land to carry out Appurtenant Rights as contained in a Transfer dated 8 May 2013	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			Severn Trent Water	Rights of access over farm road as contained in a Deed dated 29 August 2006	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			Tarmac Aggregates Limited	Rights relating to a lease as contained in a Lease dated 24 February 2009	The Applicants confirm that the rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			UK Power Distribution Limited	1. Right of way with or without vehicles and workmen to pass and repass for all purposes relating to an electricity substation, rights to lateral support and rights to and lay, maintain, adjust repair or renew cables and lines as contained in a Lease dated 28 April 2021 for the benefit of adjoining land 2. Right of entry appurtenant to maintenance and right of support as contained in a Lease dated 21 June 2022 for the benefit of title number LT538903 3. Restrictive covenant not to interfere with underground electric lines as contained in a Lease dated 21 June 2022 for the benefit of title number LT538903 4. Right of entry appurtenant to maintenance and right of support as contained in a Lease dated 6 July 2022 for the benefit of title number LT538903 5. Right of way and right to temporarily park vehicles as contained in a Lease dated 6 July 2022 for the benefit of title number LT538903 6. Restrictive covenant not to interfere with underground electric lines as contained in a Lease dated 6 July 2022 for the benefit of title number LT538903	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. The protective provisions in favour of UK Power Distribution further apply to protect their interests.

Plot	Description	Needed for	Category 3 Interests (Name of owner and description of right) ¹		Effect on the DCO Scheme
				7. Right of entry appurtenant to maintenance and right of support as contained in a Lease dated 27 September 2022 for the benefit of title number LT541180 8. Right of way and right to temporarily park vehicles as contained in a Lease dated 27 September 2022 for the benefit of title number LT541180 9. Restrictive covenant not to interfere with underground electric lines as contained in a Lease dated 27 September 2022 for the benefit of title number LT541180 10. Right of entry appurtenant to maintenance and right of support as contained in a Lease dated 24 March 2023 for the benefit of title number LT545534 11. Restrictive covenant not to interfere with underground electric lines as contained in a Lease dated 24 March 2023 for the benefit of title number LT545534	
			Unknown	Rights of drainage, support, light and other easements as contained in a Conveyance dated 28 May 1977 for the benefit of unknown land	The details of the beneficiary are unknown. The Applicants believe that these rights would have bene extinguished pursuant to the EMG1 DCO. However, even if they were not, then given the nature of the proposed works, the DCO Applicant does not consider that the rights will interfere with or impact on delivery of the works. If they do, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	Rights to enter as contained in a Transfer dated 24 March 2014	The details of the beneficiary are unknown. The Applicants believe that these rights would have bene extinguished pursuant to the EMG1 DCO. However, even if they were not, given the nature of the proposed works, the DCO Applicant does not consider that the right to enter will be interfered with. Nor will it impact on delivery of the works. If they do, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	Restriction against disposition of the freehold estate [information pertaining to the beneficiary not available due to outstanding Land Registry order]	The details of the beneficiary and the interest are unknown. The Applicants believe that these rights would have bene extinguished pursuant to the EMG1 DCO. However, even if they were not, given the nature of the proposed works, the DCO Applicant does not consider that the rights will interfere with or impact on delivery of the works. If they do, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	Unknown rights as contained in a Deed dated 5 October 2022 for the benefit of unknown land [information pertaining to the beneficiary and nature of interest not available due to outstanding Land Registry order]	The details of the beneficiary are unknown. Given the nature of the proposed works, the DCO Applicant does not consider that the rights will interfere with or impact on delivery of the works. If they do, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
3/4	10,568 square metres, or thereabouts, of grassland situated to the south of Hilton East Midlands	Works No. 9 (link road from M1 northbound to A50 westbound)	BCAP 7 Limited	As detailed in plot 3/2.	See response to plot 3/2.
			British Telecommunications plc	As detailed in plot 3/2.	See response to plot 3/2.
			Cadent Gas Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Charles Henry Curzon Coaker	As detailed in plot 3/2.	See response to plot 3/2.
			DHL Supply Chain Limited	As detailed in plot 3/2.	See response to plot 3/2.

Plot	Description	Needed for	Category 3 Interests (Name of owner and description of right) ¹		Effect on the DCO Scheme
	Airport, Castle Donington		Games Workshop Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Maritime Group Limited	As detailed in plot 3/2.	See response to plot 3/2.
			National Grid Electricity Distribution (East Midlands) plc	As detailed in plot 3/2.	See response to plot 3/2.
			National Highways Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Severn Trent Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Tarmac Aggregates Limited	As detailed in plot 3/2.	See response to plot 3/2.
			UK Power Distribution Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
3/5	2,985 square metres, or thereabouts, of scrubland situated to the south of Hilton East Midlands Airport, Castle Donington	Works No. 9 (link road from M1 northbound to A50 westbound)	Cadent Gas Limited	1. Restrictive covenants relating to gas apparatus as contained in a Deed of Grant dated 15 February 1954 and varied by a Deed of Release and Grant dated 18 March 1987 2. Rights relating to gas apparatus as contained in a Deed of Grant dated 15 February 1954 and varied by a Deed of Release and Grant dated 18 March 1987	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. The protective provisions in favour of Cadent Gas further apply to protect their interests.
			Charles Henry Curzon Coaker	As detailed in plot 3/2.	See response to plot 3/2.
			Ian Leslie Greer	1. Restrictive covenants as contained in a Transfer dated 8 November 2019 2. Rights to free passage of service media and relating to entry as contained in a Transfer dated 8 November 2019 3. Rights relating to entry as contained in a Transfer dated 8 May 2013	The Applicants consider it likely that the 2013 rights were extinguished by the EMG1 DCO. In any event, the Applicants confirm that the rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. However, if they did, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Janet Lilian Greer	As above.	As above.
			Maritime Group Limited	1. Unknown rights as contained in a Lease dated 21 November 2019 for the benefit of title number LT554284 [information pertaining to the beneficiary and nature of interest not available due to outstanding Land Registry order] 2. Unknown rights as contained in a Lease dated 23 February 2024 for the benefit of title number LT553430 [information pertaining to the nature of interest not available due to outstanding Land Registry order]	See response to plot 3/2.
			National Grid Electricity Distribution (East Midlands) plc	1. Rights relating to the placing laying erecting using maintaining repairing altering and replacing of electric line and works as contained in a Wayleave Consent dated 19 November 1985 2. Rights relating to the placing laying erecting using maintaining repairing altering and replacing of electric line and works as contained in a Wayleave Consent dated 19 November 1990	See response to plot 3/2.
			Unknown	Rights relating to the placing of telegraphs and cables as contained in an Agreement dated 7 November 1963 for the benefit of unknown land	The Applicants consider it likely that these rights were extinguished by the EMG1 DCO. But in any event the Applicants confirm that the covenants and rights do not

Plot	Description	Needed for	Category 3 Interests (Name of owner and description of right) ¹		Effect on the DCO Scheme
					impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. However, if they did, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	Rights relating to the placing of telegraphs and cables as contained in an Agreement dated 7 November 1963 for the benefit of unknown land	The Applicants consider it likely that these rights were extinguished by the EMG1 DCO. But in any event the Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. However, if they did, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	Right of access and egress as contained in a Transfer dated 13 December 2016 for the benefit of adjoining land	The Applicants consider it likely that these rights were extinguished by the EMG1 DCO. But in any event the Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. However, if they did, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	Right to free passage and running of foul and storm water sewers and drains as contained in a Transfer dated 13 December 2016 for the benefit of adjoining land	The Applicants consider it likely that these rights were extinguished by the EMG1 DCO. But in any event the Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. However, if they did, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	The right (subject to the requirements and rights of any true owner) to all ancient monument relics, archaeological finds which are or may be found on the property as contained in a Transfer dated 13 December 2016 for the benefit of adjoining land	The Applicants consider it likely that these rights were extinguished by the EMG1 DCO. But in any event the Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
			Unknown	Right to execute works, notwithstanding any interference with the access of light or air and without compensation for any such interference. as contained in a Transfer dated 13 December 2016 for the benefit of adjoining land	The Applicants consider it likely that these rights were extinguished by the EMG1 DCO. But in any event the Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. However, if they did, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	Restrictive covenants not to carry out development of the property in such a manner as to prevent or hinder the future development of the retained land and not to work any part of the land for the extraction of sand or gravel as contained in a Transfer dated 13 December 2016 for the benefit of adjoining land	The Applicants consider it likely that these rights were extinguished by the EMG1 DCO. But in any event the Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. However, if they did, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	Rights relating to access and entry as contained in a Transfer dated 24 March 2014	The Applicants consider it likely that these rights were extinguished by the EMG1 DCO. But in any event the

Plot	Description	Needed for	Category 3 Interests (Name of owner and description of right) ¹		Effect on the DCO Scheme
					Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same. However, if they did, then the DCO Applicant would be entitled to rely on article 25 of dDCO [REP5-008D] to override the interest.
			Unknown	No disposition of the registered estate is to be registered without a signed certificate as contained in a Transfer dated 5 October 2022	The Applicants confirm that the covenants and rights do not impact on the delivery of the proposed works. There is therefore no need to acquire, extinguish or override the same.
3/6	8,324 square metres, or thereabouts, of scrubland situated to the south of Hilton East Midlands Airport, Castle Donington	Works No. 9 (link road from M1 northbound to A50 westbound)	Cadent Gas Limited	As detailed in plot 3/5.	See response to plot 3/5.
			Charles Henry Curzon Coaker	As detailed in plot 3/5.	See response to plot 3/5.
			Ian Leslie Greer	As detailed in plot 3/5.	See response to plot 3/5.
			Janet Lilian Greer	As detailed in plot 3/5.	See response to plot 3/5.
			Maritime Group Limited	As detailed in plot 3/5.	See response to plot 3/5.
			National Grid Electricity Distribution (East Midlands) plc	As detailed in plot 3/5.	See response to plot 3/5.
			Unknown	As detailed in plot 3/5.	See response to plot 3/5.
			Unknown	As detailed in plot 3/5.	See response to plot 3/5.
			Unknown	As detailed in plot 3/5.	See response to plot 3/5.
			Unknown	As detailed in plot 3/5.	See response to plot 3/5.
			Unknown	As detailed in plot 3/5.	See response to plot 3/5.
			Unknown	As detailed in plot 3/5.	See response to plot 3/5.
			Unknown	As detailed in plot 3/5.	See response to plot 3/5.
			Unknown	As detailed in plot 3/5.	See response to plot 3/5.
3/7	316 square metres, or thereabouts, of scrubland situated to the north west of Hilton East Midlands Airport Hotel, Castle Donington	Works no. 10 (A50 westbound including construction of a new merge)	BCAP 7 Limited	As detailed in plot 3/2.	See response to plot 3/2.
			British Telecommunication plc	As detailed in plot 3/2.	See response to plot 3/2.
			Cadent Gas Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Charles Henry Curzon Coaker	As detailed in plot 3/2.	See response to plot 3/2.
			DHL Supply Chain Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Games Workshop Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Maritime Group Limited	As detailed in plot 3/2.	See response to plot 3/2.
			National Grid Electricity Distribution (East Midlands) plc	As detailed in plot 3/2.	See response to plot 3/2.
			National Highways Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Severn Trent Water Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Tarmac Aggregates Limited	As detailed in plot 3/2.	See response to plot 3/2.
			UK Power Distribution Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
3/9	905 square metres, or thereabouts, of grassland and	Works No. 20 (extension to substation)	BCAP 7 Limited	As detailed in plot 3/2.	See response to plot 3/2.
			British Telecommunications Plc	As detailed in plot 3/2.	See response to plot 3/2.

Plot	Description	Needed for	Category 3 Interests (Name of owner and description of right) ¹		Effect on the DCO Scheme
	accessway situated to the south of King Street Plantation and adjacent to electricity substation, Castle Donington		Cadent Gas Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Charles Henry Curzon Coaker	As detailed in plot 3/2.	See response to plot 3/2.
			DHL Supply Chain Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Games Workshop Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Maritime Group Limited	As detailed in plot 3/2.	See response to plot 3/2.
			National Grid Electricity Distribution (East Midlands) plc	As detailed in plot 3/2.	See response to plot 3/2.
			National Highways Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Severn Trent Limited	As detailed in plot 3/2.	See response to plot 3/2.
			Tarmac Aggregates Limited	As detailed in plot 3/2.	See response to plot 3/2.
			UK Power Distribution Limited	1. Right of way with or without vehicles and workmen to pass and repass for all purposes relating to an electricity substation, rights to lateral support and rights to and lay, maintain, adjust repair or renew cables and lines as contained in a Lease dated 5 February 2020 for the benefit of adjoining land 2. Right of way with or without vehicles and workmen to pass and repass for all purposes relating to an electricity substation, rights to lateral support and rights to and lay, maintain, adjust repair or renew cables and lines as contained in a Lease dated 28 April 2021 for the benefit of adjoining land 3. Right of entry appurtenant to maintenance and right of support as contained in a Lease dated 21 June 2022 for the benefit of title number LT538903 4. Restrictive covenant not to interfere with underground electric lines as contained in a Lease dated 21 June 2022 for the benefit of title number LT538903 5. Right of entry appurtenant to maintenance and right of support as contained in a Lease dated 6 July 2022 for the benefit of title number LT538903 6. Right of way and right to temporarily park vehicles as contained in a Lease dated 6 July 2022 for the benefit of title number LT538903 7. Restrictive covenant not to interfere with underground electric lines as contained in a Lease dated 6 July 2022 for the benefit of title number LT538903 8. Right of entry appurtenant to maintenance and right of support as contained in a Lease dated 27 September 2022 for the benefit of title number LT541180 9. Right of way and right to temporarily park vehicles as contained in a Lease dated 27 September 2022 for the benefit of title number LT541180 10. Restrictive covenant not to interfere with underground electric lines as contained in a Lease dated 27 September 2022 for the benefit of title number LT541180 11. Right of entry appurtenant to maintenance and right of support as contained in a Lease dated 24 March 2023 for the benefit of title number LT545534	See response to plot 3/2. The Applicants further note that the adjoining land at plot 3/10 comprises the existing substation operated by UK Power Distribution Limited (UKPD). No relevant representation has been submitted by UKPD in respect of the DCO Application and discussions between the parties are well advanced between the Applicants and UKPD regarding the works to extend the substation into plot 3/9. UKPD is clearly content therefore that such works will not infringe on its private rights.

Plot	Description	Needed for	Category 3 Interests (Name of owner and description of right) ¹		Effect on the DCO Scheme
				12. Restrictive covenant not to interfere with underground electric lines as contained in a Lease dated 24 March 2023 for the benefit of title number LT545534	
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.
			Unknown	As detailed in plot 3/2.	See response to plot 3/2.

ANNEX 20A

RESPONSE TO Q20.0.2

TYPICAL CROSS-SECTION OF SHARED USE CYCLE TRACK

Response to Q20.0.2: Typical cross-section of shared use cycle track

