

Document DCO 7.20 / MCO 7.20

Applicants' Response to Deadline 5 Submissions

JULY 2026

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

**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 DEADLINE 5
SUBMISSIONS**

(DOCUMENT DCO 7.20 / MCO 7.20)

Version	Date	Status of Version
0	July 2026	Deadline 6

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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 (MCO) 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 response to the submissions made by interested parties submitted to the Examining Panel (ExP) at Deadline 5. This document is submitted at Deadline 6 of the Examination.

2 Applicants' Response

2.1 The Applicants' response is set out in the following appendices:

Interested Party	Appendix
Local and Highway Authorities	
Leicestershire County Council (LCC)	1
Landowners and persons with an interest in land	
Prologis UK Limited and Prologis UK 121 Limited (Prologis)	2
East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (EMA)	3
Local interest groups, members of the community and other interested parties	
Protect Diseworth	4
John Raymond Sutton (Mr Sutton)	5

2.2 Where a response refers to an annexure, this can be found at the end of this document. Annexures are numbered using letters (A, B, C, etc.).

2.3 Further, in the interests of efficiency, it should be noted that:

- (a) the Applicants have not sought to respond to every point made by every interested party at Deadline 5. Some of the points repeat earlier points or do not require a response;
- (b) where the same or similar points are raised in multiple instances, the Applicants do not repeat the same response; and
- (c) where the same point has been made in previous submissions, the Applicants refer to their previous responses, rather than repeating them again in this document.

APPENDIX 1

RESPONSE TO SUBMISSIONS MADE BY LCC

Submissions received at Deadline 5 [REP5-058D]		
No.	Matter	Applicants' Response
1.	Works Plans Sheet 1 Description of Works No. 15 (introduction of controlled pedestrian crossing on A453) amended – LCC welcome this amendment.	The Applicants note the response.
2.	Works Plans Sheet 2 Area of Works No. 14 reduced to reflect the reduced land take for the ATL and to minimise the impact on EMA assets – LCC have no comments to make on this amendment.	The Applicants note the response.
3.	Access and Rights of Way Plans Sheet 1 Amendment to status of eastern perimeter path and inclusion of public footpath status on the cycle tracks – LCC welcomes this amendment.	The Applicants note the response.
4.	Access and Rights of Way Plans Sheet 2 Minor amendment to reflect the revised alignment of the ATL and inclusion of public footpath status on the cycle tracks - LCC have no comments to make on this amendment.	The Applicants note the response.
5.	Components of the Proposed Development	The Applicants note the response.

	Description of Works No. 15 amended - LCC have no comments to make on this amendment.	
6.	Highway Plans General Arrangement Sheet 1 Amendment to reflect the introduction of a controlled pedestrian crossing on A453 – LCC welcome this amendment.	The Applicants note the response.
7.	Highway Plans General Arrangement Sheet 2 Amendment to reflect the revised alignment of the ATL - LCC have no comments to make on this amendment.	The Applicants note the response.
8.	Highway Plans Cross Sections Sheet 2 Amendment to reflect the revised alignment of the ATL - LCC have no comments to make on this amendment.	The Applicants note the response.
9.	Highway Plans Long Sections Sheet 3 Amendment to reflect the revised alignment of the ATL - LCC have no comments to make on this amendment.	The Applicants note the response.
10.	Community Park Plan Additional footpath added - see response to ExQ2 1.2.1 for further details – LCC have no comments to make on this amendment.	The Applicants note the response.
11.	Appendix 3A of the ES – CEMP Updated Construction Traffic Management Plan to address comments made by Leicestershire County Council at ISH3– LCC note an error in this revised document. Incorrect reference is made to the Pan Regional Transport Model being a Paramics model. This is not the case. LCC remains concerned with the associated proposed disapplication of section 141 of the Highways Act 1980 as set out in Schedule 14 of the	The Applicants confirm that the Construction Traffic Management Plan [REP4-018D] has been amended and resubmitted at Deadline 6. The Applicants note the response and refer to their response to Action Point 64 [REP4-035].

	dDCO and as documented in LCC's submissions at deadline 1 [REP1-087] and deadline 4 [REP4-060D] .	
12.	Appendix 6C of the ES - Framework Travel Plan The Applicants have clarified that the EMG2 Gateway Shuttle service will be free and available for use by residents of Diseworth – LCC welcomes this amendment. LCC awaits further revisions to this document to address concerns previously raised through LCC submissions to the examination including a mechanism for securing financial obligations	The Applicants have prepared a technical note for Leicestershire County Council (LCC) and National Highways which provides further detail on the mechanism for securing the Travel Plan Fund and Bus Fund through a Requirement within the draft Development Consent Order (dDCO). The proposed approach mirrors the mechanism successfully implemented at East Midlands Gateway Phase 1 (EMG1), where the Travel Plan and Bus Funds have been secured and administered effectively for the past seven years. The technical note was issued to LCC and National Highways on 25 June 2026. Following receipt of the technical note, National Highways confirmed by email on 26 June 2026 that it was content with both the additional information provided and the proposed approach to securing the funds. This represents a positive step forward in addressing matters previously raised by stakeholders. LCC reviewed the technical note and, on 6 July 2026, advised that, notwithstanding the additional information provided, it continues to have concerns regarding the proposed approach due to the absence of a development obligation. To better understand and address these concerns, the Applicants asked LCC on 7 July 2026 to provide further detail regarding the specific aspects of the DCO-based approach that remain of concern given that detail had been provided relating to securing, governance and administration

		of the funds. The Applicants are also in the process of arranging a meeting with LCC to discuss the same.
13.	Appendix 12H of the ES – Archaeological Mitigation Strategy LCC welcomes the submission of this document into the Examination and has no comments to make.	The Applicants note the response.
14.	Chapter 17 of the ES - Population and Human Health Other than track changes to the date and revision of this document, LCC is unable to identify any track changes within the main body of the Chapter.	The lack of tracked changes was in error, and a corrected tracked version has been submitted at Deadline 6. The Applicants confirm that the changes are the addition of paragraphs 17.2.2 and 17.2.3, which provide the requested signposting exercise which outlines how and where key components of the Health Impact Assessment (HIA) have been embedded within the chapter.
15.	Appendix 17C of the ES – Equality Statement The Equality Statement repeatedly concludes that “when considering these changes together, there would be no in-combination effect” across a number of receptors. However, LCC considers that these conclusions are not currently robustly evidenced. The identified equality effects are closely linked to changes in traffic flows and their associated impacts, particularly in relation to air quality and noise, as well as accessibility. As the final agreed transport modelling does not appear to have been incorporated into this assessment, it is not possible at this stage to confirm that in combination effects would remain neutral.	The Applicants confirm that the inclusion of the statement <i>“when considering these changes together, there would be no in-combination effect”</i> was to provide clarification that there are no in-combination effects. The evidence for this is already presented within the assessment table, which clearly references the magnitude of change at each receptor in respect of changes in air quality and noise, which is not material and would not interact to result in a significant effect. The Applicants confirm that these conclusions will be revisited should the sensitivity analysis relating to changes in transport modelling conclude that updates to the assessment are required.
	We also note that the tracked changes are largely confined to Section 1.3.1, Table 6 (operation phase receptor-led assessment), with limited or no corresponding updates within the construction phase or operation phase thematic assessments. This suggests the assessment has not yet been fully revisited in the round to reflect updated evidence.	The Applicants confirm that the tracked changes are limited to the receptor-led assessment in Table 6 which looks at changes in air quality and noise, for which there is a credible

		mechanism for these impacts to combine to increase the impact. For the thematic assessment (which covers potential generation of employment; feelings of personal safety and security; the presence of construction workforce in the local area; and impacts on open space/PRoWs and recreational areas), there is no credible mechanism by which the effects could combine to increase the impact. As such, an in-combination assessment for these themes is not required.
	In addition, and consistent with points raised at the Issue Specific Hearing, further consideration should be given to how Gypsy and Traveller communities are assessed across relevant impact pathways, to ensure potential differential effects are fully captured. In line with LCC's Written Representation and the position agreed by the Examining Authority at the Issue Specific	The Applicants note that the action point from Issue Specific Hearing 3 was <i>"To update Appendix 17C Equality Statement Table 6 [APP-183] and associated chapter of the environmental statement to include in-combination effects, including for reference number LCC1-LCC3"</i>. It has not been requested that LCC1-LCC3 are assessed in the context of any other health determinants. Table 12 of the EMG2 SoCG Technical Note (February 2026) considers the relationship between racial and ethnic minority groups (such as Gypsy and Traveller communities) in the context of all health determinants assessed and should be referred to in response to the request to ensure potential differential effects are fully captured.

APPENDIX 2

RESPONSE TO SUBMISSIONS MADE BY PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED (PROLOGIS)

Submissions received at Deadline 5 [REP5-061D] [REP5-063D] [REP5-064D] [REP5-065D]		
No.	Matter	Applicants' Response
1.	<i>SEGRO's Mischaracterisation of Prologis's position</i> At paragraph 3.4 of the SEGRO Response, SEGRO quotes a statement from paragraph 3.9 of the Joint Response that the issue Prologis has raised in respect of the Southern Land <i>"is not an EIA issue and is not therefore a matter that falls to be assessed and analysed through the lens of the EIA Regulations"</i>. As paragraph 3.4 of the SEGRO Response itself acknowledges, and as is abundantly clear from the Joint Response, the quoted words relate specifically to the future development of the Southern Land, and to that issue alone. They sit within section 3 of the Joint Response, which deals with the Southern Land under a separate heading. Prologis's position has always involved two distinct points, which the Joint Response keeps separate. In relation to the effects of the DCO project on the future development of the Northern Land pursuant to the Joint Application, Prologis and EMA welcomed the ExP's conclusions in the Rule 17 Letter, agreeing that these are likely significant effects of the project which require assessment in the Environmental Statement pursuant to regulation 14 of the EIA Regulations. That is an EIA issue. The Southern Land point addressed at paragraph 3.9, by contrast, is not. That distinction is apparent on the face of the Joint Response. Section 2 deals with the issues associated with the Joint Application and the	The Applicants note the criticism levelled by Prologis in respect of the correspondence submitted by the Applicants dated 22 June 2026 ([AS-006], the 'Applicants' Reply'). The Applicants' Reply was filed in response to the joint correspondence dated 16 June 2026 ([REP4-074D], the 'Joint Letter') from DLA Piper UK LLP and Pinsent Masons LLP (on behalf of Prologis and EMA) regarding the ExP's letter dated 2 June 2026 ([PD-021], the 'Rule 17 Letter'). The Applicants' reject the analysis advanced by Prologis. In circumstances where Prologis accepts that the implications of development/lack of development on the Southern Land <i>"is not an EIA issue"</i>, it is indeed wholly unclear how it could properly form part of a Regulation 20 request for further environmental information. Further, the position which Prologis adopts in relation to the Southern Land necessarily has implications for the position which it can reasonably advance in relation to the Joint Application scheme on the Northern Land, since a clear and obvious parallel can be drawn between the two. In circumstances where Prologis recognise that the one matter is not properly the subject of assessment in an EIA context, it necessarily follows that the

Northern Land; section 3 deals separately with the Southern Land, where the words quoted by SEGRO appear; and section 4 addresses regulation 20 of the EIA Regulations and is expressly concerned with the updates <i>"to the ES the ExP has now requested"</i> (emphasis added) in the Rule 17 Letter (paragraph 4.1). Those updates included additional information to deal with the Joint Application and the Northern Land. They did not, of course, include any additional information to deal with the future development of the Southern Land, for the reasons set out in the Rule 17 Request. Notwithstanding that clear distinction, under the heading <i>"Consequences of the Rule 17 Request"</i>, paragraph 5.2 of SEGRO's response argues that the Rule 17 request has <i>"disproportionate consequences"</i> on the basis that <i>"neither the Applicants, nor Prologis nor EMA consider that the potential impacts of the proposed development the Joint Application [sic] is an EIA issue or a matter that falls to be assessed and analysed through the lens of the EIA Regulations"</i> (emphasis added). In doing so, the SEGRO Response wrongly deploys what was said at paragraph 3.9 of the Joint Response – which concerned only the Southern Land – as if it had been directed at the assessment of the impacts of the Proposed Development on the Joint Application. The two points are, and have always been, distinct, and there is no proper justification for SEGRO seeking to conflate them in its submissions to the ExP. That is a plain and material mischaracterisation of Prologis's position, which we draw to the attention of the ExP now because, as explained below, the underlying issue to which it relates remains 'live'.	other is not either. Accordingly, and as stated in the Applicants' Reply, the position adopted by Prologis supports the Applicants' stance that the information requested in the Rule 17 letter is not directly relevant to reaching a reasoned conclusion on the likely significant effects of the development on the environment or necessary to satisfy the requirements of regulation 14(2) of the EIA Regulations. Certainly, the Applicants were justified in understanding the position of Prologis as such, notwithstanding that Prologis now seeks to resile from that position.
2. <i>Consequences of the Rule 17 request and subsequent correspondence under Regulation 20 of the EIA Regulations</i> The ExP's Response states that the request made for additional environmental information in the Rule 17 Letter is not to be regarded as a request for <i>"further information"</i> for the purposes of Regulation 20 of the EIA Regulations, on the basis that it <i>"relates to the analytical presentation</i>	In issuing the Rule 17 Letter, the ExP was clear that such correspondence, in addition to being written pursuant to Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010, was also written pursuant to Regulation 44 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

<i>and disaggregation of effects already assessed, and the structuring of evidence to support the ExP's statutory functions".</i> Prologis has considered that explanation carefully, by reference both to the two numbered updates to the Environmental Statement requested on page 6 of the Rule 17 letter and to what was said on its behalf in the Joint Response. Having undertaken that exercise, it is apparent that the explanation provided in the ExP Response addresses only the second of the numbered updates requested by the ExP in the Rule 17 request, namely: <i>"Disaggregate the effects relating to Part 1 of the dDCO (and its associated development) from those relating to Part 2 (and its associated development)".</i> The explanation does not engage with or address the first, and distinct, numbered update requested, namely: <i>"Amend the baseline to include the joint application and assess the "delivery scenario" and "non-delivery scenario" as set out above".</i> That first numbered update requested by the ExP to the Environmental Statement plainly does not concern the presentation of effects already assessed; it requires the assessment of likely significant effects which the Environmental Statement does not presently provide. That is reflected in, and consistent with, the ExP's subsequent Rule 17 request, made in a letter dated 19 June 2026 which built upon the earlier request in the Rule 17 Letter. The seventh numbered paragraph of that subsequent request required SEGRO to <i>"... review their case for compulsory acquisition in light of the updates to the ES and, particularly, consider any implications regarding their approach to the compelling case in the public interest test, updating their Statement of Reasons as appropriate. For example, the question of whether the non-delivery and delivery scenarios would change the public interest benefits or the balance of the compelling case in the public interest test is something that the applicants should explicitly address".</i> The need for a consequential reassessment of the case for compulsory acquisition reflects the fact that this will be new environmental information, previously unavailable and not therefore reflected in SEGRO's Statement of Reasons as currently drafted.	That position was reiterated by the ExP in its correspondence dated 19 June 2026, and once again in its correspondence dated 23 June 2026, when the ExP confirmed expressly that the Rule 17 letter was not a request for further information pursuant to Regulation 20 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). The ExP's letter of 23 June 2026 was written in response to the Applicants' own letter dated 22 June 2026, in which they addressed the issue of Regulation 20, and set out their view that no "further information" (within the definition of Regulation 3 of the EIA Regulations) was being sought. The Applicants agree with the ExP that its Rule 17 Letter, and more particularly the requests within it, relate to the analytical presentation and disaggregation of effects already assessed, and to the structuring of relevant evidence to facilitate the ExP's functions, and not the adequacy of the environmental statement for the purposes of Regulation 20. The Applicants have explained in their post-hearing submissions [REP4-034] why the alleged "displacement" or "sterilisation" of socio-economic benefits said to arise from the delivery or non-delivery scenarios do not constitute a likely significant effect on the environment.
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	The first numbered update is therefore the clearer example of "<i>further information</i>" within the meaning of the EIA Regulations, being both directly relevant to reaching a reasoned conclusion on the significant effects of the development on the environment and necessary for the Environmental Statement to satisfy the requirements of regulation 14(2) for the reasons summarised in section 4 of the Joint Response. The ExP Response rightly rejected SEGRO's invitation to amend its Rule 17 request. It follows that the requirement to update the Environmental Statement to assess the displacement and sterilisation effects associated with the development proposed in the Joint Application remains outstanding and is due to be provided at Deadline 5. For the reasons set out at paragraphs 4.1 to 4.5 of the Joint Response Prologis maintains its position that the first numbered update to the Environmental Statement is clearly "<i>further information</i>" as defined. Receiving this information (and any associated updates to the Statement of Reasons) only at Deadline 5 of the examination further aggravates the procedural disadvantages associated with SEGRO's failure to provide this material as part of the application. The process mandated by Regulation 20 of the EIA Regulations is designed to ensure that Interested Parties such as Prologis are not disadvantaged as a result of such late provision of environmental information of this sort, and are instead given a fair opportunity to examine and respond to the late submission of such material outside the time pressures associated with the examination timetable. Prologis therefore respectfully invites the ExP to review the position articulated in the ExP Response with those points in mind.	
3.	<i>Disaggregation of effects as between sections 104 and 105 of the PA 2008</i> As to the disaggregation of the effects of Part 1 (the section 104 NSIP works) and Part 2 (the section 105 non-NSIP works) of the dDCO, Prologis	Prologis suggests that the application of sections 104 and 105 <i>can</i> lead to divergent outcomes. As a matter of principle, that is correct. The decision on the Wheelabrator Kemslesy DCO (which the Applicants referred to in their post-hearing submissions [REP4-034]) is one such example. In that case,

	awaits the Applicant's analysis. Prologis does, however, take issue with the Applicant's contention that the planning balance, and the overall outcome, would be the same however sections 104 and 105 of the PA 2008 are applied (Applicants' Post-Hearing Submissions (DCO 7.14), Item 3.1, relying on EFW Group Ltd v Secretary of State [2021] EWHC 2697 (Admin) at [77] to the effect that the <i>"overall outcome would have been the same"</i>). There can be divergent outcomes: the section 104 NSIP works may be acceptable in their own right while the section 105 non-NSIP works are not. The benefit of the section 104 works cannot render the section 105 works acceptable; and if the section 105 works would not be acceptable but for the section 104 works, the question of alternatives is squarely engaged. The proper disaggregation of the assessment is necessary precisely so that these questions can be addressed lawfully, as the ExP has itself recognised. It is prudent also to note that the distinction between DCO s105 works and the highway works, and then the MCO works requires three disaggregated components. These points should all be shown separately in order to assist the decision-maker.	the Examining Authority recommended the grant of development consent for the NSIP element of the project (the K3 onshore generating station) but refusal of the non-NSIP project (the WNK energy to waste facility) on the basis that the need for the latter had not been established. However, on the facts of this case, the Applicants maintain that the outcome will inevitably be the same, whether determined under sections 104 or 105. Unlike in the Wheelabrator Kemsley DCO, where each project was advanced as entirely stand-alone facilities that were separate and distinct, here the highways NSIP works are necessary to mitigate the effects of the commercial and business development such that one will not come forward without the other. Need for the highways NSIP is established through the NNNPS. Need for the business and commercial development is established through the Industrial and Logistics Need Assessment [APP-223]. The highways NSIP is to be determined in accordance with the NNNPS which is an important and relevant consideration in determining the business and commercial development. The benefits of both aspects of the development substantially outweigh their adverse impacts and the planning balance falls decisively in favour of granting development consent for the Project as a whole.
4.	Section 35 Direction Prologis has set out its analysis of the Section 35 Direction, and of the consequences of the divergence between the development it describes and the development for which SEGRO seeks consent, at paragraphs 3.1 to 3.35 of its Deadline 4 Submission (16.06.26) and in its Responses to	There is no material divergence as between the DCO Scheme and the development which is the subject of the Section 35 Direction (DCO 6.1B), and the attempts by Prologis to draw a distinction between the two are without substance.

ExQ2 (response to Q1.0.5), and does not repeat that analysis here. The manner in which SEGRO has dealt with the Section 35 Direction in its Deadline 4 material does not answer Prologis's case and in important respects reinforces it. <i>SEGRO's changing position</i> SEGRO's position on the Section 35 Direction has shifted materially as the Examination has progressed, and the case it now advances is difficult to reconcile with the position it adopted at the outset. When the discrepancy between the development consented by the Section 35 Direction and the development proposed in the DCO Application was first raised by the ExP, SEGRO's case was that nothing turned on the "<i>substantial carbon neutral campus/headquarters including co-located head office functions</i>" that the Section 35 Direction describes. In its oral submissions at ISH1, SEGRO contended that the carbon neutral campus/headquarters was not "<i>integral</i>"¹ to the Section 35 Direction. In its response to Action Point 15, it went further, stating that it was "<i>not considered appropriate for the dDCO to secure the provision of a carbon neutral campus/headquarters for Maersk</i>". On that footing, SEGRO's position was that no carbon neutral campus/headquarter needed to be provided for, secured or delivered at all. As the ExP has rightly continued to press the point (through its action points and its written questions) and Prologis has provided detailed legal submissions on the issue, SEGRO has moved away from that position and now seeks to bring the DCO Application into conformity with the Section 35 Direction by relying upon a control in the form of a requirement. A first, purely contingent, requirement was proposed in SEGRO's response to Action Point 15. This was a "<i>Carbon neutral construction and operation</i>" requirement applying only "<i>if</i>" a campus/headquarters came forward, and requiring no more than measures to be taken "<i>with a view to achieving</i>" carbon neutral construction. Prologis has already explained	In its Deadline 5 Submissions, Prologis rehearses a partial (in the sense of incomplete) account of the exchanges between the ExP and the Applicants regarding the consistency of the DCO Scheme with the Section 35 Direction and seeks to characterise the Applicants' position as one wherein it has accepted the criticisms levelled at it by Prologis. Such submissions do not in fact go to the substance of the issue, which is that of whether the development as proposed is consistent with the Section 35 Direction. The Applicants maintain that the DCO Scheme has always been consistent with the Section 35 Direction (see further Item 5 below). However, at the same time the Applicants wish to provide comfort/assurance to the ExP regarding the concerns which it has expressed regarding any perceived inconsistency. It is on that basis that the Applicants have proposed that the DCO Scheme be subject to a requirement which would secure the particular facet of the development with which the ExP has expressed concern (namely the provision of a 'carbon neutral campus', as referred to in the Section 35 Direction). The Applicants have provided proposed wording for a suitable requirement in the draft DCO. That wording/mechanism is appropriate and sufficient to secure that the DCO Scheme deliver the component identified in the Section 35 Direction. The question which the ExP (and Secretary of State) need pose is simply that of whether the DCO Scheme, subject to that requirement (or indeed a revised form of that requirement satisfactory to the ExP/Secretary of State), falls within the terms of the Section 35 Direction. It is respectfully
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¹ As per Counsel for SEGRO's comments at 1:17:20 of ISH 1 Event Transcript Part 2

	why that requirement does not cure the difficulty at paragraphs 2.21 to 2.33 of its Deadline 2 Submission and at paragraphs 16 to 17 of its Written Summary of Oral Submissions at ISH3. At the May Hearings, SEGRO indicated that it no longer suggested that requirement ought to be imposed and would instead bring forward a different and more onerous version. This is still awaited and will apparently be submitted at Deadline 5, but in its response to Action Point 30 SEGRO has explained that the further revised requirement would seek to secure that 10% of the DCO Scheme is delivered as a carbon neutral campus. In its Deadline 4 response to Prologis's submissions (Applicant's Response to Deadline 2 and 3 Submissions. Appendix 6, pages 83 to 84), SEGRO now states in terms that the submission that the application fails to comply with the section 35 direction is denied <i>"on the basis that delivery of the campus will be secured by [the as yet unseen] Requirement 32"</i> (emphasis added). SEGRO's change of position is itself telling. By offering a requirement to secure a carbon neutral campus at all SEGRO necessarily accepts what it had earlier denied – that the campus/headquarters is a component of the project which the Section 35 Direction requires, and which the dDCO must secure. That is difficult to reconcile with SEGRO's original position that nothing of substance turned on the campus/headquarters element at all.	submitted by the Applicants that this is manifestly the case.
5.	<i>SEGRO's changing emphasis</i> Faced with that difficulty, SEGRO argues that the bare fact that the Secretary of State found the project as described in the Section 35 Application and Section 35 Direction to be nationally significant allows it to deviate materially from the description of development to which the Direction relates. SEGRO's response to ExQ2 1.0.5 appears to suggest that so long as the development is <i>"of a substantial physical size"</i> then it necessarily remains within the scope of the Section 35 Direction regardless of whether it does or does not correspond to the description of the development to which the Section 35 Direction relates. This is an untenable position and one that is unsupported by any structured or	The mechanism for determining whether a proposal should be the subject of a direction pursuant to Section 35 of the 2008 Act is not a detailed process. Rather, such determination is undertaken at a high level, without detailed specification. The materials submitted pursuant to an application for such direction are limited in extent, the period within which determination is made is short (only 28 days, per Section 35A of the 2008 Act), and the statutory mechanism does not provide for consultation. Further, the decision letter which comprises the substance of a direction does not tie development to a detailed design, but instead to a broad description of development.

principled legal analysis. In this respect it is notable that SEGRO's Response to ExQ2 1.0.5 does not answer the ExP's clear and direct question about the correct legal approach to this issue and instead directs attention to paragraphs 2.1 to 2.16 of its response to Prologis's Deadline 2 and Deadline 3 submissions which, it is claimed, address <i>"this point"</i>. Those paragraphs do not, in fact, articulate a direct (let alone reasoned) response to that question as to the correct legal approach. SEGRO's position on that question of law remains entirely unclear. The correct approach (as per Prologis's detailed response to ExQ1.0.5 and its Deadline 4 Submission) is clear. First, the Secretary of State does not have a discretion to allow the development secured by the DCO to deviate from the wording of the Section 35 Direction on the basis that it would be sufficiently similar in nature and scale to remain nationally significant. Second, it is necessary to apply the clear and ordinary meaning of the words used in the Section 35 Direction to describe the development to which it relates and to ensure that the development applied for accords with that description. SEGRO's contention that the reasons given for the Section 35 Direction can apply to a materially different description of development inverts that exercise. It uses those reasons to contradict, rather than illuminate, the description of development to which the Section 35 Direction relates. That is not a legitimate approach to interpretation, particularly where the meaning of the Section 35 Direction determines both jurisdiction and the availability of compulsory acquisition powers.	In this regard, the ExP will note that the Section 35 Direction issued in the present case necessarily admits of some degree of change/variation, since it states in terms: <i>"The Secretary of State considers that if the details of the Proposed Project change, before submitting any application to the Planning Inspectorate, the Applicant may wish to seek confirmation from the Secretary of State that the development which is to be the subject of the proposed application is the same as that for which this Direction is given".</i> The statement above necessarily and unavoidably entails recognition on the part of the Secretary of State, (rightly), that the Applicants are not necessarily bound to the precise wording of the development as described in the application for the Section 35 Direction. However, at the same time the Secretary of State notes that if there are departures from the form of development described in the Section 35 Direction when the DCO application falls to be consented, then it will be a matter of judgement for the Secretary of State as to whether the development still falls within the terms of the Section 35 Direction as issued. The Applicants maintain that the substance of the DCO Scheme, which substance resulted in the making of the Section 35 Direction, is that the proposed development comprises a very substantial quantum of logistics/manufacturing floorspace within the freeport designation, which will serve as an extension to the strategic rail-freight interchange ('SRFI') already consented as EMG1. It is these matters which led the Secretary of State to give the following reasons as to why the DCO Scheme should be consented as nationally significant infrastructure, namely that:
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		<i>“the proposal would be likely to have significant economic impact;</i> <i>• be important in driving growth in the economy;</i> <i>• have an impact on an area wider than a single local authority area;</i> <i>• the substantial physical size and scale of the project;</i> <i>• would contribute to delivering the outcomes of the Freeport; and</i> <i>• in addition, the Secretary of State also considers that the Proposed Project would benefit from the application being determined through a single, unified consenting process provided by the Planning Act and removing the need to apply and the uncertainty of applying for separate powers and consents”.</i> However, in seeking to allay the concerns expressed by the ExP regarding the reference within the Section 35 Direction to provision of a <i>“substantial carbon neutral campus/ headquarters including co-located head office functions”</i>, the Applicants have proposed the inclusion of a requirement which would guarantee delivery of the same as part of the consented development.
6.	<i>Draft requirement</i> The requirement on which SEGRO's position now relies has still not been produced. Prologis reserves its position to make further comment at Deadline 6 once it has sight of it, but maintains its points already that do	The Applicants have provided a revised draft DCO at Deadline 6. That draft includes a requirement which serves to secure provision of the campus referred to within the Section 35 Direction.

not depend upon the wording – in particular that the divergence between the Section 35 Direction and the development to which the DCO Application relates is a matter of jurisdiction that cannot be cured by a requirement. Prologis does, however, draw two matters to the ExP's attention now: (a) On the basis of the material that SEGRO has submitted at Deadline 4, the requirement would secure only a modest proportion (10%) of the scheme as a 'carbon neutral campus' (the meaning of which has yet to be defined by SEGRO). It is not apparent why the chosen proportion is said to be appropriate and sufficient to satisfy the Section 35 Direction, and it does not correspond with the "very substantial" carbon neutral campus/headquarters, anticipated to occupy approximately a third of the site, that SEGRO itself described in its Section 35 Application when seeking to justify the making of the Direction. (b) Securing a proportion of floorspace as a "campus" does not address the distinct questions of what constitutes a "campus" in this context (and thus the legal meaning and effect of the suggested requirement), and whether the "co-located head office functions" required by the Section 35 Direction are a primary Use Class E(g)(i) use, which Prologis has raised in its Deadline 4 Submissions, including the question of its assessment.	As regards the submission by Prologis that the wording of the requirement – indeed any requirement – could not 'cure' the jurisdictional issue which it purports to identify, such submission is misconceived. Regrettably, the approach adopted by Prologis seeks to throw up obstacles/hurdles which are artificial and contrived in nature, in a way that seeks to render satisfaction of the Section 35 Direction impossible, and the statutory scheme pursuant to Section 35 of the 2008 Act unworkable. There is no 'jurisdictional issue' in play; the question is simply one of whether – when consented – the DCO Scheme will still be consistent with the scope envisaged by the Section 35 Direction. That scope is necessarily broad, (not detailed), having regard to the high level of that direction and the limited nature of the materials which informed it. The fact that consistency as between the DCO Scheme and the Section 35 Direction would be guaranteed by the proposed requirement, is in no way problematic, and is entirely consistent with the objectives and purposes of the 2008 Act. As regards the two detailed points raised: - Prologis dispute whether a campus which comprises 10% of the total floorspace provision of the DCO Scheme would comprise a "<i>very substantial</i>" campus for the purposes of the Section 35 Direction. In this context the Applicants note firstly that the Section 35 Direction refers to a "<i>substantial</i>" campus, not a "<i>very substantial</i>" one. Second, the Applicants note that the Secretary of State has not deemed it necessary or appropriate to specify a particular floorspace/footprint for the campus in question. Such absence of specificity is entirely in keeping with the 'high level' approach adopted in the determination of
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		applications for directions pursuant to Section 35 of the 2008 Act. In the absence of any specific direction in this regard, it is entirely appropriate that the Applicants determine – within the bounds of reasonableness – what amounts to a ‘substantial campus’ in this context. The identification of a minimum of 10% of the total area – circa some 30,000 sqm in total – is wholly consistent with the terms of the Section 35 Direction as identified. - Prologis query the approach of the Applicants as regards the term ‘campus’. That term was used by the Secretary of State in the Section 35 Direction and is broad in its scope. Again, as above, in making the direction the Secretary of State rightly afforded the Applicants material latitude in respect of this issue, and determined not to provide particular specificity in terms of what was anticipated by way of provision. That latitude is reflected in terms of the language used in the Section 35 Direction, which suggests what could potentially be provided by way of such ‘campus’, in terms of a <i>‘headquarters including co-located head office functions’</i>. - As it happens, the requirement as proposed by the Applicants will secure provision of a facility which “...comprises both buildings for storage and distribution and / or advanced manufacturing uses together with co-located office functions”, and thus satisfy the terms of the Section 35 Direction.
7.	<i>Ancillary office use</i> A discrete but related issue concerns ancillary office use. In Appendix 6 of SEGRO's Response to Deadline 3 and Deadline 4 Submissions (page 84) it is said that <i>"The development comprises primarily a logistics and</i>	The complication which Prologis purports to identify in relation to the ‘office’ element of the carbon-neutral campus is, once again, contrived and without material substance. As previously and repeatedly stated by the Applicants, the

<i>manufacturing hub. Any office use is ancillary to that primary purpose".</i> In resisting Prologis's case that the development described in the Section 35 Direction requires a primary Use Class E(g)(i) head office use, SEGRO's position is, in substance, that the development proposed within the order limits as a whole is a B2/B8 development and that the office content is ancillary to that B2/B8 use, such that no separate office use needs to be applied for or secured. In advancing that analysis SEGRO does not, however, make clear what it says the relevant planning unit would be for the purposes of determining what is the primary use and whether any other uses are properly regarded as ancillary to that primary use. That omission is significant. In determining this issue, the ExP and the Secretary of State will need to grapple with that preliminary question. If SEGRO wishes to invite the Secretary of State to adopt its analysis, it must approach it in a structured and principled way to demonstrate that its case is both legally robust, reflecting the principles established by case law, and that it represents the most appropriate outcome applying those principles to the facts of this case. Prologis recognises that, in the case of an individual occupier's unit, an element of office use would normally be ancillary to that occupier's B2 or B8 use of that unit, but it does not follow, and SEGRO has not explained how, the substantial campus/headquarters and co-located head office functions contemplated by the Section 35 Application and described in the Section 35 Direction could properly be regarded as ancillary to the use of another occupier's warehouse unit elsewhere on the estate. Prologis's analysis of ancillary use as it relates to the Section 35 Direction is further set out at paragraphs 3.13 to 3.19 of its Deadline 4 Submission and is not repeated here.	DCO Scheme is essentially and substantively a logistics and manufacturing hub, with office user ancillary to the B2/B8 user. It is right to say that the planning unit to which the ancillary office space will relate has not yet been identified in terms of 'footprint'. However, that is of no material consequence given that such detail (i.e. the planning unit) will be identified in the submission made pursuant to the requirement governing delivery of the carbon-neutral campus. The Applicants note that Prologis accept that it would be entirely orthodox for office user/provision to be ancillary to Class B2/B8 space. Such provision will be provided as part of the carbon-neutral campus proposed, with the degree/extent of that user consistent with well-understood principles relating to ancillary user.
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8. Reasonable Alternatives <i>Approach to reasonable alternatives</i> SEGRO's contention, in its Response to Deadline 2 and 3 Submissions² is that Prologis has overstated the emphasis to be placed on the timing of the exploration of reasonable alternatives required by paragraph 8 of the Guidance. Prologis has set out the correct approach in full at Section 6 of its Written Representation and at Section 3 of its Deadline 3 Submission and does not repeat it here except to emphasise that the duty in paragraph 8 is expressed in the past tense – the applicant must demonstrate that reasonable alternatives "have been explored". The emphasis on timing is inherent in the Guidance issued by the Secretary of State to guide applicants as to how this issue will be approached in decision-making and not a matter of Prologis's invention. SEGRO seeks to sidestep the logical implications of the timing point by submitting that there is no requirement to "<i>pull down the shutters</i>" when the application is submitted, and that the MHCLG Guidance on the Compulsory Purchase Process (January 2025, paragraph 2.8) envisages compulsory purchase powers being pursued in tandem with negotiations. That does not address the requirements of the Guidance nor is it a satisfactory response to the concerns raised by Prologis in line with the Guidance. Neither the Guidance nor Prologis contend that negotiations must have concluded before an application is made, or that powers may not be sought while negotiations continue. Its point (and the principle enshrined in the Guidance) is that the applicant should be able to demonstrate the genuine and structured consideration it gave to reasonable alternatives before it resolved to apply for powers of compulsory acquisition. SEGRO can either demonstrate that it took this approach and undertook such an exercise before deciding to apply, or it	The Applicants do not repeat the full substance of their submissions regarding exploration of alternatives within the context of determining whether the grant of compulsory purchase powers is justified; such reasoning has been set out previously. However, once again the Applicants note the following matters: - Guidance relating to compulsory purchase should neither be understood nor applied as statute; it comprises guidance. - As regards the 'timing' issue, to which Prologis return, the only temporal requirement as to consideration of alternatives in the context of compulsory acquisition is that the decision maker be satisfied – when determining whether or not to authorise compulsory purchase powers – that there is no meaningful alternative which has not been explored <i>by that point</i>. In this regard there is no requirement as to particular timeframe; Paragraph 8 of the Planning Act guidance³ states only: <i>"The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored".</i>
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² Pages 93-98 and 104-108 of DCO 7.13

³ DCLG publication dated September 2013 'Guidance related to procedures for the compulsory acquisition of land'

cannot. The steps taken after submission can have no direct bearing on that question. It does not therefore assist SEGRO to say that <i>"the fact that an applicant responds during the Examination to alternatives raised in relevant representations does not make that response a post hoc rationalisation"</i> but is <i>"an ordinary and necessary part of the examination process"</i>. Prologis does not suggest that it is impermissible for SEGRO to respond to the alternatives identified by Affected Persons now. SEGRO can and should do that, but it cannot thereby retrospectively satisfy the steps it should have undertaken at an earlier formative stage, when it should not have made up its mind to seek powers of compulsion and alternatives to compulsory acquisition (including amendments to the scheme) could more easily have been pursued. The difficulty is that a response now is no substitute for evidence of what SEGRO actually considered before it applied. It is the absence of any such evidence (not the fact of a response) that gives rise to the concern that its position is a rationalisation after the event. SEGRO's Deadline 4 response gives no indication, still less evidence, of when, by whom, or on what basis any alternative was assessed before the DCO Application was made. Its assertion that it is <i>"indisputable from the record of interaction between the parties that alternatives have been thoroughly explored"</i> does not discharge that burden. A record that suggests meetings and correspondence took place does not show what alternatives were considered, what information was prepared to inform that consideration, or how and by whom they were assessed. SEGRO's principal response to the criticism that it has produced no such evidence is that the engagement between the parties is <i>"subject to a non-disclosure agreement or covered by without prejudice"</i>, so that it is <i>"unreasonable...for Prologis (and EMA) to criticise the lack of evidence of alternatives when such arrangements prevent the sharing of much of that</i>	- The exhortation within national guidance⁴ to 'twin-track' promotion of compulsory purchase powers with the conduct of negotiations is entirely consistent with this position. There is no requirement – whether in statute, guidance or otherwise – regarding the degree of detail/evidence concerning deliberations regarding alternatives necessary to have been completed prior to determining to seek compulsory purchase powers through the submission of the DCO application. The Applicants note that Prologis has not attempted to identify any such statutory requirement, guidance or caselaw to that effect. - Further and substantively, in the present case, Prologis have failed entirely to identify any alternative which has not been explored; indeed, even now the Applicants continue to explore all possible alternatives through negotiations with Prologis and its partner EMA. Prologis is seeking to create a procedural requirement with which it can contend that the Applicants have failed to comply. There is no such procedural requirement. The position is instead that the ExP and the Secretary of State will ultimately need, having regard to the extensive history of discussions/negotiations (which have – to date – unfortunately come to naught), and having regard also to the exchanges/discussions conducted through the Examination process, to reach a conclusion as to whether there are alternatives to compulsory acquisition which the Applicants have failed to explore. Any failure in that regard (no such failure being admitted) would inform the overall judgement as to whether it is appropriate to authorise compulsory
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⁴ MHCLG publication dated June 2026 'Guidance on the compulsory purchase process', at Paragraph 2.8

evidence". That does not meet the point. The criticism is not, in the main, directed at the confidential content of the current negotiations, it is directed at the absence of any documented, pre-application assessment showing that SEGRO itself genuinely considered and explored reasonable alternatives to compulsory acquisition before it resolved to seek compulsory acquisition. This is material that should be found in SEGRO's own documentation recording its internal decision-making, and should be unaffected by the confidentiality that attaches to the negotiations with Affected Persons now ongoing. Nor is the difficulty confined to the absence of evidence. Each of the five alternatives now under consideration was proposed by Prologis, not by SEGRO. Where Prologis has pressed them, SEGRO has repeatedly failed to respond substantively, has declined to provide the information needed to evaluate them, and, at an earlier stage, amended its own scheme in a way that reduced its compatibility with the Joint Application. That is the conduct not of a party genuinely exploring alternatives, but of one reacting to alternatives put to them and seeking to foreclose them. By contrast, Prologis has amended its own scheme to keep those alternatives open and to enable the development of the Southern Land, notwithstanding that the onus of identifying and pursuing reasonable alternatives to compulsory acquisition rests on SEGRO as the party seeking those powers, not on Prologis or any other affected person. Underlying SEGRO's response is the contention that the only question is whether Prologis's alternatives provide a <i>"realistic, deliverable and sufficiently certain substitute"</i> for the powers sought, and that Prologis wrongly proceeds as if the Joint Application and the DCO Scheme were equivalent, or as if uncertainty in the DCO process neutralised uncertainty in the alternatives. That is to mischaracterise and thus to miss the point that Prologis advances and the duties to which SEGRO is subject. It accepts that the question is whether there is a reasonable alternative to compulsory acquisition; but (as explored further in section 5 below) a reasonable alternative need not replicate the DCO Scheme, nor be free of all uncertainty, in order to defeat the case for the powers. The relevant	acquisition in the present case. The judgement in relation to alternatives, and the extent to which efforts to explore those have been made, will embrace all discussions/engagement between the parties, and is definitively not constrained to the extent of discussions/engagement which pre-dated the submission of the DCO application, notwithstanding that in the present case such 'pre-submission' engagement was extensive. The Applicants reject entirely the proposition that all discussion of alternatives has been prompted by Prologis, and that the impetus for engagement has been lacking on the part of the Applicants. Further the Applicants reject also the suggestions that they variously have not engaged, or have withheld materials critical to engagement. The position of Prologis appears to be that since the Applicants have not amended the DCO Scheme so as to enable Prologis to proceed (potentially) with the Joint Application scheme, then its efforts have been necessarily deficient. Such proposition is misconceived and has no basis in law.
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	comparison is between the limited additional benefits that genuinely depend on the powers and the draconian step of expropriating a willing and capable rival developer – not between an identical alternative and the DCO. SEGRO's framing assumes the very point in issue, that only single-developer delivery by compulsion is appropriate.	
9.	<i>Chronology of Engagement</i> The history and timing of the engagement must also be set straight. As Appendix 2 to Prologis's Deadline 4 Submission shows, negotiation began late and much of the early engagement was performative. SEGRO notified Prologis of its intention to apply in November 2024, but no substantive negotiation took place before it first submitted the DCO Application (including a request for powers of compulsory acquisition) in August 2025; the first meeting between the parties did not occur until 12 February 2025, and meaningful engagement on the alternatives only began after the DCO Application had been made, by which stage SEGRO's position was, in substance, "DCO or nothing". The DCO Application was thus presented to Prologis as a <i>fait accompli</i>. That account is consistent with the position Prologis has maintained throughout, and Prologis does not accept any suggestion that it is the party holding matters up as the pattern disclosed by the correspondence is the opposite. SEGRO's chronology, at Annex 7A to DCO 7.16, records an offer made by SEGRO on 22 April 2026 which it has since chased, the suggested inference being that the matter now rests with Prologis. That inference should not be drawn. The 22 April 2026 offer was made, and falls to be understood, in the context of the continuing without prejudice discussions described above, in which Prologis has consistently sought to move matters forward. Those discussions remain ongoing with Prologis having since provided a response to SEGRO's offer. Had negotiations commenced at an earlier formative stage their prospects of success would have been substantially improved because of the far greater range of options still available (including amendments to the scheme).	The Applicants have set out the chronology of the negotiations with first EMA and then Prologis in detail in previous submissions. The negotiations with EMA are summarised in paragraphs 1.20 – 1.28 of Appendix 5 of the Applicant's Response to Relevant Representations [REP1-051D]. The most up to date information on negotiations with Prologis is set out in the Applicants' comments on the Prologis response to ExQ2 7.0.2 contained at Annex F which includes an excel spreadsheet with both the Applicants and Prologis's chronology [REP5-033]. The Applicants understand that a continued dialogue where each party disputes what the other party is saying is unhelpful for the ExP. Accordingly, this response seeks to concentrate on the facts that appear not to be disputed. It is not disputed that: 1. Negotiations took place between EMA and the Applicants over a period of nearly four years which are summarised in in paragraphs 1.20 – 1.28 of Appendix 5 of the Applicant's Response to Relevant Representations [REP1-051D]. The Prologis submissions on the chronology of negotiations do not dispute the information in those paragraphs and they only deal with discussions following the involvement of

	As to disclosure of the without prejudice material, at its response to ExQ2 Q7.0.2⁵ SEGRO states that it is content to release all of the material covered by the non-disclosure agreement ("NDA") and the without prejudice rule, but that Prologis and EMA "<i>have not agreed</i>", implying that Prologis has been asked to agree to the release of relevant material and is withholding its consent. That is not an accurate or fair characterisation. Prologis has not refused disclosure. Indeed, it has waived confidentiality to some extent in respect of its own schedule of correspondence. On being informed of SEGRO's intention to disclose material covered by the NDA by SEGRO's legal representatives, Prologis (through their own legal representatives) asked only that SEGRO raise any further material it intended to disclose with it in advance, so that they could consider whether the material could properly be disclosed – a copy of this correspondence is available at Appendix 2. Prologis does not, however, consider it appropriate for the whole of the without prejudice correspondence to be placed in the public domain while there remain realistic prospects of the negotiations producing an agreed outcome. That would not be sensible or conducive to successful negotiation. Prologis nevertheless reserves the right to release that material at a later stage should that situation change. The ExP should not, in these circumstances, draw any inference adverse to Prologis from the fact that the material has not been disclosed in full.	Prologis. Nor have those paragraphs been disputed by EMA. 2. It is therefore undisputed that during that period of negotiation the Applicants engaged with EMA: - in jointly promoting the site through the emerging local plan - in exploring the possibility of entering into a joint venture to bring forward land for development airside in conjunction with the development of the land south of the A453 - in exploring alternative land uses on land to the south of the A453 to meet the needs articulated by EMA. - in entering into an Exclusivity Agreement - in making an offer to acquire the land in July 2022 which was recommended by EMA's agent to their board but ultimately rejected - in making further offers in August 2023, June 2024, July 2024 and August 2024 each time improving on the previous offer. 3. The Applicants were the first to initiate dialogue with Prologis. An email was sent to Prologis on 21 November 2024 shortly after the Applicants learning that Prologis may have acquired interests in the site
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⁵ Annex 7A of DCO 7.16 – Responses to ExQ2

		seeking confirmation. (First entry Annex F Excel Spreadsheet [REP5-033]). 4. Following confirmation of the Prologis acquisition from Prologis on 3 December 2024 the Applicants then followed this up three days later with a request to meet (Entry relating to e mail of 6 December 2024 Annex F Excel Spreadsheet [REP5-033]). 5. Different options were explored between the Applicants and Prologis, and offers made by the Applicant, to avoid the need for compulsory purchase (Entries in Annex F Excel Spreadsheet relating to 21-2-15, 07-3-25, 24-04-25, 14-07-25, 06-08-25, 08-08-25, 05-09-25, 29-09-25, 17-11-25, 18-11-25, 21-11-25, 26-11-25, 02-12-25, 03-12-25, 8-12-25, 12-12-25, 13-02-26, 24-02-26, 25-02-26, 09-03-26, 04-03-26, 09-04-26, 13-4-26, 22-04-26, 02-06-26 and 22-06-26 [REP5-033]). From the above it is clear that, as required by the relevant guidance the Applicants have explored all reasonable alternatives (including modifications to the scheme) suggested by Prologis. The inability to reach agreement has not been through lack of effort or engagement. There has been a failure to agree sensible commercial terms which appears to be intractable. With regard to the provision of information to the ExP covered by the NDA or without prejudice, the Applicants remain willing to release all such information if it would assist the ExP. The Applicants are not willing to have its release of information censored by Prologis.
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10.	<i>Southern Land</i> SEGRO states that its <i>"viability appraisal demonstrates that the Southern Land alone is not viable as a standalone development separate from the northern land"</i> (Applicants' Response to Deadline 2 and 3 Submissions (DCO 7.13). That assertion is not made good by the evidence. The appraisal SEGRO relies upon tests only its own scenario – one that as explained in the Second Report of Mr Roberts (see Appendix 1) is not rooted in reality and is also built upon SEGRO's commitment to acquire the Aldridge Land at a price of its own choosing. What has not been assessed are the alternatives Prologis has actually identified - development of the Southern Land in its own right by a willing developer, for example through a planning application under the Town and Country Planning Act 1990, or development of that land under the DCO without the need for powers of compulsory acquisition. SEGRO cannot reasonably expect the ExP or the Secretary of State to accept its assertion that the development of the Southern Land alone is unviable when it has not tested any of the realistic scenarios in which such development could occur (and which Prologis has identified). The substance of the viability evidence is addressed at Section 6 and in the expert report at Appendix 1, the point here is that this remains a critical gap in the evidence adduced to seek to substantiate SEGRO's own case for obtaining powers of compulsory acquisition, which it is for SEGRO to fill.	It is correct that the appraisal of the Southern Land provided in DCO 4.5 [REP1-027D] reflects its viability in the event that the DCO Scheme were to be consented, but without compulsory purchase powers over the Prologis Land. It is also correct that development of the Southern Land might technically be viable on the assumption that the many uncertainties and challenges surrounding its development could be overcome in a way that is advantageous. However, the market's perception of viability is not based on a best-case mathematical exercise disregarding all risks, which appears to be the approach Prologis are saying should be adopted. The reality is the Southern Land does not have a planning permission and the cost of the highways improvements necessary to accommodate the combined logistics floorspace provided by the Prologis Scheme and the Southern Land in combination is unknown, as is whether it will be necessary to acquire third party land to deliver any development. Prologis's approach also assumes that the owner of the Southern Land will sell at whatever price its appraisal suggests should be paid in order for it to be viable (in the absence of compulsory purchase powers), despite there being no evidence that this would be the case. Viability is only one of the challenges facing the Southern Land and Prologis' assertion that, if it can be proved to be technically viable, the ExP can be comforted that development will come forward as a certainty is misleading. It is far from certain that the Southern Land would come forward for development, even if an appraisal could be produced to suggest it might be technically viable in certain (favourable) circumstances.
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11. <i>Viability of the Joint Application scheme</i> SEGRO's contention that the Joint Application is not viable is not made out. As Prologis has shown, the Joint Application is, on SEGRO's own inputs, manifestly viable, generating a residual land value materially in excess of the value SEGRO itself assumed for the Prologis/MAG Land in its own DCO appraisal. SEGRO's asserted viability difficulty has not been caused by the Prologis scheme, nor does it arise from anything inherent to the Southern Land itself; rather, it is the product of SEGRO's own contractual commitment to overpay for the Aldridge Land. The substance of that evidence is addressed in the expert report at Appendix 1 and at Section 2 of Prologis's Deadline 3 Submission, and the implications for the compelling case analysis are summarised at Section 6 below. Recognising the difficulty identified above, SEGRO has attempted to recast the issue, submitting that "the question is not whether the Joint Application development is viable in isolation, but whether Prologis would choose to participate in the DCO Scheme rather than pursuing its own competing development". That recasting effectively abandons SEGRO's argument that the Joint Application scheme is not viable (and is therefore unlikely to be implemented), because it rests upon the assumption that, if Prologis had a choice whether to implement the Joint Application scheme or the DCO on its own land, it would be commercially rational to choose the former.	This statement appears to confuse the viability of the DCO Scheme with the viability of the Prologis (Joint Application) Scheme. What the DCO Applicant has agreed to pay for the Southern Land has nothing whatsoever to do with the viability of the Prologis Scheme. Moreover, the DCO Applicant is not saying that the Prologis Scheme is unviable, just that viability is unproven and will remain unproven until Prologis confirms the price it has paid for the land it owns and the terms of the agreement it has reached with EMA. Prologis cannot say that the price the DCO Applicant has agreed for the Southern Land and the price it will have to pay for the SEGRO Land are fundamental to an assessment of the DCO Scheme's viability, but the price it will need to pay for the Prologis Land is of no relevance to the viability of the Prologis Scheme.
12. <i>Multi-developer approach</i> SEGRO contends that the practical problems of two developers building out the DCO Scheme render the "<i>DCO-based</i>" alternatives unreasonable. It asserts that separate delivery would adversely affect the delivery of the whole DCO Scheme, and that the alternatives involve an unacceptable "<i>mix and match</i>" approach. However, two developers delivering this site pursuant to the DCO would be providing infrastructure of mutual benefit, with substantial crossover between what each requires. The existence of shared infrastructure is a reason for co-operation, not an obstacle to it.	The reasons why a multi-developer approach would result in the failure to deliver the development of the DCO scheme and attendant J24 benefits within the Freeport window, and quite possibly at all, have been addressed in several previous submissions. These include the Applicant's response to the EMA Relevant Representations ([REP1-051D] Appendix 5 paragraphs 1.43 – 1.47) and the Prologis Relevant Representations ([REP1-051D] Appendix 6 paragraph 3.60 and 3.66 and 3.67, and 3.75 and 3.76). In addition, the letters of objection to the Joint Application

The apportionment of costs, and the other practical matters SEGRO raises, are routinely dealt with on strategic sites through standard planning and commercial mechanisms which are capable of reflecting the parties' respective interests and the differing characteristics of their respective development. As Mr Roberts' report (Appendix 1) explains, the effect of the requirement in the dDCO regulating the timing of the delivery of the highways works relative to the commercial development would effectively compel the landowners to co-operate. No further compulsion is required to achieve that objective. It is for SEGRO to demonstrate that no such mechanism could reasonably be relied on to deliver the site as a whole – it has not done so. As for SEGRO's further objection that the DCO Scheme cannot be "<i>re-engineered</i>" and that this is "<i>not a matter of substituting parameters</i>", the alternatives do not require the assessed scheme to be redesigned. They require the exclusion (or in one scenario the reduction) of compulsory acquisition powers, with any consequential amendments separately assessed in the ordinary way.	([REP1-051D] Annex 3 and Annex A of this document (DCO 7.20 submitted at D6) summarise the considerable difficulties. SEGRO has extensive experience in delivering large-scale development sites along with substantial infrastructure. Such schemes require control by a single entity to ensure that all the arrangements for the delivery of the various aspects of the development, including the extensive infrastructure, are compatible and complementary and work with, not against, delivery. The single entity needs to accept the significant risk, let the contracts and provide the necessary guarantees. Whilst it is feasible for that single entity to be a JV SPV, with Prologis and SEGRO standing behind it, SEGRO has been attempting to agree terms for a JV (amongst other alternatives) over the past 6 years including with Prologis over the last 18 months without any success. There is no basis to conclude that those efforts will succeed at all or succeed within a timeframe which would enable the objectives of the DCO to be met. It is therefore not only arrangements with regard to the land interests which need to be covered by a JV. There would also be a need for joint working and co-operation and ultimately commercial agreement with regard to the provision of essential infrastructure (both on and off site). In addition, there would need to be arrangements agreed within the JV for the ongoing maintenance and operation of the whole site including the public realm and provision and operation of beneficial infrastructure such as the Transport Hub and the HGV park. All of which has the potential to cause difficulties and delay even when there are fully co-operative parties. The potential for difficulties and delay
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		only increases where the parties do not have a collaborative relationship. The potential for failure or, at the very least, delay is significant. These were the types of difficulties that the DCO, one-stop, delivery mechanism was designed to overcome – to ensure that difficulties with parties with interest in land do not obstruct or prevent the delivery of development deemed to be of national significance.
13.	<i>Tension in SEGRO's submissions</i> There is an unresolved tension at the heart of SEGRO's case on alternatives which require co-operation and agreement between the parties. On the one hand, SEGRO contends that such alternatives are not realistic, because there is no real prospect of agreeing the necessary joint venture or co-operation mechanism. On the other hand, in its response to ExQ2 Q7.0.2 and the negotiation chronology at Annex 7A, SEGRO maintains that it is engaged in genuine and continuing negotiation directed at reaching precisely such an agreement. Those two positions cannot comfortably stand together. If SEGRO genuinely considered that there was no real prospect of agreement, there would be no purpose in the negotiations on which it relies and the continuation of those negotiations is itself inconsistent with the contention that agreement is unrealistic.	There is no tension in the Applicants' position as alleged, or at all. The Applicants, in continuing to conduct negotiations with Prologis (and through them, with EMA) are continuing to press for a negotiated, voluntary outcome to the current, contested position. In proceeding in this way, the Applicants are doing precisely what policy requires of them (namely to make reasonable efforts to acquire interests on a voluntary basis – see Item 8 above), in the hope that matters can resolve amicably. It is right to say that the Applicants consider such outcome very unlikely, such that they no longer have any real confidence in a positive resolution, but that does not mean they consider the parties should cease to engage. Rather, and responsibly, they consider that every avenue should continue to be explored, and it is on that basis they continue to engage constructively and in good faith.
14.	Compelling case test <i>SEGRO's mischaracterisation of Prologis's case</i> In its Response to Deadline 2 and 3 Submissions (DCO 7.13, pp.120–121 and pp.157–158), SEGRO contends that Prologis's analysis of what is required to demonstrate a compelling case in the public interest is intended to "<i>muddy the pool and distract</i>" the Examining Panel from where	The Applicants stand by their characterisation of Prologis' approach to the 'compelling case' test, and the extent to which such approach represents an over-complication of that test as identified in policy and caselaw. As regards the balance and judgement which the ExP (and Secretary of State) should undertake in determining whether

its focus should properly lie, and dismisses the additive/attribution distinction as <i>"an artificial construct of Prologis' own devising"</i>. That attempted stigmatisation of Prologis's approach is unfounded and is rejected in the clearest terms. Far from seeking to distract the ExP, Prologis has consistently sought to identify, with care and precision, the issues that the Panel and the Secretary of State must grapple with in applying the compelling case test on the particular and unusual facts of this case – a private developer seeking to acquire by compulsion the land of an equally willing, capable and funded commercial rival that is actively promoting materially the same development on the same land. That is an entirely appropriate exercise for an Affected Person faced with the prospect of compulsory acquisition to undertake. Indeed, it would plainly be unhelpful for Prologis not to identify those issues to assist the ExP and the Secretary of State in understanding the tasks required at the decision-making stage having regard to the legal and policy matrix in this case. Those issues are not answered, and cannot be deflected, by SEGRO advancing an inaccurate caricature of Prologis's submissions or by unfounded assertions as to Prologis's motivation in making them. The questions that genuinely fall to be addressed include: - how likely the benefits of the DCO Scheme are to be delivered in full, and within the Freeport Window; - the implications of any realistic prospect that the DCO Scheme is not delivered, or is delivered only in part or later than SEGRO assumes, including the risk that the grant of powers on a contested basis is itself liable to give rise to further delay in delivery within the Freeport Window; - the likelihood of materially the same benefits coming forward without the exercise of compulsory acquisition powers; whether SEGRO genuinely investigated the	or not the Applicants have demonstrated a compelling case which justifies the grant of compulsory purchase powers, the Applicants respectfully refer to the matters set out in respect of Item 15 below. However, for present purposes, it is sufficient to say that the Applicants stand by their criticisms of the position which Prologis has sought to press upon the ExP. Crucially, the Joint Application (as proposed by Prologis) and the DCO Scheme (as proposed by the Applicants), comprise two different schemes, which have materially different prospects of proceeding, and which will deliver two very different sets of public benefits. It is on the basis of these various distinctions that the Applicants maintain that a compelling case in favour of compulsory acquisition has been demonstrated. Prologis is fundamentally mistaken insofar as it again seeks to characterise these two developments as being essentially 'the same'; they are not. The Applicants note the continuing emphasis placed by Prologis on the fact that in the present case, the compulsory purchase powers are sought by one 'private developer' at the expense of another. Whilst this position is factually correct, there is little material significance to it; the balance as to relevant considerations remains as set out below (pursuant to Item 15). In this context the ExP (and the Secretary of State) will well have in mind the fact that in drafting the 2008 Act Parliament determined that it was appropriate, in principle, to confer compulsory purchase powers on private bodies to enable them to deliver nationally significant infrastructure. The Applicants are just such bodies, and the DCO Scheme should be treated as just such a project, as the Secretary of State confirmed when issuing the Section 35 Direction.
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delivery of those benefits without recourse to compulsion before applying for the powers; and d. the precedent that the grant of such powers, in a private-to-private acquisition of this kind, would set. These are proper, necessary and difficult questions which go to the heart of the section 122(3) assessment, and Prologis is not only entitled but obliged to place them before the ExP and the Secretary of State. They are developed in full in Prologis's Written Representation (Section 5), Deadline 2 Submission (Section 4), Deadline 3 Submission (Section 4) and Deadline 4 Submission (Section 4), and in Prologis's Written Summaries of Oral Submissions at CAH1 and CAH2. SEGRO further suggests (DCO 7.13, p.121) that, if Prologis's approach were correct, no compulsory acquisition for any development could ever be justified, because it could always be said that the benefits flow from the development rather than from the legal mechanism by which the land is assembled. That suggestion is neither correct nor logical, and it mischaracterises Prologis's case. Prologis has never submitted that benefits associated with development can never justify compulsory acquisition. Its case, as set out at paragraphs 4.3 to 4.5 of its Deadline 4 Submission and paragraphs 5.3 to 5.4 of its Deadline 2 Submission, is that the section 122(3) balance can only be struck in favour of acquisition by reference to those benefits that are genuinely attributable to the exercise of the powers (i.e. they would be unlikely to arise but for the exercise of those powers); and that, on the particular facts of this case, the benefits relied upon by SEGRO can for the most part be delivered without the powers, because Prologis is a willing, capable and funded developer actively promoting materially the same development on the same land (Written Representation, paragraphs 5.12 to 5.13). Where the claimed benefits genuinely could not be achieved without compulsory acquisition, Prologis's analysis presents no obstacle to the	In this regard the Applicants note that it is entirely commonplace for land held by one developer, which that developer wishes to bring forward, to be the subject of compulsory acquisition so as to enable a second developer (more typically the development partner of an acquiring authority) to bring forward a superior form of development on a larger scale. The ExP and the Secretary of State will be familiar with such scenarios, which arise in the context of countless urban regeneration schemes up and down the country (by way of example, as in the context of the <u>Sainsbury's</u> litigation, to which Prologis refer). As regards the considerations which Prologis asserts fall to be considered, consistent with what they have stated previously and elsewhere, the Applicants make the following observations: - <i>“how likely the benefits of the DCO Scheme are to be delivered in full, and within the Freeport Window”</i> ○ The Applicants agree that such is a relevant consideration, but note that what must also be considered in this context is the likelihood of <i>equivalent</i> benefits being delivered (in the absence of the DCO) by the Joint Application and some notional ‘other’ application on the southern land (which application/scheme does not exist) - <i>“the implications of any realistic prospect that the DCO Scheme is not delivered, or is delivered only in part or later than SEGRO assumes, including the risk that the grant of powers on a contested basis is itself liable to give rise to further delay in delivery within the Freeport Window”</i>
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	test being satisfied; the test would simply be applied, on its facts, to benefits that truly depend on the powers sought. SEGRO's submission therefore seeks to convert a fact-specific and evidence-based objection into a point of principle that Prologis has never advanced, and it should therefore be rejected.	○ Any such consideration of this issue must be undertaken in tandem with the prospects of delivery of both the Joint Application scheme, and a notional 'southern land' scheme (for which no scheme or application exists). Further, the Applicants note that the final clause of this consideration as rehearsed by Prologis amounts to little more than a naked threat of litigation which might result in further delay. A threat to challenge a DCO properly made by the Secretary of State is no basis on which to consider whether or not the DCO should be made as sought. - <i>“the likelihood of materially the same benefits coming forward without the exercise of compulsory acquisition powers; whether SEGRO genuinely investigated the delivery of those benefits without recourse to compulsion before applying for the powers”;</i> ○ The first clause of this consideration does indeed comprise a relevant consideration which should inform the determination as to whether or not a compelling case exists to justify compulsory purchase powers, albeit that the Applicants maintain that there is no prospect of such equivalent benefits being delivered in the absence of compulsory acquisition powers. The Joint Application scheme does not benefit from planning permission, has not been shown to be viable, and is uncoded. Further, even if it were to come forward, it could only deliver benefits on
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		the ‘northern land’, and would not deliver the scale and extent of the manifest benefits that will result from the DCO Scheme. The second clause of the cited consideration misrepresents the question that falls to be considered in this context. Consideration of alternatives in the context of compulsory acquisition is a discrete exercise for a decision-maker. In that context, the decision-maker need only be satisfied that there are not material alternatives which have not been explored at the point of decision whether or not to confirm compulsory purchase powers; there is certainly no ‘cut-off’ at the point where an application is submitted⁶. - <i>“the precedent that the grant of such powers, in a private-to-private acquisition of this kind, would set”</i> ○ As noted above, there should be no material weight attributed to this consideration. Parliament anticipated this current scenario when passing the relevant legislation (the 2008 Act), and the substantive outcome (namely that one particular developer is dispossessed of land which will enable a second developer to carry out development on that land) is not one that is in any sense unfamiliar in this jurisdiction, either to local/national government or the courts. Lastly in this context, the Applicants welcome the clarification on the part of Prologis that it no longer challenges the proposition that the benefits of a particular development may
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⁶ In this regard the position is not akin to the consideration of alternatives in certain environmental contexts

		justify the grant of compulsory purchase powers to facilitate in delivering that development.
15.	<i>The additive/attributable distinction</i> SEGRO suggests (DCO 7.13, pp.120–121 and Annex B) that the distinction between benefits that are merely "<i>additive</i>" and those that are properly "<i>attributable</i>" to the exercise of compulsory acquisition powers is "<i>misconceived</i>" and "<i>misleading</i>", and that it appears neither in section 122(3) of the PA 2008, nor in the Compulsory Acquisition Guidance, nor in any decided case. That response is devoid of substance and does not engage with the underlying principle (or logic) of the point. The distinction is not a free-standing legal test that Prologis seeks to graft onto the statute; it is simply a necessary analytical step in applying the section 122(3) test correctly. Only those benefits that would be unlikely to be achieved without the exercise of the powers can properly attract material weight in the balance in favour of acquisition; benefits that would be likely to accrue in any event (whether through the exercise of those powers or through conventional planning and commercial mechanisms) cannot, because they do not depend upon, and so cannot justify, the interference with private rights that compulsory acquisition entails. That reasoning is rooted directly in the authorities. As Prologis explained at paragraph 4.4 of its Deadline 4 Submission, it follows from the De Rothschild principle that "<i>no reasonable Secretary of State would confirm a compulsory purchase order, imposing a purchase on an unwilling landowner, if that same landowner was willing to sell ... land which would be seen to serve equally well for the same purpose</i>", which necessarily requires the decision-maker to ask whether the purpose for which the land is said to be required could be achieved without compulsory acquisition. If it could, the interference is not justified and the compelling case under section 122(3) is not made out. The fact that no court has had occasion to	The Applicants' position remains as previously stated in relation to this issue (see in particular [REP5-035D]). The stance of Prologis is misconceived and has no material substance. First, the Applicants note that Prologis now appears to accept that there is no caselaw, statutory provision or guidance which underpins their approach as regards 'additive'/'attributable' benefits; (certainly none is cited in their Deadline 5 Submissions). That concession is welcome. As regards the substantive issue before the ExP, the position is far less complicated than Prologis seeks to make it. In particular, as stated in [REP5-035D], the scenarios with which the ExP (and Secretary of State) must grapple, are these: - What is likely to happen if the DCO is granted in the form sought (ie containing compulsory purchase powers) – 'Scenario A'; and - What is likely to happen if the DCO is not so granted – 'Scenario B'. The Applicants have patiently and repeatedly demonstrated the outcome in the event of Scenario A. That outcome entails the delivery of significant manufacturing/logistics development within the freeport designation, and within the designation window. The ExP can be confident of that delivery, having regard to matters such as:

	articulate the distinction in those precise terms in a contested case is a neutral factor: either the logic is sound or it is not, and it is telling that SEGRO has chosen to attack the label rather than to grapple with the substance. The distinction, and its application to each category of benefit relied upon by SEGRO (including Freeport business rates, operational jobs, GVA, the Community Park, sustainable transport and BREEAM standards), is developed in full at paragraphs 5.3 to 5.5 of Prologis's Deadline 2 Submission, paragraphs 4.3 to 4.8 of its Deadline 3 Submission, and paragraphs 4.3 to 4.5 of its Deadline 4 Submission, together with the Spawforths analysis appended to the Deadline 3 Submission.	- The significant track record of the Applicants in delivering such development, including at two SRFI developments previously authorised under the 2008 Act (Northampton Gateway and East Midlands Gateway). - The significant financial resources of the Applicants. - The fact that following grant of the DCO, the Applicants will require no further authorisation/permission to deliver its development. At the same time, the ExP can and should have regard to the quality of the development proposals which will come forward as part of the Applicants' scheme. Benefits of that scheme – aside from delivery of the floorspace itself – include the 'Green Package' of highway works which will not only enable delivery of the scheme but will also serve to facilitate development more broadly in the region, by alleviating the existing congestion at M1 Junction 24. Such benefits also include delivery of the proposed community park and operational synergy with the existing SRFI at EMG1. Prologis is at pains to emphasize how essentially 'equivalent' benefits will be delivered in Scenario B. However, there is no sound evidential basis for that proposition. Notably, the fundamental weakness at the heart of it is that it assumes as a certainty (equivalent to the grant of the DCO) that Prologis will deliver development of the 'northern land' currently within its control. This is despite the fact that: - there is (as yet) no planning permission for that development (despite multiple assurances that
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		permission will be granted by particular dates, all now passed) - there is (still) an outstanding objection from National Highways in respect of that development - no highways mitigation package has yet been identified for that development. These matters sit quite apart from the fact that there has been no demonstration to the ExP that the Prologis scheme comprises commercially viable development (nor could there be in circumstances where the highways works have not been identified, and so necessarily have not been costed). In addition to this misrepresentation of the Prologis development as in some way 'oven ready', there is the misrepresentation of the benefits it would deliver. For example, the 'purple package' of highway works proposed (but not agreed by National Highways) would not deliver comparable benefits to the Applicants' Green Package, there would not be same synergy with EMG1 and its rail terminal, nor would a comparable community park be delivered. Most importantly, the commercial floorspace provided pursuant to the Joint Application would be far less provision than in the DCO scheme. Prologis' answer to this issue, is to assert that development would come forward on the 'southern land' even in the event that the DCO is not granted. However, again there is simply no basis for this assertion. There is no planning permission for a 'southern land' development; there is not a planning application, nor even a scheme design. Further, the Applicants have adduced robust evidence that such a scheme would not be viable, and so cannot sensibly be said to comprise a realistic development
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		prospect. In these circumstances, when the ExP (and Secretary of State) come to undertake the material balancing exercise as regards Scenarios A and B, and the likely output of each one, the Applicants maintain that such balance turns decisively in favour of the grant of the DCO, as sought. The only further point to note in this context is the somewhat strange reliance placed by Prologis on the decision in <u>de Rothschild</u>. That reference takes matters no further; it is certainly not authority for the proposition that Prologis contend. Importantly, the facts in <u>de Rothschild</u> were that whilst the acquiring authority was seeking compulsory purchase powers over land for its scheme, the landowner resisted such acquisition and as part of its case volunteered the provision of other land within its ownership to serve as replacement for the land which the authority sought to acquire. That factual matrix is wholly distinct from that in the present case; here neither EMA nor Prologis is pointing to 'other land' they own, which they say could serve the purpose of the land which the Applicants seek to acquire. The contrived – and misconceived – parallels which Prologis seeks to draw do not assist the ExP.
16.	<i>The A453 dualling</i> As to the A453 dualling, SEGRO's response simply does not grapple with the substance of the oral submissions that Prologis made at the hearings, which are now captured in writing in Prologis's Written Summary of Oral Submissions at CAH2 (paragraphs 25 to 26) and ISH3. Prologis does not repeat those submissions in full here but invites the ExP to review the Written Summary and then to compare that to SEGRO's 'response'. When that is done, the complete absence of any engagement with Prologis's submissions appears to indicate that SEGRO has no satisfactory answer	The requirement for the land to be safeguarded has been deleted from the dDCO. The need for the land for the DCO Scheme remains however to ensure appropriate landscaping for the logistics development. Further, there is no sensible basis on which the Applicants could decline to acquire the narrow strip of land comprised in Plots 1/7, 2/2 and 2/3, in circumstances where the bulk of the 'northern land' within the control of Prologis will be acquired. For the purposes of Section 122(2)(b) of the 2008 Act, the plots in question are required to facilitate the manufacturing/logistics hub

	to them. In those circumstances it is not lawfully open to the Secretary of State to confirm compulsory acquisition over those plots.	development proposed.
17.	<i>Displacement and the future baseline</i> SEGRO contends that the criticisms made of the DCO Environmental Statement, for failing to assess the displacement of the Joint Application, could equally be levelled at the Environmental Statement for the Joint Application, which does not assess the "<i>displacement</i>" of the DCO Scheme by the Joint Application; it submits that, if the DCO Scheme were displaced by the Joint Application, that would result in the non-delivery of the Highways NSIP, and that this asserted inconsistency betrays the weakness in the contention that development in the alternative should be treated as part of the future baseline. That argument is misconceived, for two reasons. (a) First, the two situations are not equivalent. The grant of planning permission for the Joint Application could not in any way 'displace' the DCO Scheme. If the DCO is granted with powers of compulsory acquisition, SEGRO can acquire the land to which the Joint Application relates and thereby prevent implementation (or further implementation) of the development authorised by the permission. Until the application for the DCO has been determined, implementation of any such permission is not likely for the reasons articulated in Prologis's Written Representation at paragraphs 5.34 to 5.37 and 7.22 to 7.25, and in Prologis's Deadline 4 Submission at Section 5. Further and in any event, even if the DCO was granted without powers of compulsory acquisition and Prologis undertook works which implemented a grant of planning permission, SEGRO has itself built protection against that 'displacing' the development consent into its own draft Order – Article 42 of the dDCO expressly providing that, notwithstanding the decision in Hillside, the implementation of another permission will not	The Applicants maintain that the treatment of the DCO Application by Prologis is inconsistent with the approach which it urges on the ExA. Whilst the Applicants recognise that the two positions are not directly equivalent, the position is necessarily 'lop-sided' and uneven; Prologis seeks to both have its cake and eat it. Firstly, in this regard, the Applicants recognise that the presence of compulsory purchase powers represents a material distinction as between the DCO Scheme and the Joint Application scheme, the Applicants have already demonstrated unequivocally that delivery of the Joint Application scheme would preclude delivery DCO Scheme; thus, there is a direct parallel. Article 42 of the draft DCO (the Hillside provision) does not serve to change this position. There will be no permission/consent in respect of any southern land scheme, which scheme does not even exist, and would not be viable even if it did. Thus, for all practical purposes the Joint Application scheme will displace the DCO Scheme. As regards the second point taken by Prologis, it seeks to justify its omission in respect of analysis of the DCO Scheme by reason that it regarded that scheme as a competing 'alternative', which can properly be omitted in terms of cumulative assessment. However, such position does not sit in any sense consistently with the Prologis repeated assertions that development on the 'southern land' will come forward in tandem with the Joint Application scheme on the northern land. It cannot be right that Prologis urges on the ExP as an effective certainty such 'southern land'

	invalidate the development consent. Having secured its scheme against displacement in these ways, SEGRO cannot maintain that the Joint Application Environmental Statement was deficient for not assessing displacement. (b) Secondly, the Joint Application Environmental Statement addressed the DCO Scheme as an alternative to the Joint Application rather than as a cumulative or in-combination scenario, which is the orthodox and correct treatment of a competing scheme and is not a like-for-like counterpart of the assessment that the ExP has required of SEGRO. In any event, SEGRO's argument is inconsistent with the submission it makes, at paragraphs 13 and 14 of its Post-Hearing Submissions (DCO 7.14), that "<i>displacement</i>" is a "<i>misnomer</i>"; that the developments proposed on the northern land under the two applications are "<i>similar</i>"; that any assessment should be blind to the identity of the developer; and that "<i>the substitution of one similar form of development with another on the same land is not displacement</i>" and is not an effect requiring assessment under the EIA Regulations. SEGRO cannot have it both ways. If, conversely, such substitution does require assessment, then SEGRO's resistance to the further assessment that the ExP has required in the Rule 17 Letter is untenable. Prologis's full submissions on displacement, and on the meaning of "<i>likely</i>" in this context, are set out in its Written Summary of Oral Submissions at CAH2 (paragraphs 28 to 36) and at paragraphs 5.1 to 5.2 of its Deadline 4 Submission.	development whilst at the same time blithely ignoring such development for the purposes of its own assessment. Finally in respect of this item, there is no inconsistency in the position the Applicants have adopted as Prologis alleges. The Applicants maintain that delivery of the DCO Scheme will result in significant logistics development on the 'northern land', such that there is indeed no need for assessment of alleged environmental effects consequent on the 'loss' of the Joint Application development on that same area. The bull point at the heart of the dispute between the parties – with which the ExP will understand and engage – is that not only will the DCO Scheme deliver material benefits in respect of the northern land equivalent to those which the Joint Application scheme would deliver, it will also deliver extensive additional benefits in the form of further manufacturing/logistics floorspace on the southern land, a larger community park, more extensive landscaping (and thus a development more readily assimilated into its local context), operational synergy with EMG1 and the manifest benefits inherent in the Green Package of highway works.
18.	<i>Public interest harms and precedent</i> In striking the compelling case balance, the ExP must also weigh on the detriment side not only the private loss to Prologis and MAG but also the public interest harms that the grant of the powers would cause – harms that arise on the making of the Order, whether or not the powers are ever exercised. The first is the loss of the opportunity to deliver the policy-	The grant of compulsory purchase powers pursuant to the DCO will not result in public harm as asserted by Prologis, or at all. In this regard the Applicants make the following observations - Prologis does not have planning permission for the Joint Application, nor has it demonstrated that the

compliant Joint Application and its benefits (up to 135,000 sqm of floorspace, approximately 1,919 FTE operational jobs, some £109 million per annum in gross GVA, a Training Hub, a Transport Hub and a Community Park), a harm which the Environmental Statement does not assess at all and which falls to be placed expressly in the section 122(3) balance. The second is the broader precedent: the use of compulsory acquisition by one private developer to expropriate the land of an equally capable commercial rival, in order to secure a commercial opportunity it was unable to obtain through open-market competition, would undermine the security of title on which commercial development investment in the United Kingdom depends, and would risk chilling foreign direct investment of the kind that Prologis and its occupiers represent. These harms are not theoretical; they are immediate and certain, and they weigh directly against the existence of a compelling case. They are developed in full at paragraphs 5.13 to 5.18 and 5.33 to 5.39 of Prologis's Written Representation (and in the letter from Prologis's UK Managing Director at Appendix 4 to that Representation), at paragraphs 5.6 to 5.7 of its Deadline 2 Submission, and at paragraphs 4.26 to 4.28 of its Deadline 3 Submission. <i>The nature of the compelling case test</i> Underlying all of the above is the distinct and demanding character of the compelling case test, which Prologis's earlier submissions have addressed in detail. SEGRO's Deadline 4 Submission— that section 122 admits of no heightened standard for private-to-private acquisitions (DCO 7.13, pp.115–116) – misreads the decision of the Supreme Court in <i>Sainsbury's Supermarkets Ltd v Wolverhampton City Council</i> [2010] UKSC 20: the point is not that a different statutory test applies, but that the acute sensitivity of expropriating one private developer's land for the commercial benefit of its rival is a matter to which the decision-maker must give particular weight within the section 122(3) balance. Prologis's full	scheme would be commercially viable even if consented. Thus any 'loss' consequent on the inability to deliver that scheme by reason of the DCO being granted is entirely notional. Further, the ExP and Secretary of State can and should reasonably assume that the DCO Scheme will be delivered, which scheme will itself deliver all the substantive benefits which the Joint Application might have delivered (if ever consented and built out), and indeed extensive benefits beyond those that the Joint Application might have delivered (see Item 17 above). - The suggestion by Prologis that public harm will result from the 'precedent' of one commercial party being granted compulsory purchase powers over the land of another has been addressed elsewhere, notably in relation to Item 14. No such harm will result. The harms are not 'certain' as alleged; given the manifest uncertainty as regards whether the Joint Application can/will ever be delivered, the 'first harm' identified is necessarily notional, and lacking in substance. The Applicants do not dispute that the loss of the opportunity to try and bring forward the Joint Application scheme represents a 'private harm' to Prologis on some level, but that does not translate into a 'public harm'. The somewhat hysterical assertion on the part of Prologis that 'public harm' will result from any decision by the Secretary of State to authorise compulsory purchase powers in the present case is unfortunate and unhelpful. It is also misconceived. Developers and investors in the UK, both foreign and domestic, have always known that – in suitable cases and subject to appropriate safeguards – the Government of the day may authorise
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	treatment of the test and the authorities is at paragraphs 5.3 to 5.7 of its Written Representation and paragraphs 4.4 to 4.17 of its Deadline 2 Submission, as updated in Section 4 of its Deadline 4 Submission.	compulsory acquisition of interests in land, to enable development to come forward. Critically, in contested cases it will always lie with the relevant Secretary of State and/or their appointees to determine whether such powers of acquisition are justified. The fact that in the present case it is a commercial competitor of Prologis which seeks these powers from the Secretary of State, as opposed to an organ of government seeking to facilitate development (whether by such a commercial competitor or otherwise) will not have any material bearing on how matters are perceived more widely. As regards the ‘compelling case’ test, and in particular the decision of the Supreme Court in the <u>Sainsbury’s</u> case, the Applicants have neither misread nor misunderstood that decision. The Applicants welcome the belated recognition by Prologis that no different test falls to be applied in the context of a (so-called) ‘private to private’ acquisition; instead it is – as the Applicants have always maintained – a further context in which the ‘compelling case’ test falls to be applied. The ratio in <u>Sainsbury’s</u> was not concerned with the issue of ‘private’ compulsory acquisition; the points at issue are those set out in Paragraph 31 of the leading judgement of Lord Collins. Lord Collins himself did not address the issue, but the ‘obiter’ observations of Lord Walker (at Paragraphs 81 and 82) are not controversial. In practice, what they do is identify that in a case where such ‘private’ acquisition will be enabled by compulsory purchase, that is a matter which falls to be considered in determining whether a ‘compelling case’ exists to justify compulsory acquisition, and that it is appropriate to be sensitive/alive to that consideration when reaching a decision whether or not to authorise compulsory purchase powers.
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		Notably, in delivering his judgement Lord Walker recognises that regenerative development schemes – such as that in <u>Sainsbury's</u> – will indeed sometimes give rise to 'private to private' acquisitions. Thus, crucially, the position before this Examination is therefore not unusual, still less unheard of, and accordingly the new 'precedent' that Prologis complain will be established is not anything of the sort.
19.	Viability Prologis's substantive response to SEGRO's Deadline 4 viability material, including Mr Cottage's response to Mr Roberts's evidence, is contained in the Second Report of Mr Roberts FRICS CEnv of DWD, appended at Appendix 1. The ExP is invited to read that report in full for the detailed analysis; this section summarises the key points and signposts where they are developed. The key points, which are developed in the Second Report of Mr Roberts, may be summarised as follows: (a) SEGRO has still not provided any appraisal based on a realistic commercial market value assessment of the Prologis/MAG Land. Mr Cottage's appraisals continue to rely on a value of £225,000 per acre, derived from SEGRO's 2020 option agreement with Mr Aldridge rather than from any market evidence, together with an alternative figure of £31,250,000 – neither of which he advances as a market value (Second Report of Mr Roberts, Section 5 and paragraphs 8.9 to 8.11). Land value is an essential input to any viability appraisal, and without a realistic market value SEGRO's appraisals cannot be relied upon. (b) On Mr Cottage's own figures, SEGRO cannot both pay a market value for the Prologis/MAG Land and achieve its stated	In response to the key points, the Applicants note as follows: (a) Mr Cottage's original appraisal referenced a land value equivalent to £225,000 per acre for the Prologis Land, but his Deadline 4 response to Mr Robert's provided a sensitivity analysis that demonstrated a far higher value could be paid, in excess of £31.25 million. Prologis also ignores the fact that SEGRO has previously offered more than £31.25 million for the Prologis Land. It is notable that while Prologis says Mr Cottage has not adopted a realistic land value for the Prologis Site, it offers no valuation of its own and Mr Roberts has provided no independent viability appraisal or sensitivity analysis for the DCO Scheme. If Prologis can confirm its opinion of land value, this could be built into an appraisal and sensitivity analysis. Currently, SEGRO has no value for the Prologis Land from Prologis other than Mr Robert's £31.25 million. and Prologis' position appears to be that whatever value SEGRO puts on its land, this insufficient and the value must be higher. b) This misrepresents Mr Cottage's position. The 14.98% profit margin is an illustration reached solely by removing sales costs that will not actually be incurred from his appraisal (something to which attention was drawn in his initial report – paragraph 37), However, this is only part of

minimum 15% profit hurdle. His £31,250,000 sensitivity appraisal reaches only 14.98%, and only by wrongly stripping out costs, so the DCO Scheme is marginal at best and, once a realistic market value is adopted, unviable (Second Report of Mr Roberts, paragraphs 5.12 to 5.13 and 8.6). (c) SEGRO has adduced no evidence that development of the land south of Hyam's Lane would be unviable or undeliverable as a standalone or collaborative development. The only appraisal relied upon – which Mr Roberts describes as the "Fourth Scheme" – is an artificial construct that assigns 91% of the scheme costs to land comprising only 56.55% of the area and disregards the cost-sharing the dDCO would effectively require in the absence of powers of compulsory acquisition, so this key plank of SEGRO's case is unproven and may no longer be pursued (Second Report of Mr Roberts, Section 6 and 8). (d) The dDCO itself, at paragraphs 5 and 6 of Part 1 of Schedule 2, already effectively compels SEGRO and Prologis to collaborate in delivering development of the Prologis/MAG and Aldridge Land in the absence of powers of compulsory acquisition. In those circumstances, the grant of compulsory acquisition powers is not necessary to ensure that the costs of the associated infrastructure would be shared appropriately; indeed, granting those powers would make delivery of both landholdings less, not more, likely (Second Report of Mr Roberts, paragraphs 1.7 to 1.8 and 6.8). Notably, Mr Cottage does not invite the ExP to conclude that the Prologis scheme is unviable, and adduces no evidence to that effect (Second Report of Mr Roberts, Section 7). The consequence for the section 122(3) balance is that SEGRO has not demonstrated, on robust market-facing evidence, either that its own scheme is viable or that the benefits it relies	the story. Mr Cottage's sensitivity analysis in his second report shows that only small improvements in rents and yields (something which he again noted as a consideration in his first report (paragraph 41) and which Mr Robert's also agrees is possible – paragraph 5.96 of his second report) would make the DCO Scheme viable even if the Prologis land were to cost substantially in excess of £31.25 million. c) See the response to submission 10 above. d) See the answer to submission 11. It is not possible to determine whether the Prologis Scheme is unviable without knowing what Prologis will have to pay for the Prologis Land. SEGRO considers that it has demonstrated that the DCO Scheme is viable, both through Mr Cottage's consideration of viability analysis and in terms of the offers it has previously made for the Prologis Land.
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	upon to justify compulsory acquisition depend on the exercise of those powers.	
20.	Community Park As part of its Deadline 4 Submissions, SEGRO has provided new material in relation to the proposed Community Park. Prologis has reviewed that material and does not consider that it alleviates its concern that the benefits claimed for the Community Park are significantly overstated as it is unable to effectively achieve all of its functions for the reasons below: (a) The proposed ecological function of the Community Park is not considered to be able to operate effectively alongside unrestricted public use. The usage of the Community Park as Skylark mitigation would require restrictions on dog walkers during nesting season and would more than likely require fencing, which could be as high as 1.5m high. As such, the limited area of the Community Park, in this circumstance, is considered to result in an avoidable conflict between ecological protection and public access. (b) The proposed SUDS features within the Community Park have steep sided slopes, with the features to the north of the site engineered into the existing slope, resulting in the likely need for fencing, on Health and Safety grounds. Similarly, the footpath route to the east of the most northerly SUDS feature, sits 10m above the base of the basin, with a 1 in 3 slope running from the edge of path downwards. Locating these features within or adjacent to recreational areas increases risks to users and undermines the drainage system's performance. (c) Over a third of the proposed Community Park would not be publicly accessible due to the nature of the proposed SUDS features, which is a 1 in 3 slope. This part of the Community Park would also not be suitable as Sky Lark mitigation.	The Applicants disagree with Prologis on this issue. The ecological function, through sensitive design, of the Community Park will allow access to public open space, enable opportunities to connect with nature as well as providing significant biodiversity enhancement. These concepts are embedded throughout Natural England's Green Infrastructure Framework. With regard to skylark mitigation, and as already set out in the Applicants' Response to Relevant Representations (Document DCO 7.2) and to the ExP Questions (Q5.0.3), the applicants do not consider it proportionate to seek to entirely mitigate any residual minor effect on skylark, which is not considered significant. It is not the intention that the Country Park provides replacement nesting habitat on a like-for-like basis, although some nesting may still occur as can be observed at EMG 1 in well-used and publicly accessible areas. Instead, the Community Park habitats will be designed to provide an easily commutable foraging area for adults and young birds post-fledging, from suitable nesting habitats in the locality, which may facilitate an uplift in carrying capacity and reduce any adverse impact on the wider population of this species. The most likely scenario will be that the small number of skylarks are displaced into the significant amounts of suitable habitat available locally but overall, there would be no perceptible effect on the wider population. With regards to the SUDS features, these will be 1 in 3 gradient which is a stable grading for a slope and is in accordance with the recommendations made in the SuDS

	(d) The proposed Community Park and its approach to very much separate off the community space with the main park and employment uses, which severs interaction between the employment use and the Community Park. This contrasts with the Prologis PARKlife initiative which encourages interaction with the surrounding landscape and provides multiple access links into the park. (e) The proposed Community Park proposes the use of small blocks of woodland, which would potentially be ineffective given the need for wide spacings, in order to satisfy bird strike guidance, given the close proximity of East Midlands Airport. Prologis maintains that the proposed Community Park is so constrained in layout and functionality that it cannot deliver the level of multi-functional use claimed. Consequently, the benefits put forward by SEGRO are considered to be substantially lower than stated, which must be reflected in the case for compulsory acquisition.	manual. Locating the SuDS in the community park will not affect the performance of the drainage system. With regard to the Community Parks overall purpose, as set out in the Planning Statement and the Design Approach Document the function of the Community Park is to create a buffer between the employment park and Diseworth, to provide ecology/drainage/visual mitigation, as well as to serve the local community. Its design has therefore been developed with that in mind. There is no policy requirement to provide public open space for the employment park. As set out in the Applicants response to the ExP Questions (Q1.2.2-Q1.2.2) the Applicants consider that the proposed community park uses can absolutely co-exist within the available area without giving rise to unacceptable spatial conflicts. It is of note that North West Leicestershire District Council has no specific policy or guidance-based standards that apply to the Community Park in this context. Notwithstanding there is no policy basis for it, the detailed composition and arrangement of the Community Park has been developed through engagement with North West Leicestershire District Council, other relevant consultees and the local community, with the approach and extent of the proposed uses agreed in principle with the Council. Accordingly, the Applicants do not consider there to be any unacceptable spatial conflicts between the proposed functions of the Community Park. By way of direct comparison, the EMG1 bund/pond/public access path area co-exists comfortably and provides beneficial open accessible space for users of the development as well as the wider community including dog walkers, equestrians and adjacent village communities.
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		See images taken from EMG1 Community Park from summer 2025 at Annex F of this document. It is also not the case that the Community Park is severed from the employment park, as Hyams Lane provides easy access for employment park users into the Community Park with footpaths leading off Hyams Lane into the park both to the north and south. Finally, the planting within the community park consists of thicket/scrub blocks which will be installed as 600-900mm high transplant stock planted on a 1m grid with pegs and shelter guards installed to assist establishment and protect from damage by wildlife. Through management these areas will be allowed to develop open 'ecotone' areas to provide ecological diversity. Also included is a broad distribution of advanced nursery stock trees and hedgerow planting. There is no 'woodland' proposed on current community park plans.
21.	Highways Prologis has had sight of and has nothing further to add to the submissions made by EMA in relation to SEGRO's updated submissions on transport matters on which they have led to date – in particular in relation to the airport's operations. SEGRO relies on National Highways' response to the Joint Application⁷ (DCO 7.13, Annex J), and on the National Highways holding objection dated 10 June 2026⁸, to cast doubt on the deliverability of the Joint Application. That reliance is misplaced, a holding objection is, by its nature, a position adopted pending further information or clarification	The Applicants are not disputing that there are ongoing discussions between Prologis/EMA and NH in relation to the joint application. However, based on the Applicant's considerable experience in working with NH on the EMG2 scheme, it is clear that there are a significant number of issues that need to be resolved and these take time. An example being the length of time needed for the departures from standard approval process – which can only be

⁷ Annex J – DCO 7.13

⁸ Response to Action Point 49 – DCO 7.15 Applicants' Response to Hearing Action Points

rather than a refusal, and Prologis and East Midlands Airport continue to work constructively with National Highways and LCC to resolve the outstanding matters. Discussions with National Highways are progressing at a fast pace and an updated holding notice was submitted by National Highways on 16 June 2026. Since this time, and in response to points raised, the applicant has been in further correspondence with National Highways regarding the residual modelling, construction and sustainable transport matters raised with the intention of closing out such points in a timely manner. In its response to Action Point 36, SEGRO suggests that, if Prologis developed the Joint Application and then the land south of Hyam's Lane came forward separately, the resulting highways arrangement at the crossing might be unacceptable, raising it as an obstacle to sequential development of the two parcels. The Joint Application site outline masterplan has been designed to include a potential highways tie-in with Hyam's Lane and onwards to a potential development on the land south of Hyam's Lane. The site levels have been designed to accommodate this. Were development to the south of Hyam's Lane to proceed, any agreed alterations to Hyam's Lane access could be secured via Traffic Regulation Orders with changes to the highway via a highway agreement under section 278 of the Highways Act 1980.	commenced once the mitigation measures and underpinning traffic data have been agreed with NH. Whilst the Applicants are aware that this examination is not an examination of the Joint Application, the Applicants note that SEGRO and ADC (on behalf of the Isley Woodhouse development) have written further to NWLDC in response to the Joint Application, which are found at Annex A to C of this document. These raise significant concerns with the traffic impacts of the Joint Application - notably lack of mitigation measures at the A453/A6/EMG1 access junction and at M1 Junction 24. A copy of the response of EMCCA is also enclosed at Annex D of this document, raising public transport issues. Given the scrutiny EMA as airport operator has given to the EMG2 proposals, and the importance of M1 Junction 24 to EMA (as confirmed by EMA at Annex G of this document), the Applicants expect the issues raised to be of considerable importance to EMA as airport operator. The Applicants' position in respect of Hyams Lane is provided in the responses to the ISH3 action points [REP4-035].
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APPENDIX 3

RESPONSE TO SUBMISSIONS MADE BY EAST MIDLANDS INTERNATIONAL AIRPORT LIMITED AND EAST MIDLANDS AIRPORT PROPERTY INVESTMENTS (INDUSTRIAL) LIMITED (EMA)

Submissions received at Deadline 5 [REP5-060D]		
No.	Matter	Applicants' Response
1.	VIABILITY In relation to the report of Mr Peter Roberts submitted at Deadline 5, EMA and EMIAL would draw to the ExP's attention paragraph 7.1 where Mr Roberts notes that "Mr Cottage does not invite the ExP or Secretary of State to conclude that the Prologis scheme is unviable". This is a reference to paragraph 24 of Annexure L to DCO 7.13 (REP4-033) where Mr Cottage (the Applicant's expert on this issue) says: "it is simply not possible for me, or indeed anyone else, to reach an opinion on whether the Prologis Scheme is viable or not". That acknowledgement by Mr Cottage is inconsistent with the submissions made by Alexander Booth KC for the Applicant at ISH3, as recorded in DCO 7.14 (REP4-034). For example, on page 50 of that document at paragraph 12, he says: "... the Applicant's understanding is that the Joint Application is not viable." That position by the Applicant cannot be sustained in light of Mr Cottage's statement above.	The Applicants confirm that it is Mr Cottage's position that it is not possible to determine whether the Prologis Scheme is viable without knowing what Prologis has paid for the land it has already acquired or the terms of its agreement with EMA. Mr Cottage is unaware of those terms. Mr Booth's position is that, on the basis of what the Applicants understand to be the price paid by Prologis, the Prologis Scheme is not viable. Those two statements are not incompatible. Mr Cottage is providing an independent expert opinion that the Prologis Land may or may not be viable dependent on the price paid for it. Mr Booth's statement reflects the Applicants' view that, if its understanding of the price that has been (and will be) paid for the Prologis land is correct, the Prologis Scheme is unviable. Unless and until Prologis releases the terms of its acquisitions, whether or not SEGRO's understanding is correct cannot be confirmed. Prologis and/or EMA could resolve this

		issue by confirming the terms of the acquisitions but are choosing not to do so.
2.	TRAFFIC & TRANSPORT Appendix 1 of this document contains a technical note from SCP, who have analysed the range of information on traffic and transport submitted by SEGRO across the suite of documents they submitted at Deadline 4. The ExP will be able to see from SCP's technical note that a small number of matters have now been resolved on this topic. However, SCP make it clear that there is still a significant amount of information outstanding from SEGRO, not least in relation to potential highways impacts on the operation of the Airport. That is totally unacceptable for this advanced stage of examination. SEGRO's omissions in this respect only add weight to our previous submissions on procedural fairness in this regard. We would therefore repeat the requests made in ISH3 (noted in paragraphs 12 and 13 of our post hearing submission REP4-066) that: (a) The ExP make this missing information the subject of one or more of its third round of written questions; and (b) The ExP holds an issue specific hearing into traffic and transport matters impacting the Airport in August. SCP highlight the statement provided by the Applicant on page 185 of document (DCO 7.13 REP4-033) that "The highway mitigation proposed in the Transport Assessment accompanying the DCO Application has been designed to accommodate EMG2 only." On the face of it this statement provides welcome clarity, but in fact perpetuates contradictions in the Applicant's case. Whilst it may have been the Applicant's intention to mitigate solely for EMG2, the failure to explore options for the link road as explained SCP's note means that there is no	The Applicants do not agree that there is a significant amount of information missing, the specific points raised by SCP are addressed below. National Highways have confirmed agreement to all of the traffic modelling, impacts and highway design for the SRN, and LCC the same for the local road network (save for the outstanding localised queries within Castle Donington and Kegworth). The Applicant's position is that National Highways and LCC, as local highway authority, whom the Applicants are working with, are the appropriate arbiters of sufficiency when it comes to traffic assessment and highway design. The Applicants note that Prologis and EMA as joint applications for their application agree with this position as this wording is found within DLA Piper's letter on behalf of the joint applicants in response to Segro's comments on that application (REP1-257D Appendix 3 paragraph 7). In response to the question regarding overprovision of mitigation, the VISSIM modelling demonstrates how any unacceptable impacts from the EMG2 development will be mitigated, particularly with regard to highway safety on the M1 J24 northbound off-slip. However, it confirms that queues will still occur on

	certainly whether that is indeed the case or whether the Applicant is unjustifiably overproviding. If the Applicant is to maintain its position as quoted above, then it now needs to update its Statement of Reasons (DCO 4.1) to reduce the weight attached to the benefits of the Highway Works in that document, insofar as those claimed benefits were characterised as enabling “major economic, housing and energy development across the region”. SEGRO’s Planning Statement (DCO 5.4) should be updated similarly.	certain arms and so in no way does the mitigation resolve all existing capacity problems. Therefore, other planned developments in the local area will still need to identify their own mitigation scheme, which is being developed separately within the East Midlands Growth Point consortium. The work undertaken to date demonstrates how the EMG2 mitigation can be delivered without compromising other developments from delivering further mitigation and coming forward. The M1 northbound to A50 westbound link road is the correct strategic solution to transfer traffic from the A453 onto the M1 northbound. This is evidenced by Joint Application Transport Assessment which proposes mitigation at Finger Farm (with an underlying strategy being to transfer traffic from the M1 to the A453; the opposite to EMG2’s strategy) but shows that there would be unacceptable queuing at A6/A453/EMG1 junction and a need for significant mitigation at M1 Junction 24 (see Annex A for further information). The text at Paragraph 5.46 of the Statement of Reasons [REP1-025D] states “<i>The DCO Scheme includes the Highway Works which include a package of strategic highways improvements forming an integral part of an emerging strategic highways solution to existing challenges and problems around Junction 24 of the M1</i>”. It explicitly confirms that the EMG2 Highway Works form <u>part of</u> a wider package of mitigation needed to accommodate “<i>major economic, housing and energy development across the region</i>” which refers to developments at Ratcliffe
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		on Soar and Isley Woodhouse, for example. It in no way states that the EMG2 Highway Works provide capacity to accommodate other developments, which is an incorrect statement and confirmed by the transport modelling and agreed with National Highways.
3.	OPERATIONAL MATTERS EMA is continuing discussions with SEGRO in relation to operational matters including aerodrome safeguarding, protective provisions and the Active Travel Link, to the east of the runway. In relation to SEGRO's proposed Active Travel Link (Work No 14), and without prejudice to EMA's position that there is no need for the Active Travel Link, discussions have progressed constructively and a revised alignment agreed. In relation to protective provisions, EMA continues to engage with the Applicant to seek a resolution of this matter to provide for the safe operation of aircraft, at and in the vicinity of the Airport. The current position on these, along with the outstanding matters, is set out in the draft operational SOCG between EMA and SEGRO, which we understand SEGRO will submit at Deadline 5.	The Applicants submitted a change request to support the change in alignment of the Active Travel Link on 21 July 2026. The Applicants have included protective provisions in favour of EMA and set out in [REP5-033] why those provisions, which mirror those requested by EMA for the Joint Application are reasonable. The Applicants are continuing to liaise with EMA on this issue.
Appendix 1 – SCP Technical Note		
4.	Mitigation Optioneering One of EMA's concerns has been the potential for increased queue lengths and delays as a result of the EMG2 development, particularly at M1 Junction 24 and the A453/East Midlands Airport Roundabout, which appear to affect the operation of other junctions and the M1 mainline. Confirmation has been provided by the Applicant that the queues are	See response to point 2 above. The Applicants note the importance EMA places on M1 Junction 24 (see Annex G of this document) and therefore trusts that EMA as airport operator will be raising concerns with the impacts at this junction

	attributed to the traffic generated from other unrelated development allocated in the local plan, rather than the EMG2 development itself. A key issue for EMA identified throughout the documents is the lack of optioneering to determine the scheme presented for M1 J24. There is no clear evidence that alternative or less extensive mitigation schemes have been considered, making it difficult to determine whether the proposed solution is proportionate or potentially excessive to mitigate the impacts of the EMG2 scheme. DCO 7.13 Annex K sets out the process that the scheme went through. It states that that modelling has been undertaken to assess a number of schemes. However, no evidence is presented to substantiate that statement. This evidence should be available for review.	resulting from the Joint Application as documented at Annex A to D.
5.	Local Junction Modelling The A453/Beverley Road roundabout (the main site access) is stated to operate within capacity on completion of EMG2 but this claim lacks supporting evidence. The VISSIM model output provides results for all the junctions within the model with the exception of this junction. Whilst it may be concluded that the whole network will operate to an acceptable level on completion of EMG2 it is not understood if this junction, in its own right, will operate satisfactorily. It is a striking omission for the main site access. The Applicant's approach to the A453/The Green junction continues to be a concern for EMA, due to its importance for accessing the airport, as no mitigation has been proposed and the applicant states that no mitigation will be provided at the request of the Diseworth residents. The models quite clearly show delays at this junction which could lead to traffic diversions through nearby villages (including Diseworth) and create potential safety issues. Drivers may also become frustrated with the delays at the junction and accept unsuitable gaps in traffic which could lead to safety issues on the A453.	With regard to the A453/Beverley Road roundabout, the Applicant refers EMA to its response provided at Item 16 of DCO 7.17 Applicants Response to Deadline 4 Submissions [REP5-033]. To supplement this queue length data has been provided in Annex E and confirms that queue lengths will be minimal and the junction will operate comfortably within capacity. With regard to the A453/The Green junction, the Applicants position remains unchanged from its response at Item 16 of DCO 7.17 Applicants Response to Deadline 4 Submissions [REP5-033]. The EMFM model over-provides capacity at this junction and in reality, development traffic travelling to the site from local villages, is expected to route via via the A42 and Finger Farm, or A42 and A453 given the additional capacity created as a result of the mitigation. Indeed, the VISSIM modelling also confirms there would be reduced journey times on the A6 Kegworth Bypass to the A453 in the 2038 morning

	The Applicant states (at (DCO 7.13 (REP4-033) - Page 178/9) “Mitigation has purposefully not been proposed at the A453/The Green junction so as not to encourage traffic to route via Diseworth. The Airport should be encouraging its staff and visitors to travel via the SRN”. Staff from the airport are already on the road network (and future growth considered committed development) and the forecast problems at this junction are as a result of the traffic increases arising from EMG2. Therefore, the applicant should be dealing with the issue and not asking/ asserting that local businesses to divert their traffic (especially for local resident employees). Such an approach is unacceptable. The above point is reinforced by the Applicant’s own acknowledgement, in response to ISH1 Action Point 7 (DCO 7.13 – Page 154), that the highway works it proposes – and in particular the new free-flow link from the M1 northbound to the A50 westbound – would be required to allow for growth within the area and to mitigate the impact of forthcoming developments “whether that included EMG2 or not”. Yet further conflicting statements persist from the Applicant and a lack of clarity continues on the issue of the approach to mitigation. For example, the response provided by the Applicant in document DCO 7.13 on page 185 states that “The highway mitigation proposed in the Transport Assessment accompanying the DCO Application has been designed to accommodate EMG2 only.” The Applicant’s overall approach to mitigation is contradictory and does not clearly show that it is policy compliant at this time.	peak hour, with the mitigation in place. As the EMFM model is over predicting traffic flows through A453/The Green, existing traffic using it would not be displaced and instead there are not expected to be any significant traffic increases from EMG2 that would compromise the capacity of the junction, owing to the comprehensive mitigation scheme proposed on the Strategic Road Network. With regard to the final paragraph regarding overprovision, the Applicants refer to the response provided at Item 2.
6.	Mezzanine Floorspace Modelling This remains a concern. LCC has requested additional modelling to be undertaken to assess the additional mezzanine floorspace identified in the application. The results of this modelling are still awaited. National Highways is generally satisfied that the modelling demonstrates	The Applicants have carried out further assessment of the additional 100,000sqm mezzanine floorspace using outputs from PRTM 2023. This confirms that the additional mezzanine floorspace will not change the conclusions of the Transport Assessment and the proposed mitigation on the Strategic Road Network will continue to provide the correct solution for mitigating any unacceptable impacts from the EMG2

	acceptable impacts on the strategic road network, and that the mezzanine can be addressed via Requirement 27. LCC has noted that should the above modelling demonstrated the road network can accommodate the extra traffic associated with the mezzanine floorspace they would be happy to remove requirement 27. National Highways also note that the need for requirement 27 will be reviewed post modelling.	development. This is documented in Annex 2A of Document DCO 7.21 / MCO 7.21 and has been agreed with National Highways. On this basis Requirement 27 (mezzanines) has been removed.
7.	Highway Design The revised drawings that have been included only provide minor updates with no significant changes compared to the previous revisions. Design changes have been made to the A453/East Midlands Airport signalised junction to convert the priority pedestrian crossing to a signalised pedestrian crossing, which is reflected on the revised plans. The amended highway design alongside further submissions for the RSA are yet to be agreed by LCC. All departures from design standards have however, now been approved.	The Applicants note that Leicestershire County Council have confirmed agreement to the revised highway design as document in the Applicants' document of the proposed change [REP5-034D] and as recorded by Leicestershire County Council at Deadline 5 [REP5-058D].
8.	Stakeholder Concerns The SoCGs with LCC and NH do not appear to be agreed. Highway safety along Derby Road in Kegworth and in Castle Donington is still a concern to LCC due to increase in traffic due to the scheme (otherwise highway safety agreed). LCC also raises a number of other issues that would need considering before agreement can be made. NH have raised concerns regarding the protective provisions. There are concerns from LCC over how any financial commitments would be secured (as part of the travel plan) in the absence of a S106	The SoCG are in the process of being agreed. The only outstanding technical issue with Leicestershire County Council is the issue relating to Castle Donington/Kegworth has been the subject of ongoing discussion with Leicestershire County Council and is addressed in a Technical Note which is submitted at Deadline 6 ((Technical Note on EMG2 PRTM 2023

	however they ultimately agree with the public transport strategy in which the final points around matters of funding and delivery will be agreed	Sensitivity – Kegworth and Castle Donington (DCO 7.23). The Applicants have submitted updated SoCGs at Deadline 6 in accordance with the Examination timetable which set out the latest position.
9.	Construction Environmental Management Plan With reference to the CEMP (including CTMP and construction programme), there are additional sections related to public communications and traffic management alongside a Construction Worker Travel Plan. These will be developed with further detail once a contractor has been appointed. The development, implementation, and operation of the CTMP and Temporary Site Access must include EMA as the owner of Beverley Road and one of the principal access routes into the Airport. Any signage or works on the private road will require the agreement of EMA. No vehicles associated with the construction activity will be permitted to queue, wait, or park on any of the private roads within the Airport site. This should be reflected in the CTMP Enforcement measures set out in Paragraph 8 - In line with the red routing restrictions across the Airport site, including the A453, no vehicles associated with the development, including the construction activity, will be permitted. The Public Communications and Traffic Management Protocol sets out how SEGRO and the Contractor will manage these impacts and communicate with stakeholders. The inclusion of East Midlands Airport as an interested party will ensure that engagement on the works to the public highway is undertaken. Royal mail has been included as an interested party but this should be extended to 'EMA air cargo operators including Royal Mail, DHL, UPS and FedEx' to manage their logistics effectively during the construction phase.	The Applicants agree it would be logical for East Midlands Airport (EMA) to be one of the interested parties with whom the Contractors and/or Applicants will engage and liaise in the context of implementation of the CTMP, including regarding traffic management or signage in the vicinity of the Airport. The CTMP has been amended and submitted at Deadline 6 (28 July), and this has been included, as have specific references to agreeing any works affecting Beverley Road with EMA. To correct the point made by EMA regarding references to a QCTMA, these references were made in the submitted CTMP (as opposed to being included in the CEMP). The QCTMA was prepared in 2025 in the context of the TA. However, the QCTMA was a relatively high-level and broad-brush document and has since been over-taken by more detailed construction traffic assessments by BWB, and by content of the CTMP. As a result, the QCTMA adds little so those references have been removed from the revised CTMP submitted at Deadline 6.

	It should be requested that engagement with Donnington Park for major events should also include EMA, as this can affect access to the airport. Within the CEMP, a Qualitative Construction Traffic Management Assessment (QCTMA) is referenced throughout, however this is not included within the CEMP or any associated appendices. It is not clear what this document is seeking to do and whether its contents require approval by any of the relevant highway authorities or stakeholders. In relation to the Construction Worker Travel Plan, this provides a high level overview of access, measures to promote sustainable travel, enforcement and monitoring. To protect local communities and maintain operational resilience at EMG1/EMA, certain routes on the local road network would be prohibited (unless for genuine trips, e.g. employees with an origin at these locations) and compliance will be reinforced through inductions, daily briefings and on-site signage.	
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APPENDIX 4

RESPONSE TO SUBMISSIONS MADE BY PRTOTECT DISEWORTH

Submissions received at Deadline 5 [REP5-059D]		
No.	Matter	Applicants' Response
1.	<i>Q1.04 (20% Advanced Manufacturing Floorspace)</i> – PD note that the Applicant appears to have elected to not answer this question. This is the second time that the ExP have sought clarity on the environmental assessment work relating to advanced manufacturing and whether any limitations should be placed on the B2 element of the use. PD consider it essential that there is a clear understanding of the environmental effects of the proposed development and any necessary mitigation measures.	The Applicants' response in [REP4-036] clearly records that 20% of the trips have been assigned to a B2 use in the Transport Assessment. The B2 trip rate is higher compared to the B8 use to reflect the nature of B2 general industrial. The Applicants previously indicated that they were reviewing whether an update to the dDCO or the Parameters Plan would be best. The Applicants have subsequently recorded the upper limit of advanced manufacturing floorspace on the Parameters Plan and in the dDCO with updated versions of both documents being submitted Deadline 6.
2.	<i>Q1.2.1 (Community Park)</i> – PD note the Applicant's comments on this question and would offer the following additional comments. As such, PD consider that Accessibility should be demonstrated across the 'community park' as a whole, including access to viewing areas, landscaped spaces, biodiversity features and other attractions, rather than only along designated Rights of Way. PD consider that the steeper gradients are being driven by the need to accommodating large attenuation basins required for the development's Sustainable Drainage System. This reinforces concerns that the site's primary function is drainage infrastructure rather than recreational open space, with accessibility necessarily constrained by engineering requirements.	As set out in the Applicants' response to the ExP Questions (Q1.2.2 - Q1.2.2), the Applicants consider that the proposed community park uses can co-exist appropriately within the available area without giving rise to unacceptable spatial conflicts. As set out within the Planning Statement [REP4-016] and the Design Approach Document [REP2-022], the function of the community park is to create a buffer between the employment development and Diseworth, to provide ecology/drainage/visual mitigation, as well as to serve the local community. With regards to the SUDS features, these will be 1 in 3 gradient which is a stable grading for a slope and is in accordance with the recommendations made in the SuDS

	In PD's view, the Community Park was designed as an area of mitigation for the development, rather than a functional and accessible open space, that could be actively used by the community, which is why these issues of conflict between public use and delivery of mitigation have arisen. Furthermore, the Applicant fails to address maintenance issues, including areas of standing water, and muddy areas, that may impede access during inclement weather. This will have direct implications for people with mobility issues and simply highlighting acceptable gradients does not demonstrate that the scheme delivers inclusive access in accordance with good design principles.	manual. Locating the SuDS in the community park will not affect the performance of the drainage system, nor the ability of the park to accommodate a range of users and functions. It is of note that North West Leicestershire District Council has no specific policy or guidance-based standards that apply to the community park in this context. Notwithstanding there is no policy basis for it, the detailed composition and arrangement of the community park has been developed through engagement with North West Leicestershire District Council, and other relevant consultees including members of the local community, with the approach and extent of the proposed uses agreed in principle with the council. By way of direct comparison, the nearby EMG1 bund/pond/public access path area co-exists comfortably and provides beneficial open accessible space for users of the development as well as the wider community including dog walkers, equestrians and adjacent village communities.
3.	Q1.2.2 (Community Park Plan) – PD have reviewed the updated 'Community Park Plan and supplemental Community Park Typologies Plan (attached at Annex 1C) and would offer the following additional comments. - As already noted above the 'Community Park' will primarily exist and function as a SuDS drainage system, with the bulk of land area assigned to large drainage basins which are inaccessible to humans (and a safety risk for children). PD consider that public access was an 'afterthought.' - In this respect, the current design of the Community Park is considered to conflict with Paragraphs 96 (b) and 103 of the NPPF, which collectively seek to encourage access to 'high quality open spaces' which encourage the active and continual use of public areas.	Please see the response given to Protect Diseworth item 2 above, as well as the Applicants' responses at Deadline 5 to the similar points raised by Protect Diseworth. The proposed mix of uses and facilities within the community park will enable 'active and continual use' by the community. Details regarding the management and maintenance regimes for the drainage strategy form part of the DCO Application and are secured by the dDCO.

	• If most of the 'park' consists of attenuation basins that are inaccessible or fenced off, there is a legitimate question whether it can properly be described as community open space. The applicant should distinguish between land provided primarily as engineering infrastructure/mitigation and land providing genuine recreational benefit. • The Applicant should explain how this drainage system will be managed, including regimes of inspection and maintenance, and how these are secured in the DCO. Both the NPPF and national SuDS policy require that drainage systems remain effective for the lifetime of the development.	
4.	<i>Q3.0.2 (BMV Cumulative effects and Technical Note</i> – PD have read the Technical Note produced by the Applicant. Whilst the specific question relates to cumulative loss of BMV land, PD consider it important that this be set within the context of BMV land loss more generally. The value of BMV land is noted within the NPPF at Paragraph 187 b) which confirms the importance of the 'economic and other benefits of the best and most versatile agricultural land'. Moreover, this should be set within the context of the NPSNN which notes at Paragraph 5.1.89 that: 'Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality.' Paragraph 5.1.89 goes on to state that: 'Applicants should also identify any effects, and seek to minimise impacts, on soil health and protect and improve soils, taking into account any mitigation measures proposed. Soil is an important natural capital resource, providing many essential services such as storing	The cumulative approach taken is that suggested by IEMA/ISE and involved Natural England in its creation. The Technical Note was created only to deal with queries on the cumulative effects methodology. I do not accept in any way that it has taken a begrudging tone. Rather it seeks to explain why cumulative effects on agricultural land have to be considered in a different way. The text within the IEMA Guidance on assessment of soils and agriculture also makes a similar explanation and the very fact that a different methodology has been applied by IEMA/ISE demonstrates

carbon (also known as a carbon sink), reducing the risk of flooding, providing wildlife habitats and delivering global food supplies.' PD note that the 'tone' of the TN has been prepared on a 'begrudging' basis. It seeks to question and create distance from the level of assessment undertaken for other topic areas on cumulative effects, including seeking to downplay the importance of cumulative BMV loss stating at Paragraph 1.3 that 'The land loss effect of multiple developments is a simple the sum of their areas. This differs for example from an assessment of pollution or habitat loss effects, where there is a wider potential receptor area, including areas outside the sites.' Whilst PD agree that cumulative effects are easier to predict for this topic, it does not make the consequences of cumulative effects any less significant. In the overall sense, PD continue to be of the view that the Applicant has not demonstrated how they have sought to use poorer quality land, as an alternative to higher quality and more valuable BMV land. The reality is (as confirmed by the TN) the resulting effects are a permanent loss of BMV land, unlike other renewable NSIP projects, where there is an ongoing potential use of BMV land and not a permanent loss. As such, the contribution of the BMV land and its economic and other benefits (as noted by national planning policy) will be permanently and irreversibly lost. In this regard, specific consideration must be given to the consequences of this 'loss.' Whilst the tone of the TN seeks to 'push back' against the expert statutory consultee (Natural England) for its very reasonable assertions that cumulative effects should be considered, it is important and necessary that this matter is very carefully considered. Whilst the Applicant again seeks to downplay the consequences of the permanent loss of BMV land within the wider context and set within the context of national availability of BMV land. Paragraph 1.12 makes the	that specialists in the field, including Natural England, advocate a different approach. All consideration of the 'economic and other benefits' in line with the NPPF and NPSNN is implicit in the approach to considering levels of significance. The cumulative effects are recorded as significant. The effects on the Site is regarded as significant. There is no attempt to downplay these effects. With regard to the loss of BMV land, obviously permanent built development is different from a (temporary) renewable solar installation. It is not clear why this comparison is made. The NPPF text regarding seeking poorer quality land is quoted. The following point should be noted: The nature of the development, at a rail freight terminal/motorway junction severely restricts the range of suitable alternative sites. Our experience, having surveyed very large areas around Castle Donnington, Kegworth and Junctions 24 and 24a over several decades, is that any site of this size would involve a significant loss of BMV land.
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	position clear stating that <u>'the development of the site represents a relatively large loss of BMV land at a local scale, representing a significant increase in estimated rates of BMV land loss. This is regarded as significant.'</u> In addition, Paragraph 1.13 sets the consequences of the loss, which is why PD consider it should be afforded careful and very special consideration stating that 'The proposed Development site is a very large greenfield site, a scale of development which occurs very rarely within the local authority area.' PD consider that the permanent loss of BMV land is significant, locally important and the Applicant has failed to qualify the consequences of the permanent loss of this land and demonstrate why it is acceptable.	
5.	Q16.0.1 (Construction Noise Thresholds) – PD have considered the response of the Applicant on this question and would make the following comments: • PD accept that Annex E of BS 5228 is informative. However, we would point out that in common with all British Standards,(as indicated in BS0 the standard for standards) British Standards are not mandatory and simply reflect the consensus of expert opinion which is reviewed and updated on a regular cycle. Hence, the contents of British Standards can be seen to generally represent the consensus of expert opinion at the time, whether it be in the main document or the appendices. • The Applicant states that the thresholds have been selected based on Section E2, however it is noted that they have selected a criterion of 75dB. This is suggested in E.2 for "urban areas near main roads in heavy industrial areas". We do not believe that this is a description of the environment in Diseworth. We contend that Diseworth is already affected by noise from the M1 and airport and disagree that this is equivalent to "urban areas near main roads in heavy industrial areas". We consider that the 70dB criterion for "rural, suburban and	Construction Noise Thresholds The Applicants note this response, although the last full update of the standard was in 2009 with amendments in 2014, which is now over 10 years ago. The Applicants reiterate that the thresholds presented in Table 7.5 of ES Chapter 7 [REP3-010], were selected on the basis of the approach outlined in Annex E section E.2 i.e. fixed limits and the limits adopted on other NSIPs, including HS2 and Northampton Gateway which have a range of receptors in rural and urban locations. The Applicants disagree with PD that the approach in section E.2 is presented as a historic method. Paragraph 2 of Section E.2 is misquoted in the PD response. Paragraph 1 and 2 of this section indicates that: <i>'For projects of significant size such as the construction of a new railway or trunk road, historically, there have been two</i>

urban areas away from main road traffic and industrial noise" would be more appropriate. • Reading the whole of Section E.2, we can see that it is presented as largely a historical method of controlling noise which has now largely been superseded. Paragraph 2 of the E.2 states: The above principle has been expanded over time to include a suite of noise levels covering the whole day/week period taking into account the varying sensitivities through these periods. An example is provided in E.3 and these levels are also often used as limits above which noise insulation would be provided if the temporal criteria are also exceeded. • Whilst the final paragraph of Section E2 states: The above principle has been expanded over time to include a suite of noise levels covering the whole day/week period taking into account the varying sensitivities through these periods. An example is provided in E.3 and these levels are also often used as limits above which noise insulation would be provided if the temporal criteria are also exceeded. • As such, paragraph E.2 presents some historical levels used then points to the more prevalent approach detailed in E.3. • The Applicants response goes on to discuss E.5 and fails to give a reason why this should not be adopted other than to suggest that the creation of the bunds will be louder than this limit but will only happen for a limited period. The Applicant then go on to cite the Minerals Guidance of the NPPF which allows short term noise limits to be increased to 70 dB LAeq,1h for periods of up to 8 weeks a year, whilst the remaining time the Minerals Guidance states that during standard operations noise should not exceed the background level by more than 10 dB, with an upper limit of 55 dB LAeq,1h (excepting those 8 weeks per year of higher noise levels).	<i>approaches to determining whether construction noise levels could be significant.</i> <i>The older and more simplistic is based upon exceedance of fixed noise limits which were originally promoted by the Wilson Committee in their report on noise [60] as presented to Parliament in 1963. These noise limits were then included in Advisory Leaflet 72 [61], first published in 1968; the accompanying wording was subsequently revised and the 1976 version is quoted below:'</i> If this method was deemed to no longer be suitable for use it would not be in the current version of the standard. Minerals Guidance In the Applicants' response to ExQ2 Q.16.0.1 [REP4-036] it was clearly stated that it was not agreed that the earthworks associated with EMG2 were of such a scale they would be more akin surface mineral extraction than conventional construction activities and set out the reasons behind this, which included; • the duration of the activities (months for the earthworks at EMG2 vs several years at a minerals site), and • the variation in noise levels that would be experienced at receptors over the duration of the works (at EMG2 as the works would move around the site limiting the impact on individual receptors vs a fairly constant effect on a particular receptor at a minerals site). In that response [REP4-036], the Applicants also identified that the minerals guidance referred to by PD (from BS 5228-1 Section E.5) has been superseded and hence cross referred to the most up to date minerals guidance. However,
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	- Having taken advice on this issue, PD consider that this (the minerals guidance referred to by the Applicant) could potentially be a reasonable approach if the scheme were to go ahead (without prejudice to PD's overall opposition to the scheme). This is on the basis that at the moment the Applicant has taken the maximum value from the 1963 Wilson report (75 dB) "for urban areas near main roads in heavy industrial areas." which is designed to give a limit above which "which conversation in the nearest building would be difficult with the windows shut" (see quote in Section E.2). - PD would suggest that this is far too high for the whole of the construction works and consider that adopting the minerals guidance referred to in the NPPF (as an alternative to the former minerals guidance referred to in E.5) would be more appropriate for these construction activities, and indeed is consistent with the approach set out in E.3 of BS 5228), thus allowing a louder level (up to a maximum of 70 dB(LAeq,1h), not 75) for up to 8 weeks per year, for such activities as the construction of bunds etc, then the remaining period (for works lasting more than 6 months) should be no more than the measured background + 10dB up to a maximum of 55 dB LAeq,1h.	the Applicants fundamentally disagree this approach should be adopted for EMG2. The maximum limit of 55 dB LAeq,1 hour advocated in the mineral's guidance is 20 dB below the levels adopted on other major infrastructure schemes such as HS2 and Northampton Gateway and 10 dB below the lowest thresholds in Table E.1 of BS 5228 (Section E.3.2). According to the thresholds in Table E.1, a level of 55 dB LAeq,T would be the lowest recommended threshold for evening and weekend works. With construction noise there is a balance to be struck in terms of the Best Practicable Means, with practicable meaning what is reasonably practicable having regard to other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications (both cost of equipment/mitigation and programme implications). A limit of 55 dB LAeq,1 hour for construction works lasting longer than 6 months would place a unreasonable burden on the project and would considerably lengthen the construction period, prolonging the length of any adverse effects at the surrounding receptors.
6.	<i>Q16.0.2 (Construction Noise Response Measures)</i> – PD have reviewed the Applicant's response on this issue and consider it less than satisfactory, providing a 'wordy' explanation. The summary of the response appears to be that the Applicant do not wish to detail what the consequences would be of them exceeding the construction noise criteria at this stage. The reasons they give are that "the assessment concludes that significant effects would be controlled through the application of BPM..."; "... the P-CEMP provides a more proportionate mechanism..."; " the nature, duration, location and cause of any exceedance can vary considerably and therefore the appropriateness ...	Requirement 11 of the dDCO requires that a P-CEMP would have to be submitted and agreed with NWLDC. As explained and as detailed in section 6 of the updated CEMP submitted at Deadline 6, this would contain a detailed assessment of construction noise, using information provided by the contractor undertaking that element of the works and detailed phasing information enabling a more accurate assessment of effects on receptors compared to the worst-case approach in presented in the ES. Requirement 20(1) of the draft DCO also requires that

	can only be determined on a case by case basis". We do consider this to be satisfactory as: • If the Applicant are confident there won't be any exceedances, there should be no problem committing to compensation if these occur. • The statement that the P-CEMP is 'more proportionate' is disputed. PD do not see how it can be more proportionate than something which has not yet been defined. If the Applicant have a suggestion of a more proportionate response than that given in BS 5228 then they should include it now so that all stakeholders can review and as appropriate agree that it is more proportionate. • The Applicant appear to be stating that they can't actually predict or control the noise exceedances. This contradicts the first reason given which suggests there won't be a problem. This reason gives significant weight to why there should be an agreed package of off-site mitigation or compensation if the thresholds agreed are exceeded.	construction noise is managed in accordance with the relevant P-CEMP and the Construction Noise Management Appendix. The Applicants consider that the effective control of construction noise and its subsequent effects on nearby receptors, is determined by how construction noise is managed by the contractor and the proactive implementation of Best Practicable Means alongside robust investigative procedures, all of which would be set out in the P-CEMP. Controlling noise at source should always be the priority as it benefits all receptors. A BPM-centred framework guarantees that contractors consistently employ the most effective mitigation strategies which are practicable. Should there be any complaints or breaches of limits, an investigation protocol is activated, which will identify the cause, review whether BPM controls are functioning properly and swiftly implement corrective actions. Under this approach management of construction noise is an ongoing, adaptive process of minimisation. The approach of providing compensation when fixed thresholds are exceeded (subject to the temporal criterion being met) is centred on individual receptors. It does not consider the wider management of noise or address the root cause of the exceedance. However, as indicated in the Applicants response to ExQ2 Q16.0.2 [REP4-036], where predictions, monitoring, and/or investigation demonstrate that a receptor is experiencing unusually high or prolonged construction noise impacts that cannot be adequately reduced through source-control measures alone, consideration will be given to additional offsite site mitigation measures, the nature of which would depend on the
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		circumstances at the time. This is also reflected in the revised wording of section 6 of the updated CEMP submitted at deadline 6.
7.	Q16.0.3 (Reversing Alarms) –The Applicants answer indicates why tonal reversing alarms might need to be used where "there is an absence of a banksman or an alternative safe system of work". The question asks what would necessitate the use of tonal reversing alarms. PD would not consider the lack of providing a banksman or alternative safe system of work as a necessity for the Applicant. It would, no doubt, be a cost saving not to employ a banksman, but not a necessity. The Applicant fails then fails to answer question j), instead describing about how they modelled the noise. Are they therefore stating that tonal reversing alarms are acceptable for all vehicles after all?	The Applicants' response to ExQ2 Q16.0.3 [REP4-036], answers point i) indicating the conditions under which it would be expected it would be necessary for a narrowband reversing alarm to operate, i.e. where a vehicle outside of the future occupier/Applicants' control is not fitted with a narrowband alarm and where there is not a safe system of work enabling the reversing alarm to be switched off. The response to point j in ExQ2 related to both j and k. The Applicants described that tonal reversing alarms had been included in predictions/modelling of operational noise as a worst case because the because the final sentence of ExQ2 Q16.0.3 stated '<i>...so that control is enforceable and consistent with the assumptions underpinning the operational noise assessment</i>'. As indicated in paragraph 7.5.39 of the Environmental Statement, there are no significant adverse effects. Furthermore, for receptors in Diseworth the predicted rating levels are all below the background sound levels, which according to the relevant standard is below the level at which a low impact would be expected, depending on the context.
8.	Table entitled "Update on Transport Matters Discussed between Protect Diseworth (PD) and BWB (Applicant) following ISH3 13 May 2026.	See Annex I of this document.

APPENDIX 5

RESPONSE TO SUBMISSIONS MADE BY MR SUTTON

Submissions received at Deadline 5 [REP5-062D]		
No.	Matter	Applicants' Response
1.	PROCEDURAL FAIRNESS I support the concerns expressed by EMA regarding procedural fairness. EMA identifies a persistent failure by the Applicant to provide information necessary for Interested Parties to understand and scrutinise the transport impacts of the proposal before and during the Examination. EMA also records that important transport issues received limited hearing time despite time remaining within the hearing programme, and that requests for additional scrutiny were not pursued. Having attended ISH3, I can confirm that this reflects my own experience. Discussion of transport matters was noticeably compressed. Interested Parties were encouraged to be brief. Several issues remained only partially explored. In my opinion this matters because highways and transport form the principal justification for substantial nationally significant highway works	The Applicants refer the Interested Party to [REP4-033] Annex E page 244 (electronic page 311) which responds to EMA's comments and provides examination library references to all relevant transport documents before the examination.

	which themselves form part of the proposed Development Consent Order.	
2.	LACK OF TRANSPARENCY I also support EMA's observations concerning the opacity of the emerging Statements of Common Ground. EMA correctly records that the Examining Authority itself commented that some Statements of Common Ground were "lacking in detail" and left parties "flying in the dark". The Draft Statement of Common Ground between the Applicant and National Highways illustrates that concern. It contains numerous statements that matters have been "agreed" while providing relatively little explanation of: • why differing technical positions have been resolved; • what evidence persuaded National Highways; • how competing assumptions were tested; or • why alternative interpretations advanced by other Interested Parties have been rejected. For example, National Highways now agrees that: • both PRTM 2019 and PRTM 2023 support the mitigation; • the proposed Junction 24 works resolve unacceptable impacts; • all eleven departures from geometric standards have been accepted;	The Applicants refer to the updated Statements of Common Ground submitted at Deadline 4, specifically (Document DCO 8.5 [REP4-053]), in response to the ExP's Rule 17 request dated 19 May 2026 [PD-019]. The Applicants also refer the Interested Party to Appendix 7 (Response to EMA) [REP4-033], No.3 page 173; No.5 page 181 and Annex E page 244 (electronic page 311).

	signage and signalling departures have also been accepted. While those conclusions are clearly stated, the underlying reasoning remains largely unavailable to third parties. Deadline 4 submissions from Andrew Priestley and Kegworth Parish Council reinforce the view that at this late stage in the DCO process, more openness and transparency is required. Local people need to see sensitivity testing of the modelling parameters and assumptions, set against the lived experience of Junction 24, Junction 23A and the complex and interconnected strategic and local road network.	
3.	STRATEGIC UNCERTAINTY The most significant concern, in my submission, is that the Examination increasingly appears to be considering one component of a much larger strategic transport programme. The Joint Position Statement between the Applicant and National Highways expressly acknowledges that: - Junction 24 is already operating over capacity; - substantial further regional growth depends upon improvements; - a consortium of developers is working on a wider strategic solution; - modelling of that wider solution is continuing; - further interventions on the eastern side of Junction 24 will be required before wider growth can be accommodated.	The Applicants confirm that all highway works proposed in the DCO Application are to accommodate the EMG2 development only. This position is agreed with National Highways and would not allow for other developments to come forward, without further mitigation being agreed. The purpose of the wider consortium is to ensure that the mitigation being proposed by EMG2 does not compromise the deliverability of other planned developments. The modelling undertaken so far confirms that the EMG2 mitigation can form one piece of a wider scheme, although full details are not yet available. National Highways remain in detailed discussion over this modelling work.

	The Examination is therefore being asked to determine one major component of infrastructure while the wider strategic solution remains under development. That inevitably makes it difficult for Interested Parties to distinguish between: • mitigation genuinely required because of EMG2; • infrastructure intended to unlock wider regional growth; • infrastructure which may depend upon future funding, future consents or future development. This distinction is important because compulsory acquisition powers are being sought now. Fragmentation increases the risk that future integration becomes more difficult, especially when wider infrastructure planning for the three counties and associated sources of funding are uncertain. It is notable that the justification for the Junction 24 works has evolved during the Examination from mitigation for EMG2 towards a component of a wider regional growth strategy. That evolution makes transparency and rigorous scrutiny even more important because Interested Parties are effectively being asked to comment upon infrastructure whose full strategic context remains under development.	
4.	RELATIONSHIP WITH WIDER PLANNING WORK From my perspective as a resident of Kegworth and district councillor, I believe this uncertainty extends beyond the DCO. During June 2026: • North West Leicestershire District Council approved publication of the Regulation 19 Local Plan before councillors had been provided	The Applicants note the response.

	with the revised Infrastructure Delivery Plan or the updated Leicestershire County Council transport modelling that officers indicated was still in preparation. The East Midlands Freeport Supplementary Planning Document was similarly progressed by all three planning authorities, NWLDC, Rushcliffe and South Derbyshire, but without a detailed Infrastructure Delivery Plan identifying how strategic transport interventions will be delivered, funded and phased. I do not suggest that these separate planning processes are legally dependent upon one another. However, they rely upon many of the same strategic highway interventions around Junctions 23A and 24. Taken together they indicate that strategic infrastructure planning across the area remains incomplete. There is also a risk that evidence becomes circular, with one evolving planning process relying upon assumptions made in another before the underlying infrastructure strategy has itself been demonstrated to be deliverable. Cumulative effects may be missed as the focus narrows. That wider context reinforces, rather than diminishes, the importance of full scrutiny during this Examination.	
5.	THE ROLE OF NATIONAL HIGHWAYS AND LEICESTERSHIRE COUNTY COUNCIL It is not my intention to criticise either authority. However, I remain concerned that both authorities have increasingly focused upon whether the Strategic Road Network can continue to function, rather than whether wider local impacts have been adequately understood.	The Applicants confirm that the strategy for the transport modelling has always been to ensure that mitigation is provided on the Strategic Road Network to maximise capacity on the higher category roads. The residual impacts, following mitigation, have then been assessed on the local road network to ensure there would be no unacceptable impacts from the EMG2 development. The Transport Assessment [REP1-031] carried out detailed junction modelling at a

	National Highways itself explains that its primary concern is operational performance and safety of the Strategic Road Network and "not to eliminate all delay." That distinction is important because many of the concerns raised by residents, the Airport and local authorities relate not simply to the operation of the Strategic Road Network but to its interaction with the surrounding local network and airport access. That is an entirely understandable statutory position. However, it inevitably leaves wider issues for others to examine, including: • airport access; • cumulative development; • local roads; • pedestrians; • cyclists; • future strategic growth assumptions. Those issues deserve fuller examination than has yet been possible.	number of junctions on the local road network, concluding that no further mitigation is needed. Conversations remain on-going with Leicestershire County Council over traffic impacts in Castle Donington and Kegworth. The transport modelling in the Transport Assessment considers all key local junctions serving the airport. The Stage 1A and 2A scenarios include for all cumulative impacts that could arise from planned development, including draft Local Plan allocations and this assessment has been carried out on the local roads, with key consideration that there would be no impact on pedestrians and cyclists. Indeed, there are comprehensive active travel improvements being proposed to encourage and improve conditions for these users.
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ANNEX A

LETTER FROM SEGRO TO NWLDC IN RESPONSE TO THE JOINT APPLICATION (JULY 2026)

Our ref: kb/mt/dmj

3 July 2026

North West Leicestershire District Council
PO Box 11051
Coalville
Leics.
LE67 0FW

SEGRO Properties Limited

12th Floor
Two Friargate
Station Square
Coventry
CV1 2GN

SEGRO.com
T: +44(0) 2475 529730

FAO Adam Mellor, Principal Planning Officer (Major Projects) | Planning and Development

Dear Sirs

Land South of A453, East Midlands Airport – Outline Planning Application (Reference 24/00727/OUTM)

Further Objection on behalf of SEGRO Properties Ltd (SEGRO)

SEGRO maintain its objection to the above application for the reasons set out in the letter of objection dated 5 January 2026 and the further submission on 14 April 2026. Indeed, the weight of objection has increased having regard to submissions made during the ongoing Examination into the EMG2 DCO (commenced on 10 March 2026) and the deficiencies in the further highway information submitted to the local planning authority in May 2026.

This letter addresses the following:

- (1) The response to SEGRO's initial objection letter submitted by DLA Piper dated 2 March 2026.
- (2) The response to SEGRO's submission of 14 April 2026 submitted by Spawforth dated 24 June 26; and
- (3) The further highway information submitted during the course of May/June 2026; and
- (4) Deliverability of the Joint Application.

The letter then summarises the principal issues which, when properly considered, should result in the application being refused.

SEGRO objection of 2 March and DLA response of 2 March

The SEGRO letter of objection included a summary of the objections to the application which were expanded upon in the letter. For ease of reference that summary is set out below:

- I. *The development proposed in the MAG application is piecemeal development prejudicial to the comprehensive development of the wider EMG2 Main Site which, planned as a whole, can most effectively maximise the benefits of the development whilst minimising its environmental effects and manage the delivery and future operation of the site.*
- II. *The development proposed by MAG is incompatible with the proper planning of the whole site and therefore with the DCO proposals for the EMG2 Main Site. Accordingly, the MAG proposals, if consented and built, would result in the loss of certainty over the timeline and delivery of the whole site provided by the DCO consenting route. This is to the detriment of the timely delivery of the proposed local plan allocation and the delivery of the entirety of the Freeport Site within the Freeport window (i.e. by 2031).*
- III. *The concept of the balance of the wider site to the south of Hyams Lane representing a “Phase 2” (with the MAG application forming “Phase 1”) is disingenuous and flawed for the following reasons:*
 - a) *The plans and consenting route for the balance of the site would have to change – a new planning application would have to be prepared for the land to the south of Hyams Lane.*
 - b) *The content and form of development would have to be re-considered dependent on the final form of the “Phase 1” development.*
 - c) *There would be significant delay arising from the required re-plan arising from the ongoing uncertainty as to whether and when any Phase 1 might come forward and in what form. Both the content and timing of any development south of Hyams Lane would be dependent upon the final content and timing of the MAG proposals which is not yet known.*
 - d) *Mitigation required for the balance of the wider site (to the south of Hyams Lane) would need to be re-considered. This would include:*
 - *Revised highway mitigation which would need to be identified and re-modelled, the outcome of which is uncertain. This would need to follow the identification of the MAG application’s highway mitigation which is, as yet, incomplete*
 - *The site layout and strategic landscaping proposals would need to be changed to reflect the inability to provide the Community Park as previously envisaged.*
 - e) *The delivery of the “green package”¹ as a key first element to the strategic solution required to address the constraints on growth at M1 J23A/J24/J24A would not happen. A DCO would be required to deliver that element.*

¹ The main element of the “green package” is a new grade separated link at M1 J24 between M1 north and the A50 west which will significantly assist with the safety and capacity issues at M1 J23A/J24/J24A

Development on land to the south of Hyams Lane could not promote such a DCO since that development could not viably deliver the “green package”.

- f) Due to all the uncertainties and attendant risks, the viability of the delivery of land to the south of Hyams Lane would be compromised to the point that it may never be delivered.*

- IV. Although the highway assessment for the MAG application has not yet been completed there is no suggestion within the application documents that the MAG proposals intend to make a meaningful contribution to the ultimate delivery of a strategic solution to the constraints arising from the current issues at M1 J23A/J24/J24A. The loss of the delivery of the “green package” as part of the DCO application due to the MAG proposals will be a direct result of the piecemeal approach to the development proposed by MAG and Prologis. The loss of such a key first element required to address the constraints to planned growth will put in jeopardy much of the planned growth in the area proposed in the local plan and through the Freeport initiatives.*
- V. The MAG application does not satisfactorily address the relationship of the development to Diseworth which is best addressed through a comprehensive approach to the strategic landscaping of the entire site.*
- VI. The MAG application involves sub-optimal approaches to the provision of highway mitigation, drainage, sustainable travel, HGV parking and layout.*
- VII. The information provided with the MAG application is incomplete in relation to the traffic impacts of the proposal.*
- VIII. The development proposed in the MAG application would prejudice the delivery of the entire site, and wider planned growth, resulting in a substantial loss in economic growth in the region.*

For the avoidance of doubt, nothing has materially changed since the first objection letter (including the uncertainty regarding highway mitigation) and those objections remain as stated.

The responses from DLA Piper appear to rest heavily on the notion that there is no tension between the DCO and the Joint Application because, as long as the development pursuant to the Joint Application is not implemented, the mere approval of the Joint Application, does not prevent the DCO proceeding. That position is inconsistent with the proper approach of the local planning authority whose assumption must be that such a permission will be implemented and therefore the consequences of implementation (in this case the impact on the delivery of the whole local plan allocation and attendant benefits) must be a material consideration.

The issues raised in the DLA Piper letter are dealt with in their letter at length. Whilst this response is therefore inevitably quite lengthy brevity has been the aim. Should the local planning authority require any clarification or further explanation please do not hesitate to revert.

The text below responds to sections of the letter under the headings used. Not all sections are responded to due to issues being dealt with in more than one section or because they are not thought to require a response.

1. Introduction

See 2. below.

2. Allegation of “piecemeal development” prejudicial to, and the need for, comprehensive Delivery

Central to the DLA Piper letter is the assertion that piecemeal development of the proposed allocation site is acceptable because, as the letter states (page 4),

“Importantly, the outline planning application does not sterilise constrain or pre-determine:

access to land south of Hyams Lane:

future highway mitigation solution; or

land use, quantum or layout of any subsequent development.”

This implicitly accepts that unless the local planning authority are satisfied that the development of land to the south of Hyams Lane is not going to be *sterilised, constrained or pre-determined* by the development of land to the north of Hyams Lane, then the application should be refused.

It is precisely because the development pursuant to the Joint Application would sterilise, constrain and pre-determine the development to the south of Hyams Lane (2/3rds of the proposed local plan allocation) that SEGRO are objecting. Since the land to the south of Hyams Lane is the larger part of a proposed local plan allocation the issue of whether or not the development to the north would adversely impact on the delivery and content of the development to the south is a material consideration to which substantial weight should be given by the local planning authority.

Taking each of the issues identified by DLA Piper in turn:

“access to land south of Hyams Lane”

The mere marking on a plan of a corridor for an access through to the land south of Hyams Lane does not make it a realistic possibility and does not, as Spawforths put it in their letter *“ensure that comprehensive employment development on the entire site can be delivered”*.

There are several reasons why an access through to the southern land could not be relied upon to deliver the full allocation in addition to the issue of viability – which is dealt with below in addressing the Spawforth response.

The purpose of the Secretary of State (SoS) directing that the EMG2 proposals be consented through the DCO process was to enable the scheme to benefit from the certainty of delivery and certainty of timeline which applies uniquely to schemes authorised by a DCO. A key reason for the SoS’s decision was the economic benefits that will arise from the development and, in particular, the opportunity to maximise the benefits of the Freeport designation. Given that the ‘Freeport window’ is time limited (it ends in 2031) the certainty of delivery and certainty of timeline provided by the DCO process are key to realising those benefits.

The consequences of access to the southern land being required to be changed from that proposed in the DCO are that the certainty of timeline and delivery which a DCO process delivers are lost. Prologis recognise that there are benefits in a DCO process in pursuing their own s.35 application for a commercial and business development near DIRFT. Part of their rationale is that *“the grant of [CA] powers through the DCO process would assist in the delivery of the Project, reducing uncertainty and risk of inconsistency in consenting”*².

If the development of the land to the north were to occur then, instead of SEGRO being in a position to deliver the DCO scheme it would need to re-plan the southern land and be reliant upon delivery by a commercial competitor of an access. Whilst it is possible to enter into commercial agreements to ensure an access to the A453 is delivered, even if it were to be commercially workable, any such agreements will be subject to caveats and significant potential delays and uncertainty in delivery which is precisely the scenario the granting of DCO status was designed to avoid.

The timing of securing any access to the southern land would be wholly uncertain and could not be relied upon to deliver the development on the southern land within the Freeport window, if at all.

For this reason alone, it means that the development of the land to the south of Hyams Lane is highly likely to be *“constrained”* if not *“sterilised”* by development pursuant to the Joint Application.

² DIRFT IV Request for a Direction from the Secretary of State under Section 35 of the Planning Act 2008 18 November 2025

future highway mitigation solutions

The DLA Piper letter suggests that a future highway mitigation solution for the southern land has not been prejudiced because it has not yet been identified. That is disingenuous.

The DCO scheme identifies the necessary highway mitigation for the EMG2 Main Site being the entirety of the local plan allocation. A significant part of that required mitigation is relief to Junction 24 (*"the green package"*) which, as well as being required to accommodate this local plan proposed allocation, is a first element in further improvements to J24 which will enable other proposed allocations to be accommodated. That mitigation will not and cannot be brought forward on the basis of development by SEGRO of only the southern land.

The improvements to J24 are a very significant benefit of the DCO scheme which will be lost if development pursuant to the Joint Application comes forward.

At the time of writing the Joint Application has not yet identified what its full highway mitigation package will comprise of, although it is clear there is no intention to provide the green package. There remain outstanding issues regarding impact of the Joint Application on J24 and other unacceptable increases in queue and journey lengths (see below). Without knowing the mitigation to be provided by the Joint Application it is not possible to know what highway mitigation would be required for the southern land also to come forward and, importantly, whether it would be deliverable.

The development pursuant to the Joint Application may well have the effect of *"sterilising"* the southern land if the highway mitigation yet to be identified proves to be undeliverable due to commercial or land ownership constraints in respect of off-site highway mitigation.

land use, quantum or layout of any subsequent development

SEGRO have spent a number of years considering the appropriate form of development on the whole site which:

- addresses the established need for the development
- ensures that it is comprehensively planned minimising environmental impacts and providing appropriate mitigation (not simply restricted to on-site mitigation)
- meets the objectives of the Freeport

The DCO scheme is the result of a lengthy, iterative, process which has identified the most appropriate form of development across the site and also the required highway mitigation which, whilst required to mitigate the impacts of the development, has wider benefits. A piecemeal approach is the antithesis to the proper planning of the site.

It is noted that the draft local plan policy for the proposed local plan allocation requires a comprehensive plan for the entire site – such a plan only exists in the form of the DCO scheme.

The development pursuant to the outline planning application would result in the need to re-plan the development to the south due to the re-positioning of the access. Such a replan would require a new application, new environmental assessment and would need to identify what highway mitigation could be delivered. The Joint Application would *pre-determine* the form of development on the southern land since it could no longer provide:

- optimal public transport and shuttle bus services due to the lack of vehicular connectivity between the Public Transport hub and the remainder of the site
- an HGV park since the DCO scheme provides this in the most logical location adjacent to the DCO main access north of Hyams Lane
- a community park to the extent and in the form envisaged in the DCO scheme

Any re-plan would be dependent upon the consideration and determination of the Joint Application by the local planning authority and would need to include as yet unidentified highway mitigation. There is no certainty of the timing or outcome of that process. There would inevitably be substantial delay and no prospect of substantial delivery of the southern land within the Freeport window, if at all.

In summary, DLA Piper argue that:

“The information before the LPA demonstrates that the proposal forms a coherent standalone phase that does not constrain or foreclose future development options on adjoining land”

This statement betrays the failure to appreciate the importance of the delivery of the entire proposed local plan allocation. As set out above, the impact of development pursuant to the Joint Application will at the very least “*pre-determine*” and is highly likely to “*constrain*”, if not “*sterilise*” the development of the land south of Hyams Lane. Applying the test set out by DLA Piper, regarding issues their letter identified as important, it is clear the application should be refused.

3. Alleged incompatibility with the EMG2 DCO and Loss of Certainty

In this section DLA Piper seek to suggest that the outcome of the DCO process and the implementation of the DCO are uncertain and should not be relied upon. This is, they say, in contrast to the grant of planning permission for the northern land. It will of course provide no certainty at all for 2/3rds of the local plan allocation on the land south of Hyams’ s Lane.

The strategy of the Joint Applicant's throughout the ongoing Examination into the DCO has been to seek delay to the process and cast doubt on the viability and delivery of the DCO scheme. They have been alone in this. They are not supported by any of the statutory consultees or any other party making representations to the DCO Examination. Specifically, no other party whose land is the subject of compulsory acquisition has objected. The Joint Applicants are a lone voice.

The DCO is not subject to any in principle objections from any statutory consultees and the full extent of the highway mitigation has been identified and approved by National Highways. This is in contrast to the Joint Application which at the time of writing is the subject of a 12th holding objection with lots of work seeming still to be done.

SEGRO has a track record of DCO implementation. At no other DCO Examination has it been required or requested to submit evidence of viability of the DCO scheme concerned. The fact that viability of the DCO scheme is being tested at this Examination is purely because the Joint Applicants have raised it.

SEGRO has submitted evidence to the Examination which demonstrates the viability of the DCO scheme (including "*the green package*"). SEGRO has also submitted evidence of its track record of swift implementation of DCO. This includes EMG1 which was significantly larger and had a greater amount of infrastructure to be provided. That evidence has not been contradicted by the Joint Applicants and so it is not clear upon what basis it is suggested that timely implementation of the DCO is uncertain other than their hope that some of the objections they alone are pursuing provide favour.

4. Criticism of the Phased Approach (North and South of Hyams Lane)

See section 2 above.

5. Highway Mitigation and the Role of the Freeport

In this section DLA Piper contend that SEGRO has provided no evidence that delivery of the green package would be compromised by development pursuant to the Joint Application.

As advised above SEGRO has submitted evidence to both the Examination and the local planning authority demonstrating that the DCO Scheme (including the green package) is viable. It has also been provided with evidence that the development of the southern land alone could not viably deliver the "*green package*".

In addition, and for the avoidance of doubt, it is SEGRO's position that, if development pursuant to the Joint Application were to proceed, the development on the southern land could not and would not sustain the highway NSIP (the "*green package*"). Accordingly, it is

the position that development pursuant to the Joint Application will, in the words of DLA Piper “*prevent delivery of the green package or make it materially less likely*”.

It is not clear what reference to “the Role of the Freeport” in the heading in the DLA Piper letter is meant to refer to since it appears not to be mentioned.

6. Sustainable Travel, Layout and HGV Provision

See 2. above.

7. Traffic Impact Information

DLA Piper point out that National Highways and the local highway authority are the appropriate arbiters of sufficiency of traffic impact information (notwithstanding the Joint Applicants opining on the sufficiency of traffic information in relation to the DCO during the Examination). On that basis it is clear that the position of these bodies at the time of writing is that the information submitted by the Joint Applicants is insufficient – it being the subject of holding objections from both highway authorities.

Until there is sufficient traffic impact assessment it cannot be legitimately asserted, as DLA Piper do, that “*any residual matters can be resolved through condition; and there is no evidence that impacts would be severe, as required by the NPPF test for refusal*”.

8. Alleged loss of Economic Growth

In this section DLA Piper seem to assert that the larger economic benefits of the DCO scheme (whole local plan allocation) should be ignored because:

- the DCO scheme is a “*speculative future scheme which might claim to deliver different or additional benefits*” – which is surprising given that the DCO scheme is no more speculative than the Joint Application and the detail of the DCO scheme is known and so are its greater benefits
- the DCO scheme could happen notwithstanding the Joint Application – presumably on the assumption that the Joint Application is not implemented even if permitted

The reality is that the DCO scheme delivered by SEGRO will involve greater economic benefits and development of the Joint Application with its high risk to the delivery of the southern land is likely to see the economic benefits from 2/3rds of the site substantially delayed if not lost.

The local planning authority cannot disregard the impact the Joint Application will have on the delivery of the whole local plan allocation. In parts of the DLA Piper letter the authority appears to being asked to ignore it because merely issuing a permission will not prevent the

DCO proceeding. The local authority must consider the impact of the development pursuant to the Joint Application on the delivery of the DCO scheme which comprises the entire local plan allocation and its attendant benefits.

9. Relationship with Diseworth and Landscape Effects

See Sections 2 and 3 above.

SEGRO's submission of 14 April 2026 and Spawforth response dated 24 June 26

In their letter responding to the viability evidence submitted by SEGRO Spawforth state that:

“SEGRO have made no proper attempt to articulate why it nevertheless considers the viability or otherwise of the Prologis/MG scheme should be regarded as a material consideration in the determination of this application.”

This is in the context of the Joint Applicant's having produced no evidence to demonstrate viability of their scheme but simply asserting its viability. The evidence submitted by SEGRO to the local planning authority and during the course of the DCO Examination casts substantial doubt on viability of the Joint Application scheme as referred to in the submission of 14 April.

The viability information submitted is relevant in two respects:

- i The position of the Joint Applicants is that SEGRO should not be given compulsory acquisition powers through the DCO to secure control over the Joint Application land and instead they should rely on agreement being reached with Prologis for access through their land. Indeed, they are asking the Secretary of State at the DCO Examination not to include compulsory acquisition powers in the event of the DCO being granted. That would render the development of the southern land entirely dependent upon the implementation of the Joint Application development and hence dependent upon the viability of that development.
- ii The viability evidence demonstrates that the development of the southern land through the Joint Application land without control of that land by SEGRO would not be viable and would not be able to deliver the development along with the beneficial highway improvements to J24.

Whether or not viability will constrain the ability of the balance of the proposed local plan allocation to come forward is plainly a material consideration to which substantial weight should be given.

Indeed, the Joint Applicant's themselves acknowledge that to be the case

- in the DLA Piper letter, they state that it is important that the Joint Application development should not “sterilise or constrain” the development of the land to the south of Hyams Lane (see section 2 above).
- In the Spawforths letter they point out that in the second paragraph that the plan for the site identifies an Access Corridor and state “*This will ensure that comprehensive employment development on the entire site can be delivered*”.

Those objectives will not be met if the Joint Application land is not viable and/or the delivery of the southern land (with its attendant benefits) is rendered unviable by the Joint Application. It is therefore not clear how the Joint Applicants can argue that viability is “*not a relevant consideration*”.

The further highway information submitted during the course of May/June 2026

SEGRO's transport consultants have reviewed the revised transport information submitted in May 2026.

The SEGRO review of the transport assessment submitted during May 2026 identifies many issues which no doubt are apparent to the relevant highway authorities. No attempt has been made in this letter to identify the difficulties raised by the new transport assessment however some high-level points of considerable concern are summarised below:

- a) The modelling for the scheme is clearly incomplete, and the latest VISSIM modelling does not include all the relevant development which was required to be included for the DCO scheme without which the impact of the scheme along with other local plan allocations cannot be tested.
- b) From the latest holding objection from National Highways, it is apparent that there is still a substantial amount of work to be done to identify and assess additional mitigation, including addressing departures from standard.
- c) The Finger Farm mitigation proposal in its current form, for it to operate safely, is highly likely to require the removal of the existing A453 lay-by. Any loss of lay-by provision would further exacerbate the lack of HGV parking within North West Leicestershire.
- d) The revised TA contains very little information on the operation of, and impacts at, M1 J24. From the information that has been submitted it is clear that the effect of the Joint Application development with the limited mitigation it proposes will be to exacerbate conditions at Junction 24, one example being the increase of queues on the M1 Northbound off-slip which would impact the mainline flow, raising significant highway safety concerns.
- e) The limited modelling also shows increased queues at Finger Farm and significant increases at the A453/A6/Wilders Way gyratory. These will impact on access to EMG1 and other local businesses. It is to be expected that these impacts (which will not

occur with the DCO scheme due to its mitigation) should also be of concern to the Airport. The Airport have expressed significant concern regarding access to the Airport for passenger and freight traffic during the DCO Examination.

Deliverability of the Joint Application.

The Joint Application relates to part of a proposed local plan allocation which is required to come forward to meet need identified in the draft local plan. The local planning authority should therefore be concerned with regard to its deliverability. In addition to the viability issues the local planning should be satisfied that the application can be delivered as applied for. Investigation of the proposals shows that, irrespective of the, as yet unidentified, highway mitigation, not all the land required to deliver the Joint Application scheme is within the red line and/or is within the control of the applicants.

The plan attached to this letter identifies the issues which relate to highway access, pedestrian and cycle routes and drainage.

Principal Issues

1. The local planning authority must consider the impact of development pursuant to the Joint Application on the delivery of the entirety of the proposed local plan allocation site.
2. It is accepted by the Joint Applicants that its development should not “sterilise, constrain or pre-determine” the development of the land to the south of Hyams Lane.
3. There is a high likelihood that the development pursuant to the Joint Application would sterilise, constrain and/or pre-determine the development of the land to the south of Hyams Lane.
4. The delivery of the entire proposed allocation including the beneficial highway works would be prejudiced.
5. The ability of the southern land to be developed as a future “Phase 2” is at best wholly uncertain and such a Phase 2 would certainly not be able to deliver the green package
6. The economic growth expected from land to the south of Hyams Lane would not materialise if the Joint Application were consented and implemented.
7. There are a significant number of highway issues to resolve. The highway impact apparent from the incomplete modelling demonstrates very significant increases in queuing at J24 and the A453/A6/Wilders Way junction. These will have to be addressed and the effectiveness, and delivery, of any mitigation subsequently put forward by the Joint Application scrutinised.

8. The local planning authority need to be clear as to how the works outside the red line and on land outside the control of the applicant required for highway works, pedestrian and cycle connectivity and drainage are to be authorised and delivered.

Conclusion

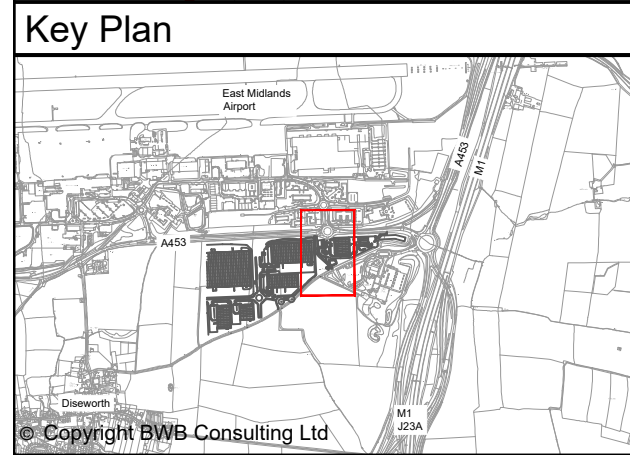
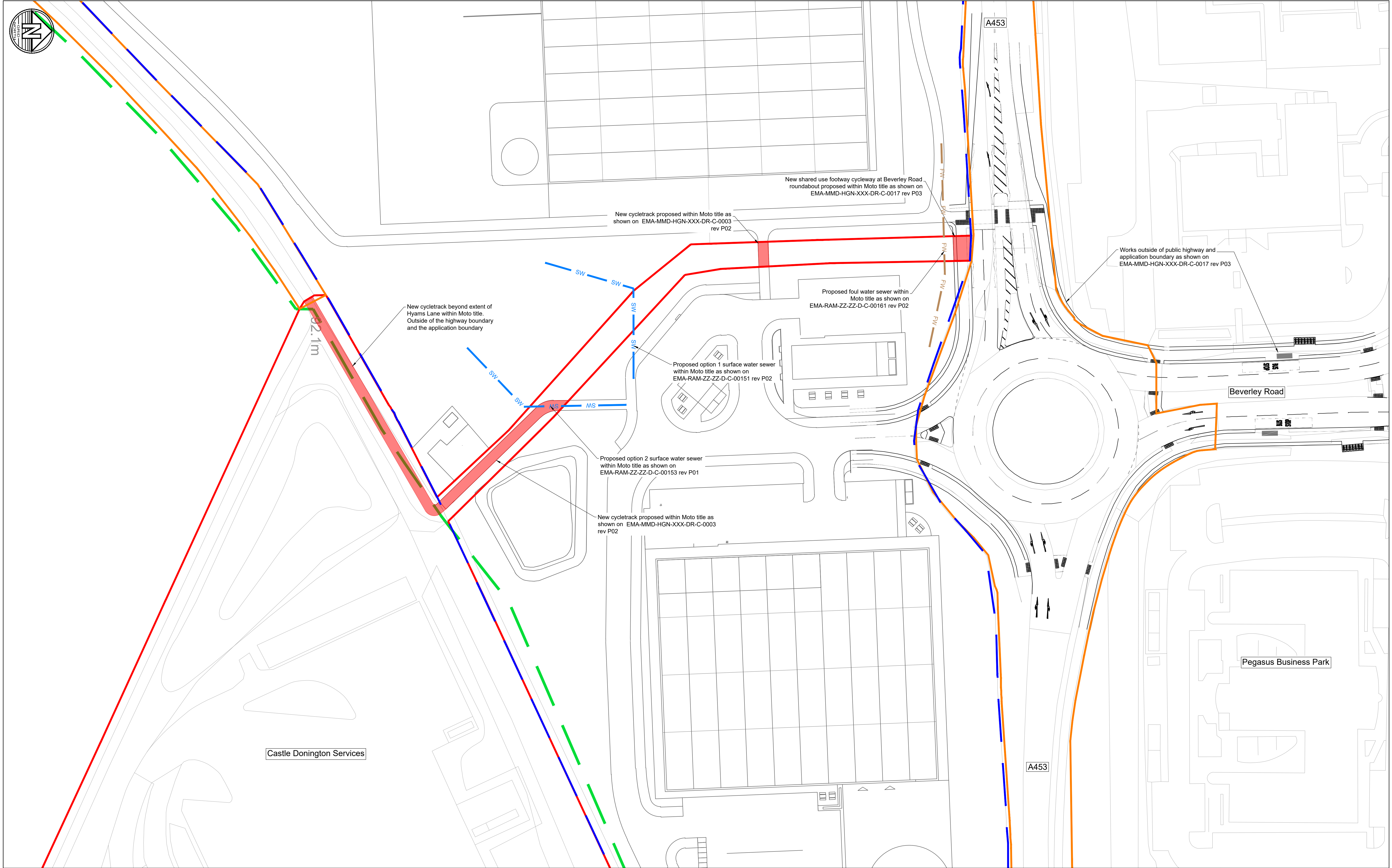
For these reasons the Joint Application should be refused.

Yours faithfully



Kate Bedson
Senior Director, National Markets





Legend	
—	Moto land title
—	Joint application boundary
—	LCC highway boundary
—	Existing public right of way L45

ISSUES & REVISIONS					
Rev	Date	Details of issue / revision	Drw	Rev	
P01	02.07.26	Issued for information	DF	SRH	
P02	02.07.26	Key plan added	DF	SRH	



A CAF GROUP COMPANY

☐ Birmingham | 0121 233 3322
☐ Leeds | 0113 233 8000
☐ London | 020 7234 9122
☐ Manchester | 0161 233 4260
☒ Nottingham | 0115 924 1100
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Client



Drawn: D.Fraser Reviewed: S.Hilditch

BWB Ref: 220500 Date: 02.07.26 Scale@A1: 1:500

Project Title

**EAST MIDLANDS
GATEWAY 2 (EMG2)**

Drawing Status

FOR INFORMATION

Drawing Title

**JOINT APPLICATION
DELIVERABILITY ISSUES**

Project - Originator - Zone - Level - Type - Role - Number Status Rev

EMG2-BWB-GEN-XX-SK-CH-SK100 S2 P02

ANNEX B

LETTER FROM SEGRO (EMG MANAGEMENT COMPANY) TO NWLDC IN RESPONSE TO THE JOINT APPLICATION (JULY 2026)

01 July 2026

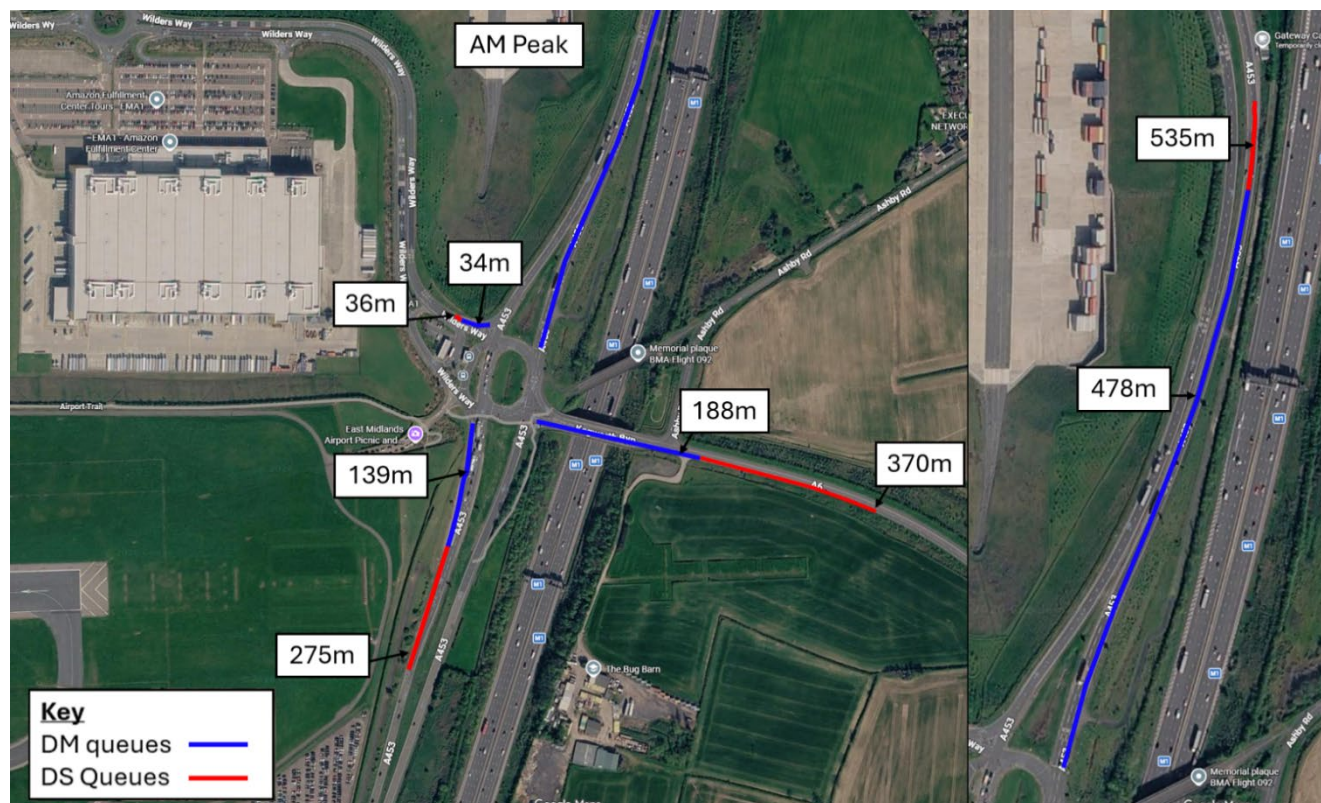
North West Leicestershire District Council
PO Box 11051
Coalville
LE67 0FW

Dear Sirs,

Planning Application: 24/00727/OUTM
Land South of A453 Ashby Road North of Hyam's Lane, Castle Donington, Leicestershire

SEGro (EMG Management Company) Limited have reviewed the information provided within the above referenced application and have significant concerns relating to the Transport Assessment, which has recently been submitted to support the application by MAG/Prologis.

The reason for this is that this report highlights anticipated increases in traffic queues in the area. The assessment identifies that in the morning 8.00 – 9.00 am peak hour, the following increases in queues are reported when comparing the 'do minimum' (DM), which is the future base, and 'do something' (DS) i.e. adding the MAG/Prologis development traffic on top, which they are not proposing to mitigate:



Focusing on the A453 Wilders Way left-turn slip road in particular, because this provides access to the EMG SRFI, an increase in 136m of queueing in the morning peak hour would equate to a total queue of 275m on the A453 northbound, which would extend back further than the left-turn flare lane storage (approximately 100m in length) and block the ahead flow.

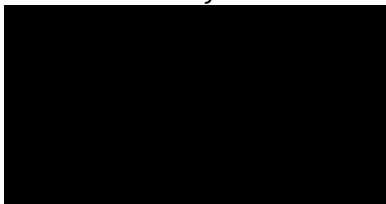
The above figure also sets out that the increase in queues on the A6 Keyworth Bypass roughly doubles in length, again increasing delay for vehicles wanting to enter the EMG SRFI from the A6 to the east.

The above would not only cause concerns for the occupiers at EMG SRFI from an operational point of view, but also from a road safety perspective, with queues forecast to extend back onto the A453 northbound ahead lanes, which could increase the potential for rear end shunt type personal injury collisions from occurring. In addition to the above highway impacts, the forecast level of congestion would materially affect the operation and reliability of the local bus services, such as the Skylink Derby/Leicester, one of the key services connecting to EMG. Collectively, these impacts would reduce service punctuality and reliability, increasing journey time variability and undermining travel plan objectives and mode shift commitments associated with EMG SRFI.

Furthermore, the MAG / ProLogis TA contains very little information on the operation of, and impacts at, M1 J24, which needs to be considered in greater detail to determine what impact the Joint Application proposals are having, and whether any mitigation is required as a result. For example, in addition to the increase in delay northbound on A453 at M1 J24 extending back towards the EMG1 access, the M1 Northbound off-slip also shows an increase in queueing to around 854m from 717m, which would impact the M1 mainline flow.

SEGRO (EMG Management Company) Limited are therefore concerned about not only the operational impact this will have on our customers at EMG, but also from a road safety perspective and bus service reliability perspective.

Yours faithfully



Head of National Markets
www.SEGRO.com



ANNEX C

LETTER FROM ADC (ISLEY WOODHOUSE) TO NWLDC IN RESPONSE TO THE JOINT APPLICATION (JULY 2026)

6 July 2026

Principal Planning Officer (Major Projects)
North West Leicestershire District Council
PO Box 11051
Coalville
Leicestershire
LE67 0FW

By Email

Dear [REDACTED]

Land South of A453, East Midlands Airport – Outline Planning Application (Reference 24/00727/OUTM) - Objection

On behalf of the promoters and Applicants for the Isley Woodhouse new settlement, ADC Infrastructure Ltd have reviewed the latest information provided within the above referenced application. This includes a revised Transport Assessment dated May 2026 submitted in support the application by MAG/Prologis.

In brief, we continue to have significant concerns relating to the scope and content of the Transport Assessment. These concerns are summarised below.

PRTM 2023 strategic modelling

The strategic and detailed modelling has been undertaken for 2027 and 2032 assessment years. Given that it is now summer 2026, it is unrealistic to expect the application to be determined and construction to have satisfactorily advanced by 2027. Hence, this assessment year is not appropriate, and modelling should be updated for a more realistic assessment year.

The Transport Assessment considers two forecast scenarios, with Scenario A excluding a number of Local Plan allocations and also limiting the development proposals at Ratcliffe-on-Soar Power Station to those defined by the 'pre-mitigation' cap within the Local Development Order (LDO), which are less than the capacity of the site and therefore significantly less than the floorspace which could come forward as part of the LDO, when delivered in full. Scenario B considers all committed and allocated sites. However, it is not clear which scenario carries most weight when judging the impacts of the proposed development and the suitability of the mitigation strategy. Scenario B appears to show wider or more severe network stress in some locations, including M1 Junction 26. However, the VISSIM modelling only considers Scenario A and there is no detailed modelling presented at A50 Junction 1 for Scenario B.

Determining the impacts of the development and the required mitigation strategy solely on the outcomes of the Scenario A modelling would not be consistent with the approach taken at other nearby developments that have correctly assessed a cumulative situation.

The strategic modelling results show that M1 Junction 24 remains heavily stressed even after mitigation. There are increases in delay shown on the M1 southbound approach, which is known to suffer with queueing and delay. There are also increased delays on the A453 northbound approach.

Detailed modelling

The VISSIM assessment has only been provided for planning Scenario A, which does not contain the full amount of allocated development. As set out above, the reasoning for this is unclear, as congestion is shown to be worse in Scenario B, especially at M1 Junction 24. To be consistent with the assessment approach taken at other nearby developments, VISSIM modelling would be expected for both scenarios.

Further, it is not clear why the VISSIM assessment does not take account of traffic reassignment effects. Routing behaviour on the M1 and A453 northbound to M1 Junction 24 is known to be highly sensitive so considering these effects in VISSIM would be expected.

It is accepted that the proposed mitigation at Finger Farm reduces queue lengths and delay on the A453 east approach to Finger Farm roundabout. However, there are material increases in queueing and delay on the A453 north and M1/A42 approaches in the 'with development and mitigation' morning and evening peak hours when compared to the 'without development' scenario. This suggests that the proposed mitigation does not fully mitigate the impact of the development.

With the Finger Farm mitigation in place, the VISSIM modelling shows material increases in queueing and delay across the A453/A6 Kegworth Bypass/Wilders Way junction when compared to the 2032 scenarios for the morning peak hour, particularly on the Kegworth Bypass and A453 northbound approaches. The VISSIM results also show increases in queueing and delay across M1 Junction 24.

Both the strategic and detailed modelling of A50 Junction 1 indicates significant levels of congestion, which is further increased in the 'with development' and 'with development and mitigation' scenarios. Further, it is not explained why detailed modelling at the junction has not been undertaken for Scenario B, which would be expected as impacts are identified of the local roads at this junction.

Road safety

The analysis of the personal injury collision data identifies a cluster of six incidents at the A453/unnamed road junction. The Transport Assessment does not conclude on the requirement for mitigation to prevent the increased traffic flow due to the proposed development from exacerbating the identified road safety issue.

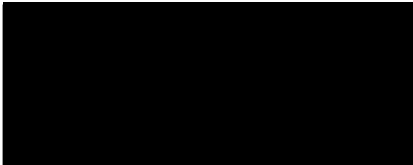
Conclusion

Hence, it is clear that the transport modelling of the proposed development remains incomplete and falls short of the information required to allow a full understanding of how this proposal would impact on the wider road network, particularly at Finger Farm, the A453/A6 Kegworth Bypass/Wilders Way junction, M1 Junction 24, and A50 Junction 1. This is of particular concern when considered cumulatively with other planned growth in the emerging Local Plan, including the new settlement proposed at Isley Woodhouse.

This is naturally of significant concern to the Isley Woodhouse Applicant team in the context of the importance of the Finger Farm junction and the A453 to enable access to and from the SRN from the new settlement, including for numerous bus services which will serve the new settlement. The submitted Transport Assessment indicates anticipated increases in queueing and delay which would interact directly with traffic and trips associated with the proposed new settlement, and the submitted information suggests MAG/Prologis are not proposing to mitigate this impact.

NWLDC will be aware that the Applicants for the Isley Woodhouse new settlement are part of a wider consortium of developers seeking to both understand, and mitigate, the likely effects of planned development at and around Junction 24. While it is becoming clearer what effects the schemes may have, it remains unclear what part the MAG/Prologis scheme might play in mitigating those effects.

Yours sincerely



Mark Higgins MEng(Hons)
Associate Director



ANNEX D

LETTER FROM EMCCA TO NWLDC IN RESPONSE TO THE JOINT APPLICATION (JULY 2026)



Planning Application Type: Outline

Proposed Development:

Outline planning permission, with means of access from the A453 fixed and all other matters reserved for future determination, for the construction of employment floorspace under use classes B2/B8, with ancillary integral offices under use class E(g)(i), and associated infrastructure including earthworks, internal estate road, parking and landscaping.

Land South of A453 Ashby Road, North of Hyam's Lane, Castle Donington, Leicestershire

Ref:

24/00727/OUTM

EAST MIDLANDS COMBINED COUNTY AUTHORITY (EMCCA) Public Transport Response – 14/07/2026

EMCCA have reviewed the following documents:

- Land South of A453, East Midlands Airport Sustainable Transport Strategy (STS), May 2026.
- Land South of A453, East Midlands Airport Proposed Sustainable Transport Assessment (TA), May 2026.

This submission supplements the following: (1) Nottinghamshire County Council (now EMCCA - see below) Transport and Travel Services (TTS) comments dated 17 December 2025; (2) Technical Note dated 05 February 2026 - Land South of A453, East Midlands Airport Applicant Response - Nottinghamshire County Council (now EMCCA) and, (3) EMCCA comments in response to (2) dated 27/02/2026. (1) and (3) are provided as Appendices.

From 1 February 2026 most Nottinghamshire County Council public transport functions and operations have transferred to the East Midlands Combined County Authority (EMCCA), the official Regional Transport Authority for Nottinghamshire, Derbyshire, Nottingham, and Derby. EMCCA is responsible for: regional transport planning and strategy; transport investment; bus operations (in partnership with local bus operators). Please note that EMCCA is not a Local Highway Authority. Responsibilities for traffic management, road maintenance, and highways services remain with the relevant city and county councils.

The site is within the North-West Leicestershire Local Planning Authority area and **Leicestershire County Council are the Local Transport Authority**. Therefore, these observations are provided to support the strategic public transport requirements and highlight matters for review by the applicant and the Local Transport Authority. Comments do not necessarily reflect the views of the bus operators and are subject to consultation with those operators.

Summary comments covering the content of the STS and TA dated May 2026 are tabulated below:

Document /Ref.	Summary of comments (Dec 2025)	Technical Note dated 05 February 2026	May 2026 Submission and EMCCA comments
STS 7.2.1	Temporary bus turning facilities required during phased construction	“Potential construction phasing will be developed as part of the detailed design phase of the scheme and confirmed during the reserved matters stage. Should the on-site highway network not be constructed in full, the applicant is committed to providing temporary turning facilities as necessary.” This should be included in the TA and STS.	No evidence of temporary bus turning facilities or phased public transport access arrangements
STS 7.3.2	Public Transport procurement process, funding mechanism, service triggers and operator engagement through working group.	Procurement and tendering issues will be considered at an appropriate point in time should bus service provision form part of any Section 106 Agreement associated with consent	Sustainable Transport Working Group referenced at 9.1.1 and stakeholder engagement ongoing. Information about the procurement process, funding model or trigger mechanisms should be considered and included with a Bus Service Strategy/ Management Plan which should be specified as a Planning Condition.
STS Network Strategy	Risk of Skylink rerouting impacting service quality; need coordinated A453 corridor approach	“the current Land South of A453 EMA proposals do not include the rerouting of the Skylink Express via Radcliffe Power Station. The applicant agrees with comments regarding the importance of having a cohesive public transport approach for the area and that public transport strategies should be aligned.”	Engagement with operators and stakeholders is ongoing, including consideration of service diversions;
STS Shuttle Bus	Fixed links required to East Midlands Parkway, EMG1/2 and Isley Woodhouse	See above. Transport hub and EV shuttle bus proposed, supported by operator engagement; however, no defined routes, service levels or secured links to key destinations are provided. This should be a requirement of any planning consent.”	See above. Transport hub and EV shuttle bus proposed, supported by operator engagement; however, no defined routes, service levels or secured links to key destinations are provided. This should be a requirement of any planning consent.”
STS 8.4.1.2	Extend My15, Service 66 and include wider operators (e.g. CT4N)	“Section 8.4.1.5 of the Sustainable Transport Strategy sets out high-level options for a potential service diversion of the My15. Potential diversion of bus service 66 will be explored with the bus operators in future discussions, in addition to further discussions regarding a potential diversion of the My15. The applicant will engage with CT4N.”	Route 66 identified as a potential opportunity and operator engagement initiated (including CT4N); however, no committed service changes, defined proposals or delivery mechanisms are provided.
STS 8.4.2.2	DRT does not adequately serve the site and requires increased coverage, capacity and operating hours.	“This comment is noted and will be picked up as part of discussions with bus operators.”	Engagement undertaken with the DRT provider (East Midlands CCA), including a meeting in May 2026 to review operational requirements, capacity and constraints. Ongoing engagement is confirmed, however, no defined service changes, commitments or delivery mechanisms are provided. This should be specified through a Bus Service Strategy/ Management Plan to be specified as a Planning Condition.

TA 2.3.11	Flexible and multi-operator ticketing required from occupation	"This comment is noted and will be considered by the applicant as the Travel Plan is developed."	2.3.11 removed. Section 2.3 should replace general statements with a commitment to a ticketing strategy and delivery, including integrated multi-modal ticketing and taster tickets for employees included with Travel Plan incentives.
TA 4.1	Bus stop specification standards	"This is noted and the guidance will be taken into consideration as part of the masterplan development and any forthcoming Reserved Matters submission which will consider layout.	No detailed bus stop specification or commitment to minimum infrastructure standards is provided in the TA. The Bus stop specification included with the Nottinghamshire County Council (now EMCCA) Transport and Travel Services (TTS) comments dated 17 December 2025, or any similar standard issued by Leicestershire County Council, should be included.
TA 8.1.2.1	Shuttle service must define hours and days of operation	Shuttle bus proposed; however, no operational detail (including hours, frequency or service pattern) is provided.	Shuttle bus proposed; however, no operational detail (including hours, frequency or service pattern) is provided. The statement should include an indication of the proposed hours and days of operation.
TA Fleet	Timeline required for transition to zero-emission public transport services serving the site.	Electric shuttle bus referenced; however, no wider strategy or timeline for zero-emission services serving the site is provided.	A timeline should be provided for provision of zero emission vehicles on all services to EMG1, EMG2 and East Midlands Airport with the aspiration set out in the document. Section 2.3.3.1 of the Technical Note dated 05 February 2026 states that the hours and days of EV Shuttle Bus operation will be aligned with occupier shift times and existing public transport provision.

Supplementary Comments - Sustainable Transport Strategy (May 2026)

7.3.1 On-site Transport Hub - The bus strategy for this site includes a Transport Hub to the north-east of the site, between Land Parcels B and C, and shares a roundabout access onto the A453 with Pegasus Business Park. It is proposed to be served by an EV shuttle bus that operates internally around the site (via two additional proposed stops located in the main site) - Section 7.3.2 of the STS (8.1.2.1 of TA). This will require the shuttle bus to access/egress at the shared roundabout with Pegasus Business Park before accessing/egressing the site again at the separate development access roundabout located to the west.

The strategy also considers that the bus hub will allow passengers can walk northward across the A453 to Pegasus Business Park to access the existing Skylink bus service which is unlikely to be diverted into the site. A toucan crossing across the A453 can facilitate access to the service at the existing stops in Pegasus Business Park.

The hub location on the Access Plan drawing ref. 5-060-SGP_XX_XX_M3_A_0020 – P03 is situated at the north-east extremity of the site and therefore exceeds walking distance guidance to the units to the west with the indicative employee entrances to the west of the units. The EV shuttle bus is therefore essential to support access to all units.

The Appendix C trentbarton Joint Statement states that enhancements to the Beverley Road bus stops adjacent to the Pegasus Business Park would negate the need to divert Skylink services. These stops are also situated more than 800 metres from the indicative accesses to the proposed

western units. The walking distances will not encourage public transport use. Any bus service should prioritise access to the on-site Transport Hub.

The location of the hub requires the shuttle bus to navigate two access roundabouts and therefore the A453. It is also located on the eastern side of the site which should the shuttle bus not be in operation, or the frequency of buses in operation not meet the travel requirements for the end users, then the nearest stops to external services would be more than the minimum walk distance requirement. If the hub location is to remain then there needs to be some assurance that services will be funded indefinitely and reviewed and adjusted to accommodate the needs of the end users. Notwithstanding the above, catching a bus to connect with an external service is likely to result in protracted journey times from destinations in the EMCCA region, and would therefore be less likely to be attractive to end users.

In light of the above, alternative bus hub locations and requirements for a shuttle should be considered alongside what is currently proposed to allow an assessment of which option would provide the best balance between accessibility and assurance that bus access to the site can be future proofed, in the event shuttle bus funding is withdrawn or public services are no longer diverted into the site.

With regards to the operation of the shuttle bus and /or any diverted service into the site, a more centrally located hub, perhaps via a fourth arm off the southern internal roundabout could support walk distance access for more employees without the need for the shuttle bus. This would provide a safeguard against walk distance issues in the event the shuttle is no longer viable. It would also minimise the need for a shuttle to negotiate two A453 roundabouts, which could be subject to traffic delays at busy times.

If the hub location is to remain to maintain a shorter walk distance to the Pegasus Business Park bus stops, then an internal route from the hub to the on-site roundabout and western access roads would be more suitable and minimise travel time.

EMCCA is aware of best practice design to guide discussions and have liaised with Cenex UK, a not-for-profit organisation that have developed Mobility Hub best practice guidance. This includes a Mobility Hub decision tool to support the assessment of the location and specification for a Mobility hub. The decision tool guides the hub design and specification that considers walking, cycling, public transport including buses, demand responsive transport, trams, Park & Ride, drop-off, car clubs, electric charging, delivery lockers and other facilities to promote sustainable access to services. Cenex have aligned their guidance with CoMoUK who also provide useful information about the Mobility Hub concept: <https://www.como.org.uk/mobility-hubs/overview-and-benefits>.

The final strategy document should outline what has been reviewed, considered and discounted and with a supporting justification.

8.4.1.5 - Service Diversions / Developer Contributions – the discussions with local bus operators are noted, including scoping of potential service extensions to serve the site. Both identified routes serve Nottinghamshire within the EMCCA boundary. EMCCA request full engagement with the discussions going forward.

Framework Travel Plan

The document states that public transport measures may include promoting discounted ticketing, facilitating bulk ticket purchase schemes, or offering tax efficient salary sacrifice schemes for season tickets. A specific Travel Plan measure should be applied for free taster tickets to employees which should be specified as a Planning Condition and delivered by the Travel Plan Co-ordinator.

Current HMRC guidance is that HMRC does not provide a tax-efficient salary sacrifice exemption for bus season tickets used for ordinary commuting. Employers can make an interest-free loan to help

employees buy an annual bus or rail season ticket and this should be added to the Travel Plan measures.

Draft Section 106 Agreement Heads of Terms

The content of the document is noted, including support for the provision of and development of bus services to the development.

Summary

EMCCA acknowledges that the May 2026 updates to the Sustainable Transport Strategy and Transport Assessment demonstrate some progress, particularly in relation to ongoing engagement and the identification of potential public transport opportunities. However, the updates remain largely strategic and do not yet provide enough detail to demonstrate a clear and deliverable public transport strategy, including bus stop access that achieves walk distance guidance. Further information is required covering service provision, operating arrangements, infrastructure standards, funding, and delivery mechanisms. The applicant should therefore provide further information to address the outstanding issues identified above relating to provision affecting the EMCCA Mayoral authority area.

A Bus Service Strategy/ Management Plan which should be specified as a Planning Condition of any planning consent. This should include defined service proposals, clear commitments, and appropriate delivery triggers to ensure that effective public transport provision can be secured and implemented as part of the development.

EMCCA would welcome continued engagement with the applicant to support the development of a robust and deliverable public transport strategy that accounts for the travel requirements of EMCCA residents. Further information can be supplied through developer contact with EMCCA.

PTDC@eastmidlands-cca.gov.uk

East Midlands Combined County Authority
Council House
Corporation Street
Derby
DE1 2FS

APPENDIX 1



Planning Application Type: Outline

Proposed Development: Outline planning permission (means of access from A453 fixed; all other matters reserved for future determination) for the construction of employment floorspace (use classes B2/B8) with ancillary (integral) offices (use class E(g)(i)); and associated infrastructure including earthworks, internal estate road, parking and landscaping (all)
**Land South of A453 Ashby Road North of Hyam's Lane
Castle Donington, Leicestershire**

Ref: 24/00727/OUTM

What3Words: [REDACTED]

East Midlands Combined County Authority (EMCCA) Public Transport Response – 27/02/2026

General Observations and Accessibility

The planning application covers an area of land south of East Midlands Airport. The proposal covers an employment development comprising of an area of approximately 41.28 hectares. Access to the site is proposed from A453. The site is within the North-West Leicestershire Local Planning Authority area and Leicestershire County Council are the Local Transport Authority. Therefore these observations are provided to support the strategic public transport requirements and highlight further considerations for review by the applicant and the Local Transport Authority. Comments do not reflect the views of the bus operators and are subject to consultation with those operators.

The following documents have been reviewed and comments included below as appropriate:
Land South of A453, East Midlands Airport Applicant Response - Nottinghamshire County Council

EMCCA has assumed a central role in shaping bus policy, informing planning objectives, and directing investment at a strategic level. This aligns with the Mayor's emerging Transport Plan. EMCCA is following Nottinghamshire County Council's (NCC) guidance and Developer Contributions Strategy (DCS), in the interim as it develops its own Strategy DCS.

EMMCA notes comments around this site being referred to as SEGRO 2, due to the clarification it will only be referenced as EMG2 in the future and recognises there is no direct connection between the sites.

Separately EMCCA welcomes the comments on ensuring there is a cohesive public transport approach for the area moving forward.

Land South of A453, East Midlands Airport Applicant Response - Nottinghamshire County Council

2.2.1.1 EMMCA Response: Once the design phase has been reached EMCCA will want to comment on the use of these facilities and would want to see that stops are specified with real time bus stop flags, poles & displays including low voltage power source to the real time information pole location;

polycarbonate bus shelter; solar or electrical lighting in bus shelter; raised kerbs; enforceable bus stop clearway; lowered access kerbs; additional hard stand (3.6 metres depth x 8 metres width if required), black top dressing (tarmacadam). A bus shelter should be a mandatory requirement for all bus stops. If the on-site highway network is not to be constructed in full then the applicant should be expected to provide appropriate mitigations as necessary from the above.

Further information can be supplied through developer contact with EMCCA.

PTDC@eastmidlands-cca.gov.uk

East Midlands Combined County Authority
Council House
Corporation Street
Derby
DE1 2FS

¹ - <https://www.nottinghamshire.gov.uk/media/2902368/31-general-geometry-of-residential-streets.pdf>

² - <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/developer-contributions-strategy>

³ - <https://www.gov.uk/guidance/connectivity-tool>

Standard Bus Stop Design drawings: <https://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide/standard-drawings>



Planning Application Type: Outline

Proposed Development: Outline planning permission (means of access from A453 fixed; all other matters reserved for future determination) for the construction of employment floorspace (use classes B2/B8) with ancillary (integral) offices (use class E(g)(i)); and associated infrastructure including earthworks, internal estate road, parking and landscaping (all)
**Land South of A453 Ashby Road North of Hyam's Lane
Castle Donington, Leicestershire**

Ref: 24/00727/OUTM

What3Words: [pools.short.simulator](https://www.what3words.com/pools.short.simulator)

TRANSPORT AND TRAVEL SERVICES (TTS) RESPONSE – 17/12/2025

The planning application covers an area of land south of East Midlands Airport. The proposal covers an employment development comprising of an area of approximately 41.28 hectares. Access to the site is proposed from A453. The site is within the North-West Leicestershire Local Planning Authority area and Leicestershire County Council are the Local Transport Authority. Therefore these observations are provided to support the strategic public transport requirements and highlight further considerations for review by the applicant and the Local Transport Authority. Comments do not reflect the views of the bus operators and are subject to consultation with those operators.

The following documents have been reviewed and comments included below as appropriate:
Land South of A453, East Midlands Airport Sustainable Transport Strategy (November 2025);
Land South of A453, East Midlands Airport Proposed Sustainable Transport Assessment (November 2025)

Where local authority voting stakeholder partners make funding decisions then Procurement regulations, including recent legislation and guidance, should be explored. This should be supported with a timeline roadmap for any bus service enhancements or for when any new services introduced should become commercially sustainable, which removes any risk of the service(s) not being financially sustainable and any recourse to public funds. Good practice used for other large development sites is to specify a fixed bus period where the developer is required to support the bus service provision, potentially with a cap on cost exposure.

Land South of A453, East Midlands Airport Sustainable Transport Strategy (November 2025)

7.2.1 - Page 35 - There is no reference to temporary bus turning facilities if the spine road does not support full access through the site during the construction period. Temporary turning facilities should be identified on the plans and be specified for all phases of development.

7.3.2 - Page 36 - The Isley Woodhouse Transport Assessment is referred to, including the importance of having a cohesive public transport approach for the area and that public transport strategies are aligned. The opportunity should be provided for both existing and new bus operators to tender for work or propose new commercial services with kick-start funding from the developer. Information about the procurement process for service enhancements should be considered, including triggers for providing increased service capacity. The proposed establishment of a

Sustainable Transport Working Group will provide oversight using the framework and constitution adopted for EMG1.

TTS is concerned that rerouting the Skylink Express via Radcliffe Power Station will be to the long-term detriment of the service, potentially increasing journey times and discouraging through passengers. The Council wishes to see more coordination of road links between the developments along the A453 to ensure bus links to tram, rail and employment are efficient and attractive. The proposal in the document for a potential shuttle bus to neighbouring sites and surrounding areas should include a fixed public transport link including East Midlands Parkway, Segro 1, Segro 2 and Isley Woodhouse sites. This should be a requirement of any planning consent.

8.4.1.2 - Page 40 - In addition to the listed services the existing trentbarton My15 ² and Service 66 ³ could be extended to support the Sustainable Transport Strategy. Future stakeholder engagement should also include CT4N.

8.4.2.2 - Page 45 - The Nottsbus West Rushcliffe Demand Responsive Transport (DRT) zone ¹ links East Midlands Airport to East Midlands Parkway and the south of the County but doesn't currently cover the proposed interchange location for this development. Whilst the current zone map demonstrates the possibility the service does not have capacity and would be required to be extended with additional vehicle resources and hours of operation to alleviate the increase in demand.

Land South of A453, East Midlands Airport Transport Assessment (November 2025)

2.3.11 - Page 16 – Fares and ticketing -TTS policy is for tickets to be made available to employees on occupation with information set out in the Travel Plan. The tickets should be flexible products or a credit value rather than a time limited ticket. Multi operator tickets should be considered.

4.1 - Page 28 - The facilities to be provided at the bus stops for the shuttle/bus service should be to a specification that supports sustainable travel and should include any of the following: real time bus stop flags, poles & displays including low voltage power source to the real time information pole location; polycarbonate bus shelter; solar or electrical lighting in bus shelter; raised kerbs; enforceable bus stop clearway; lowered access kerbs; additional hard stand (3.6 metres depth x 8 metres width if required), black top dressing (tarmacadam). A bus shelter should be a mandatory requirement for all bus stops.

8.1.2.1 - Page 76 - EV Shuttle bus - The statement should include an indication of the proposed hours and days of operation.

A timeline should be provided for provision of zero emission vehicles on all services to EMG1, EMG2 and East Midlands Airport with the aspiration set out in the document.

Consideration should be given to providing fast and frequent direct bus links for residents in Nottinghamshire. The proposed enhancements benefit Nottingham City, Derbyshire and Leicestershire but are of little value to Nottinghamshire residents. Direct connectivity from the development to key destinations in the Greater Nottingham area should be considered, including Fairham beyond the NET terminus, and large new developments situated close to the A52 strategic road network including Sharphill, Gamston East and Boots. To achieve this might require a wholesale network review to effectively serve the site for the later phases. This should be included in the document to ensure that the full scope of service enhancements is considered in context with the network at the time the services are to be provided.

Transport & Travel Services
Nottinghamshire County Council
County Hall
West Bridgford

Nottingham
NG2 7QP

ptdc@nottsc.gov.uk

Tel. 0115 977 4520

¹ - <https://www.nottinghamshire.gov.uk/media/2902368/31-general-geometry-of-residential-streets.pdf>

2. [REDACTED]

ANNEX E

A453/BEVERLEY ROAD FORECAST QUEUES (SCENARIO B) FROM VISSIM MODELLING

A453/Beverley Road forecast queues (Scenario B) from VISSIM modelling

	Average Queues (PCUs)					
	AM			PM		
Arm	2038 WoD	2038 WD + Miti	Diff	2038 WoD	2038 WD + Miti	Diff
Beverley Road	0.0	0.1	0.0	0.1	2.2	2.1
A453 E	0.1	0.2	0.1	0.1	0.1	0.1
EMG2 Site Access	-	0.4	N/A	-	2.1	N/A
A453 W	0.5	1.8	1.3	0.0	0.9	0.9

ANNEX F

IMAGES



ANNEX G

EAST MIDLANDS FREEPORT J24: GATEWAY TO GROWTH VIDEO TRANSCRIPT

Ioan Reed-Aspley, East Midlands Airport: So East Midlands Airport is a really critical asset for the whole of the UK and not just the East Midlands Region. It is two businesses in one. It has a smaller passenger operation connecting people to their favourite holiday destinations in Europe but also it is a facilitator for trade to and from the UK. We are the largest dedicated freight airport in the UK handling £32 billion worth of goods every year. And that is down to the location of the airport, right in the heart of the country allowing the airport to serve businesses all around the UK.

Craig Bickley – Maritime Transport: The Corridor is one of the most important freight arteries in the UK. EMAGIC is a nationally significant logistics hub right here at the heart of the motorway and the rail network. And that is important because freight is not regional anymore. Supply chains are now national. We are linking the ports and major production centres to inland markets. We are not just the regional rail terminal. Its core national logistics infrastructure that's keeping the whole UK economy supplied.

Rob Gorton – Toyota Motor Manufacturing UK: So Toyota started producing cars here in the East Midlands more than 30 years ago and since then we have produced more than 5 million cars in our factory here in Derbyshire. And we have invested more than £2.8 billion across the UK manufacturing operations. As of 2026, we have also launched Toyota's pioneering Toyota Circular factory here in Burnaston. That is the location where we are refurbishing vehicles for new use but also dismantling vehicles at the end of their life and that is the first that has happened in global Toyota so we are very proud of what we are doing here.

Ioan: So the proximity of the airport to the road network is absolutely fundamental to its success. The goods that fly in and out of here arrive here by truck through the road network and across the motorway network so the junctions that serve this airport both Junction 24 and the others are absolutely fundamental to the smooth operation of this airport. The goods that come in here come from all over the country. 90% of the UK population is within a four hour truck drive here and then it's absolutely critical to the smooth flowing of the road network. So if the road network is not performing well then the airport is not performing well.

Craig: Rail cannot deliver the full benefit if the road infrastructure is not the greatest. Opportunity here is huge with the right infrastructure. Fewer road miles and a lower carbon supply chain with rail can all be a benefit of this, but modal shift only works when the first and the last mile is sufficient.

Rob: Toyota's a really highly integrated manufacturer, that is how we do business and that means we have supply chains which come from across Europe and to Europe and indeed

globally. And that means that the importance of infrastructure to maintaining our operations is absolutely critical. We are making more than 90,000 vehicles a year typically and this means that we really have to have just in time logistics in order to maintain the efficiency in our operations. Actually that means for example that our UK parts, we keep no more than four hours in site at any time to build all of those cars. So because of all that, it means infrastructure, which means the ability to get parts reliably to site, efficiently to site and also predictably to site, it is absolutely crucial to our activity today. But not only that, it is crucial to making sure that we have a strong, efficient plant which can attract future investment to our business.

Ioan: If we rewind 60 years when the decision was taken to put this airport here, that decision was made because of the proximity to the M1 Motorway and that is absolutely fundamental to the airport's success today as much as it was 60 years ago. This airport will thrive if there is an integrated approach to unlocking all of the infrastructure around the airport and the motorway capacity is absolutely fundamental to that. So the junctions that serve this airport need to be working well, need to be designed in a way which continues to allow the movement of vehicles in and out of here so the airport operation can continue to serve the UK economy.

Craig: The programme needs backing now because the pressure is here now. Junction 24 is at capacity with roughly 80,000 vehicles a day passing. So that is a constraint, not only for freight, but also for commuters trying to get here. Freight growth is here now and the demand is rising right now. And also businesses are making decisions on investments right now and where to place DCs, rail capacity and people. Infrastructure certainty unlocks private sector confidence and investment with that. So the timing matters. We need to deliver it now.

Rob: The East Midlands Freeport role is really critical in the region towards making this transformation. But the important part is to act with speed and with imagination to make these opportunities real before the end of the Freeport window in 2031.

ANNEX H

RESPONSE TO SCP TECHNICAL NOTE 06 TABLE 1

NO.	CONCERN	EXAMINATION LIBRARY REFERENCES	SCP RESPONSE 04/06/2026	BWB RESPONSE <i>As received 15.06.2026 following meeting dated 12.06.2026</i>	SCP Notes following comments in previous column 15.06.2026	BWB Response Deadline 4	Applicants (BWB) Response Deadline 6	UPDATED RAG STATUS AND SUMMARY
1	The review of the Transport Assessment and other accompanying documents did not provide a traffic flow model for the base or the base plus development traffic. This makes it difficult to understand the level of traffic that was anticipated at each junction and on each arm of those junctions.	TA Appendix 49 [APP-082] which was unchanged at Deadline 1 [REP1-041] and [REP1-043] TA Appendices 51 to 69 [APP-082] which were mostly unchanged at Deadline 1 except for Appendices 57 [REP1-043], 58 [REP1-045], 59 [REP1-045], 66 [REP1-047], 67 [REP1-047] and 68 [REP1-047]	Appendix 49 is Modelling Furness Approach – this document does not provide a traffic flow diagram as requested but rather background information. TA Appendices 51 to 69 are the various junction modelling outputs from junction 6 to junction 17 – i.e. those junctions that were not modelled in VISSIM.	Traffic flows diagrams based on the VISSIM modelling outputs had been produced for the following modelling scenarios: - 2028/2038 Without development - 2028/2038 With development - 2028/2038 With development + Mitigation <i>As noted previously, these are contained in Appendix 50 of the TA [REP1-043] which was submitted as part of Deadline 1. Appendix 2 within VISSIM Forecast Modelling Report</i>	Two traffic flow diagram figures (AM and PM) have been produced for just the VISSIM network portion of the assessment which shows the turning counts across all scenarios in 2028 and 2038. No flow diagrams covering the entirety of the network has been provided.	The traffic flows from PRTM 2019 and PRTM 2023 cannot be taken directly and input into the detailed junction modelling. A furnishing methodology to derive accurate turning movements was therefore discussed in detail with NH and LCC and agreed in accordance with the details in Appendix 49 of the Transport Assessment. The traffic flows for the detailed VISSIM, LinSig and Junctions 11 models were issued to NH and LCC and agreed with them prior to the	As advised previously, traffic flow diagrams can be found in Appendices 51 to 69 of the Transport Assessment, which include for the capacity assessment summary results (and inputs, including traffic flows)	Traffic Flow Diagrams are available but only for the VISSIM extents of the network. These also only cover certain scenarios. The Traffic Flow Diagrams need to show the full network in the vicinity of the site and traffic flows for all scenarios.

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			Have traffic flow diagrams been produced as part of the work, or are traffic flows just an integral part of the models?	(Appendix 50) shows the traffic flows within the VISSIM highway network.		modelling taking place. Turning movements for all modelled scenarios can be found in the relevant modelling outputs included at Appendices 51 to 69 of the Transport Assessment.		
2	There is no explanation of significant differences between the 2019 and 2023 modelling, particularly on the M1 SB and off slip and A50 approach.	TA Appendices 6 and 7 [APP-082] which were unchanged at Deadline 1 [REP1-031]	Appendix 6 and appendix 7 - EMFM Base Year Model Review and EMFM Base Year Model Review Addendum – don't actually outline the request but rather assess the models singularly without any	<i>The differences between the 2019 and 2023 modelling results are attributable to updates made to the base model flows. The 2023 PRTM model was recalibrated using observed traffic counts from 2023 and, consequently, the variations between the 2019 and 2023 base</i>	There is no direct text which summaries the difference between 2019 and 2023 however Appendix 10 provides multiple tables outlining the difference in	Both PRTM 2019 and PRTM 2023 models have been scrutinised by National Highways, Leicestershire County Council (LCC) and the Applicant. LCC's Network Data Intelligence (NDI) team produced Base Model Validation Reports confirming that both the PRTM 2019	The Applicants note that this matter has been resolved.	Whilst BWB do not directly answer the question, LCC and NH have agreed the validation report and as the 2019 model is more robust than the 2023 model,

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			cross reference to the 2019 and 2023 model. Is there a document or text that provides a direct comparison of the two models to understand the differences?	<i>flows have been reflected within the respective forecast assessment scenarios.</i> <i>The differences in forecast flows are presented in Appendix 10 of EMG2-BWB- GEN-XX-RP-TR-0022_PRTM 2023 Sensitivity Test [REP1-058]</i>	flows between models. This will be reviewed to understand traffic flow differences.	and PRTM 2023 base models validate to an acceptable level with key strategic road network link flows meeting TAG criteria. There is less traffic on the M1 SB and A50 approach to M1 Junction 24 in PRTM 2023 which is the reason there are differences in the modelling results for these arms. Whilst PRTM 2023 is the more recent version of the model, the mitigation is based on PRTM 2019 which has higher traffic flows overall and presents a		this item can be agreed.

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						worst-case assessment.		
3	Junction 6 – M1 Junction 24 Mitigation has been provided on the approaches, the circulatory carriageway and on the approach to the junction. Due to a lack of data it is not clear if the scale of improvements on the M1 northbound off slip are proportionate to the development.	TA Appendix 50 [APP-082] which was updated at Deadline 1 [REP1-043]	We have been pointed to Appendix 50 - VISSIM Forecast Modelling Report (which was used to form the basis of the impact of the development) but does not make reference to traffic flows, rather the impact on journey times, queue length and other such parameters. Has there been a document prepared	<i>Traffic flows diagrams based on the VISSIM modelling outputs had been produced for the following modelling scenarios:</i> - 2028/2038 Without development - 2028/2038 With development - 2028/2038 With development + Mitigation <i>As noted previously, these are contained in Appendix 50 of the TA [REP1-043] which was submitted as part of Deadline 1.</i>	No document has been prepared which shows design optioneering but the previous designs associated with the junction have been used as basis to form the proposed mitigation.	The Transport Assessment provides comprehensive modelling outputs of M1 Junction 24 within the following sections: · Section 10 – Stage 1A modelling · Section 11 – Stage 1B modelling · Section 13 – Stage 2A modelling · Section 14 – Stage 2B modelling The Transport Assessment main report provides network performance results	See response to EMA main document item 2 above.	No document has been prepared which evidences the design optioneering undertaken. (The submission of design optioneering is typical in applications of this nature and it is not clear why this information is missing).

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			which outlines the design optioneering and how the submitted design was arrived at?	Appendix 2 within VISSIM Forecast Modelling Report (Appendix 50) shows the traffic flows within the VISSIM highway network.		comparing the change in delays, vehicle speeds, vehicle arrivals and latent demand across the entire VISSIM network between the without development and with development scenarios, inclusive of the proposed mitigation. Appendix 50 of the Transport Assessment contains the VISSIM forecasting report, which provides more detailed modelling results comparing queue lengths and journeys times along individual arms. Overall, there has been sufficient		

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						information presented in the Transport Assessment and accompanying appendices to undertake a thorough review of the VISSIM modelling.		
4	Junction 3 - Finger Farm Roundabout Minor mitigation is proposed due to traffic diverting to the M1 J24. However, no data is provided detailing the amount of traffic to be diverted.	TA Appendix 70 [APP-082] which was unchanged at Deadline 1 [REP1-049] TA Appendix 50 [APP-082] which was updated at Deadline 1 [REP1-043]	TA appendix 70 sets out the EMFM Stage 2A Modelling Forecasting Report Addendum, Figure 3.1 (Page 19) onwards provides heat map style diagrams setting out different traffic levels however these are not specific and	<i>Traffic flows diagrams based on the VISSIM modelling outputs had been produced for the following modelling scenarios:</i> - 2028/2038 Without development - 2028/2038 With development	No direct reference can be found within the referenced document from BWB. However having analysed the traffic flow diagram at Finger Farm roundabout there is a difference of 531 PCUS	Appendix 70 of the Transport Assessment contains the PRTM 2019 Forecast Report, which presents the strategic modelling results of the proposed mitigation (Stage 2A). Figure A.1 and A.2 show the forecast flow change between the without development and with development with mitigation	The Applicants note that this matter has been resolved.	The information provided by BWB indicates how much traffic is being diverted.

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			don't provide information on the diverted traffic. Appendix 50 - VISSIM Forecast Modelling Report (which was used to form the basis of the impact of the development) does not make reference to traffic flows but rather the impact on journey times, queue length and other such parameters. Is there a direct reference to the amount of	- 2028/2038 With development + Mitigation <i>As noted previously, these are contained in Appendix 50 of the TA [REP1-043] which was submitted as part of Deadline 1. Appendix 2 within VISSIM Forecast Modelling Report (Appendix 50) shows the traffic flows within the VISSIM highway network.</i> <i>The traffic flow diagrams illustrate the number of vehicles utilising the new link road in the 'With Mitigation' scenarios. Subsequently, the drop in flows</i>	when comparing the 2028 Mitigation (and Development) to the 2028 with development scenario. In 2038 this increases to 631 PCUS.	scenarios and show that there would be an increase on the new M1 northbound to A50 westbound free flow link and a reduction on the A453. The PRTM outputs were obtained and furnished to derive suitable traffic flows for the VISSIM modelling. This shows that 610 vehicles in the morning peak hour and 210 vehicles in the evening peak hour would be transferred from the A453 to the M1 as a result of the proposed mitigation.		

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			traffic that will be diverted?	towards A50 from A453 NB and M1 NB can be seen on the traffic flow diagram.		The full modelling results are provided in the PRTM Forecasting Report and VISSIM Forecasting Report included at Appendices 50 and 70 of the Transport Assessment.		
5	The information provided on construction mitigation is inadequate. A CTMP has been produced in which it identifies the volume of construction traffic associated with the development	CEMP Appendix 03 Document DCO 6.3A [REP2-026D] which was updated at Deadline 2	To be reviewed in full with respect specifically to the operation of the airport.	<i>The CTMP has been updated and will be resubmitted at D4</i>	This will be reviewed post deadline 4 to establish any changes between the previous iteration.	The CTMP which was updated for Deadline 2 provides details on how the impacts of construction are to be managed. It is important to note that there are significant levels of traffic generated by EMG1 which is a 24/7 operation so the Applicants are very much aware of the general need to minimise the impact on traffic	The Applicants agree that the CTMP is an outline document that sets the principles and measures to be adopted. Further detail will be presented in the phase specific CRMP (pCTMP) for each phase of development.	A revised CTMP has been produced which at this stage is high level and will be refined when a contractor is appointed.

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	of the site itself. The document sets out the mechanism by which traffic has been calculated and how this will be monitored. There is very little information in the documentation with respect to the off-site construction works for the highway mitigation measures. In particular, there is no meaningful programme for construction of those works,					throughout the day and not just at peak times. The CTMP has been revised further at Deadline 4.		

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	and no proposals to mitigate the impacts of construction during that time.							
6	The WCHAR audit was referenced by the Applicant but has not been made available for review.	TA Appendix 3 [APP-081] which was unchanged at Deadline 1 [REP1-031] TA Appendix 24 [APP-081] which was unchanged at Deadline 1 [REP1-035]	To be reviewed in full with respect to the operation of the airport.	<i>Noted</i>	Document will be reviewed	The WCHAR assessment and review reports are found at TA Appendices 3 and 24 respectively. These were submitted with the original application and have not changed in the information submitted at Deadline 1	The Applicants note that this matter has been resolved.	This has been reviewed and no comments raised.
7	The TA modelling was not provided to the audit team and as such the mitigation	Audit Brief approval confirmed at Deadline 1 [REP1-056]	The response refers to Road Safety Audit 1 in which (in section 1.2) the Audit Brief	<i>We will follow up with the Client team post our discussion</i>	BWB confirmed this document has been prepared	The Audit Brief (which has been approved by both NH and LCC) contained the relevant and	Relevant information giving traffic data is included within the Audit Brief ([REP4-	The audit brief was provided to SCP by Paul Wilson on the

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	cannot be reviewed against the modelling outputs.		prepared by the Design Team and the Audit Team were approved by Jeremy Bloom of National Highways and Adrian Whiteman of Leicestershire County Council. Has this audit brief been included within the appendices? If not, can this be provided?		previously, however SCP are unsure why this cannot be provided. SCP will review once this is received.	appropriate information on traffic data for use within the Audit.	036 Annex 19A) This was also sent directly to SCP on 17 June 2026.	17.06.2026 however it is noted that the traffic modelling results do not appear on the List of documents and drawings provided with this Brief.
8	No information has been provided to show how the highway works were arrived at through an	Joint Position Statement relating to SRN Mitigation [REP1-060D]	We note that the following statement was provided in the Joint Position related to SRN	<i>M1 Junction 24 is a known 'bottleneck' that is restricting growth around East Midlands Airport. This has been confirmed by the</i>	No document has been prepared which shows design optioneering but the	The approach is as set out in the Joint Position Statement with National Highways	See response to EMA main document item 2 above	No document has been prepared which shows the design optioneering.

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	iterative process and specifically whether any less intrusive measures were considered as alternatives.		mitigation scheme; <i>The consortium, through engagement with National Highways and other key stakeholders, has identified a combination of highway upgrades which the consortium considers together provide a solution to the capacity issues at Junction 24. That solution has been discussed with National Highways. The consortium is undertaking</i>	<i>East Midlands Combined County Authority and National Highways who have identified it as a key junction that requires significant improvements, rather than more minor piecemeal mitigation, hence the approach adopted.</i>	previous designs associated with the junction have been used as a basis to form the proposed mitigation.	(Document DCO 8.1).		(The submission of design optioneering is typical in applications of this nature and it is not clear why this information is missing.

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			<i>strategic and microsimulation modelling to demonstrate the suitability of the proposed solution to mitigate the impacts of all planned growth in the area. National Highways is engaged in this exercise and will review the modelling and the effectiveness of the mitigation when it is available.</i> However, this does not outline the design optioneering and how the					

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			submitted design was arrived at? – similar concern to item 3.					
9	Eleven departures from standards have been agreed; with two further exceptions still to be agreed. However, only six were identified in the RSA. Confirmation is needed whether the RSA will be repeated with the correct number of	Stage 1 RSA provided at Deadline 1 [REP1-056] TA Appendix 26 updated at Deadline 1 [REP1-035] TA Appendix 27 updated at Deadline 1 [REP1-035] & [REP1-037]	The REP1-056 still only makes reference to 6 departures in section 1.7. Will there be a revised RSA which takes into account all the departures from standards?	<i>We would respectfully ask that you read paragraph 1.7 of the Stage 1 RSA again and compare to the list of departures at the end of TA Appendix 27 (as issued at Deadline 1)</i>	The information as provided by BWB collated several departures from standards in the same paragraph as such it was difficult to ascertain the number of departures. This has been checked and	Para 1.7 of the Stage 1 Road Safety Audit contains a bullet point list related to departures from standard. However, each bullet refers to a location and, for example the first bullet refers to the five geometric departures on the M1 northbound form J23A to J24. When the geometric departures referred to in the first four	The Applicants note that this matter has been resolved.	Agreed

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	departures considered.				no further comment.	bullets are added up (these being on the SRN) these total 11, the same 11 that are now approved by National Highways. At the time of the Audit two departures were considered to be needed on the LRN, these have since been designed out as confirmed in the updated TA Appendix 26		
10	The RSA identified a lack of information regarding the bridge associated with the M1 A50 link road.	Stage 1 RSA provided at Deadline 1 [REP1-056] Highway Plans GA Sheet 3 Document	In section 1.8 it is noted by BWB that no details have been provided to the Audit Team in terms of the structure of the bridge	We will respond to this in full at Deadline 4	Noted – to be provided at deadline 4.	The requirements of DMRB standard GG 119 are important when undertaking a Road Safety Audit, and Appendix B provides a checklist of matters to be	The Applicants note that this matter has been resolved.	A Stage 1 Audit does not require the bridge design to be audited. The drawings presented to

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	Confirmation is needed whether the RSA will be repeated with more complete information on bridge design.	DCO 2.8C [AS-011D] Highway Plans Longsection Document DCO 2.10A [APP-049D] A453 Bridge Plan Document DCO 2.11 [APP-053D]	provided on the new A50 link over the A453. As a result, the bridge itself has not been considered as part of this Stage 1 Road Safety Audit. Will this be included in a revised Road Safety Audit?			considered at each Audit stage. An extract of GG 119 is found at Annex I. In relation to bridges, at Stage 1 the important consideration is the impact bridges may have on the highway design such as visibility. Such information is clearly shown on the highway drawings reviewed at the Stage 1 Audit. GG 119 appendix B then goes on to say that more detailed information on bridges such as parapets are a matter for the stage 2 audit which will be undertaken at the end of the		the auditors did show the bridge abutments and long sections

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						detailed design stage. Therefore the Audit, which has been approved by National Highways, is complete and is not invalid		
11	Junction 2 - A453/Beverley Road Roundabout No modelling results are included for this junction so EMA is unable to satisfy itself about the future operation of the junction.	TA Appendix 46 [APP-082] which was updated at Deadline 1 [REP1-041]	Appendix 46 is VISSIM Local Model Validation Report which sets out the results of the travel time however this doesn't actually show results of the junction modelling. Table 3 of Appendix 50 - VISSIM Forecast Modelling	<i>Queue results are not readily available for the A453/Beverley Road Roundabout because they are embedded in the VISSIM model results.</i> <i>Within the VISSIM model there are no queue counters at the site access, the main focus was at the key SRN junctions as these are the junctions that were congested</i>	Given that all the other junctions (included within the VISSIM extent) were included in the outputs. The response from BWB indicates that the results are available however this just requires more analysis of	We presume this should refer to the A453. The A453/Beverley Road junction has been modelled in VISSIM with full modelling results included within the VISSIM Forecasting Report at Appendix 46. The journey time results for Route 16 are relevant to the A453/Beverley Road junction and	See response to EMA main document item 5 above. The journey time information within Sections 10, 11, 13 and 14 of the Transport Assessment (REP1-031) was sufficient for interested parties to understand the impacts on the A453/Beverley	No junction modelling results specifically for this junction have been provided.

NO.	CONCERN	EXAMINATION LIBRARY REFERENCES	SCP RESPONSE 04/06/2026	BWB RESPONSE <i>As received 15.06.2026 following meeting dated 12.06.2026</i>	SCP Notes following comments in previous column 15.06.2026	BWB Response Deadline 4	Applicants (BWB) Response Deadline 6	UPDATED RAG STATUS AND SUMMARY
			Report shows the Stage 1A 2028 MMQ which shows the result of the VISSIM modelling for the modelled network but the table doesn't show the results for the A463/Beverley Road Roundabout. Are there traffic modelling results available for this junction?	<i>in the forecast base scenarios. However, journey times along the A453, which are included within the report, which shows the eastbound/westbound journey times across the Beverley Road Roundabout, confirms that there are no increases along this route between the WoD and WD scenarios, and the journey times decrease along the A453 in the mitigation scenario, as the new A50 link road increases capacity at the Finger Farm Roundabout.</i> <i>The VISSIM model also shows that</i>	the VISSIM outputs in order to show the results. SCP would still query why this hasn't been shown?	show a reduction in Stage 2A compared to Stage 1A, highlighting that there would be an overall betterment to the operation of the junction. The latent demand also improves, showing that more traffic is able to enter the VISSIM network in Stage 2A compared to Stage 1A. The VISSIM model has been issued to NH and LCC who have agreed that the A453/Beverley Road junction will continue to operate sufficiently in capacity and not negatively impacted by the EMG2 development.	Road roundabout. To supplement this queue length data has been provided in Annex E and confirms that queue lengths will be minimal and the junction will operate comfortably within capacity.	

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				<i>there is also no latent demand on the site access arm.</i>				
12	The TA does not appear to have included traffic associated with future growth of the Airport.	TA Appendix 8 [APP-082] which was unchanged at Deadline 1 [REP1-031]	Appendix 8 - PRTM Proforma v14 & Uncertainty Log v7- this sets out the sites that have been included in the assessment as well as the mitigation schemes that are likely to come forward in the proceeding years. As noted in page 600 of Transport Assessment Part 2 of 4 – EMA Aviation expansion has	<i>The growth of the Airport within the modelling is exactly the same as that used by EMA and Prologis for the Joint Application, as provided by NWLDC; 938 additional jobs is included for within the TA for both EMG2 (Appendix 8) [REP1- 031] and the Joint Application (Appendix B).</i>	BWB confirm that employment growth has been included but long-term passenger and freight growth has not been included. This is the same approach used in the joint application.	The planning data assumptions for the transport modelling are logged in Uncertainty Log v7, which was included at Appendix 8 of the Transport Assessment. This includes an additional 938 jobs at East Midlands Airport to account for future growth and development, as set out by NWLDC as local planning authority.	The Applicants note that this matter has been resolved.	The same approach has been adopted for each application.

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			been included as part of the employment data however there is no reference to increased patronage of the airport in terms of physical passengers at the airport or possible cargo growth. Is projected future passenger growth included within any future assessments?					
13	EMA need to understand any potential impacts to the					The Applicants are very aware of the importance of the issues raised	The Applicants confirm that the revised land plans and	This is still to be agreed with further documents

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	current layout and operation of the landing lights from the Proposed Development. At present, EMA does not have sufficient information from the Applicant to satisfy itself in that respect.					regarding the landing lights and airfield security fence, and working in this area generally, having delivered the EMG1 scheme which required far more substantial works than that proposed for EMG2. As such when determining the route of the active travel link these matters were given full consideration, and the simplest and least disruptive solution was for the alignment of the active travel route to follow the route of a former road alignment which is	associated documents are issued at Deadline 6, and that the revision to the vertical limits if deviation were issued at Deadline 5 [REP5-008D] .	to be provided by the Applicants at Deadline 5

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						still present on the ground. At the northern end of this redundant piece of road, as part of the EMG1 scheme the earthworks were formed to allow future provision of the active travel link. At the time of EMG1 it was known there were wider ambitions from stakeholders for this route to be provided. It was not constructed beyond earthworks as it would have led to nowhere. However, this again means the works to form the active travel link on this		

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						section will be relatively straightforward. Upon receiving the questions raised by EMA at Deadline 3 the Applicants have produced a detailed plan showing the precise alignment of the active travel link and how it interfaces with the landing lights and confirms sufficient set back from the airfield security fence. This has been shared with EMA and we understand EMA have now confirmed that the route does not affect their assets. This plan is found at Annex F.		

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						The horizontal deviation is limited by the works area and we have reduced the area of Works 14 (specifically 14a) by removing the sliver of EMA land plot 2/6 that is between the airfield security fence and A453 boundary from the scheme. An updated version of the Works Plan (Document DCO 2.3B) is therefore provided. Note that this amendment also deals with the realignment of the active travel link to avoid the corner of the car park. Updated land plans and associated documents will be		

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						submitted at Deadline 5. In terms of the vertical limits of deviation the Applicants propose to amend these for Works 14a to +/- 0.2m, which would match those for Hyams Lane, in the revised DCO to be submitted at Deadline 5. The Applicants are confident such a restriction on vertical limits of deviation can be complied with given the route is following a combination of the former carriageway and already constructed earthworks.		

ANNEX I

RESPONSE TO PROTECT DISEWORTH HIGHWAYS TABLE

Issue	BWB Response	PD Comment	Current Position	Applicants' Response
Red time for vehicles at proposed Toucan crossing on A453	<i>'The Toucan crossing has been modelled with a total intergreen period of 13 seconds and a pedestrian/cycle green time of 8 seconds, resulting in an overall vehicle red time of 21 seconds. Forecasts indicate approximately 30 pedestrian and cyclist movements generated by the proposed EMG2 development based on modal share. Considering walking and cycling catchment areas of 2 km and 5 km respectively, these users are expected to originate from either Castle Donington or Diseworth, neither of which would necessarily use the crossing. However, we hope that there is some connectivity to and from EMA, EMG1 and Kegworth and we considered it important to provide a safe crossing facility even if it may not be used that frequently.</i> <i>A crossing frequency of once every 4 minutes has therefore been assumed, equating to around 15 activations, and incorporates a longer-than minimum green time for pedestrians and cyclists. On this basis, the assumption of a 4-minute crossing interval is considered robust for modelling purposes'. (BWB email to PD 09 June 2026).</i>	<i>'A reduction in link capacity from 1,700 to 1,650 pcus [Minutes of Meeting 08 January 2026] is consistent with an 8 second red time. If the red time were 21 seconds the reduction in link capacity should be to around 1,550 pcus. Could you please forward an extract or screen shot of the VISSIM input file that identifies the specification of the red time to confirm this point?' (PD email dated 11 June 2026)</i>	<i>BWB has yet to respond to this query. The issue is therefore still under discussion.</i> <i>Without confirmation that the Toucan crossing has been correctly modelled, the risk is that the predicted future year flows on the A453 will exceed capacity. Traffic queuing back onto the Finger Farm roundabout would lead to unacceptable</i>	<i>Please refer to the Applicants response to Protect Diseworth at Item 17 of the Deadline 4 submission</i>

Issue	BWB Response	PD Comment	Current Position	Applicants' Response
			highway safety impacts.	
Area of land safeguarded for A453 dualling	A quick response to acknowledge your email, albeit we can quickly deal with Point 2 – please see Document 2.17 [REP1-024D]: https://nsip-documents.planninginspectorate.gov.uk/published-documents/BC0410001-001007-DCO%202.17%20A453%20Safeguarded%20Land%20Plan%20Deadline%201.pdf	This plan shows the safeguarded land between the Beverley Road and Finger Farm roundabouts.	No further query	No further action required
Total trips within model	'The numbers provided in the worksheet appear to be from an older version of the report. The latest outputs can be found in Appendix 50 of the TA (MCO 6.6A Transport Assessment Part 7 of 10 (Clean) (Revision 1)). In the 2038 'With Mitigation' PM modelling scenario, a reduction in trips is observed when compared to the 2038 'With Development' scenario. This reduction primarily originates from the A50 and the M1 southbound off slip, as some vehicles reroute due to more vehicles being able to access the gyratory from M1 NB off slip. However, it should be noted that, when compared with the 2038 'Without Development' scenario, the 'With Mitigation' scenario allows a greater number of vehicles to utilise the highway network. This results in an overall improvement in network operation and capacity which shows the benefits of the proposed mitigation measures.' (BWB email 09 June 2026)	'Thank you for clarifying the most up-to-date VISSIM modelling. I have repeated the exercise using the most recent data (see attached). I'm afraid I am not following the points in your response. The effect of adding mitigation in the 2038 PM period is to reduce the number of trips in the model. This is contrary to your statement that there is benefit in the increased capacity with mitigation. There are further inconsistencies in that the effect of adding	BWB has yet to respond to these queries. The modelling results are not logical and throw doubt on the reliability of the results.	Please refer to the Applicants response to Protect Diseworth at Item 17 of the Deadline 4 submission

Issue	BWB Response	PD Comment	Current Position	Applicants' Response
		the EMG2 development in the AM peak is to increase trips by only 600-700 in most situations but by over 1,500 trips in the 2028 AM situation. There remain illogical outcomes when Local Plan development traffic is added (1A, 2A situation) since overall trips decrease when they should increase. Please explain how these results arise since they cast doubt on the reliability of the modelling process.' (email to BWB 11 June 2026)		
<i>Delays at The Green/A453 junction (rat-running through Diseworth)</i>	<i>'Paragraphs 13.22 to 13.29 of the TA sets out that the strategic modelling shows that A453/The Green junction operate within capacity and therefore attracts traffic along said route. However, it should be noted strategic models are not always that well suited to assess detailed operational impacts at individual junctions.</i> <i>Therefore, a standalone junction assessment was undertaken which showed that the A453/The Green junction would actually operate over capacity. As a result, in reality, not all of the development traffic included for in the strategic traffic modelling work will head east towards the site via The Green and use alternative means instead. These 'long delays' are not shown in PRTM with or without the proposed</i>	<i>'Your assessment of the relative attractiveness of the routes to the site via Diseworth and via the Kegworth Bypass is not compelling. You have used free flow conditions to arrive at relative journey times</i>	<i>This matter is not agreed as the modelling results suggest that rat-running through Diseworth is likely to increase as a result of the</i>	<i>Please refer to the Applicants' response to Protect Diseworth at Item 12 and 13 of the</i>

Issue	BWB Response	PD Comment	Current Position	Applicants' Response
	<i>mitigation in place; PRTM assumes that the A453/The Green junction operates within capacity throughout.</i> <i>All development traffic routing along Grimes Gate (38 vehicles) originates from, or route via, Shepshed/Long Whatton area in the Strategic model. An alternative route for development traffic is via the Kegworth Bypass, which has a comparable journey time but avoids the congestion on the primary route, making it a potentially a more attractive option for drivers. However, we have never denied that some development traffic will route via Diseworth; the plan of course being limiting this as far as practically possible, by focusing mitigation on the SRN.</i> <i>A review of the development flows via 'The Green' (74 vehicles) indicates that these trips primarily originate from, or are located in close proximity to, the following areas:</i> <i>Shepshed</i> <i>Thringstone</i> <i>Peggs Green</i> <i>Worthington</i> <i>Breedon on the Hill</i> <i>As a result, an assessment has been undertaken to determine the journey times of drivers routing from these areas, to determine how long it would take drivers to access EMG2, using the Holiday Inn EMA as a proxy, via the following routes. It should be noted that we have undertaken this assessment based on standard free flowing conditions, because if it is undertaken in a standard AM peak hour a range of approximate times is provided, hence this provides a simple, consistent way of assessing matters:</i> <i>The Green</i>	<i>as it 'provides a simple, consistent way of assessing matters'. However, this ignores the fact that drivers' decisions are based on delays and congestion rather than on free flow conditions. The latest VISSIM report shows that the Kegworth Bypass approach to the A453 is, and will be in future, subject to long queues in both peak hours and with mitigation the queues still increase compared with the without development situation in many cases. Queues are also seen to increase in many cases on the A453 approach to the Finger Farm roundabout with development and mitigation compared with the without development situation. You state</i>	<i>proposed development and this would not be alleviated by the improvements to the SRN.</i>	<i>Deadline 4 submission</i>

Issue	BWB Response	PD Comment	Current Position	Applicants' Response
	<i>Grimes Gate</i> <i>A453 west (via Isley Walton)</i> <i>iA453 east (via Finger Farm)</i> <i>The results of this assessment are tabulated below. In summary, the above table shows that it would be quicker travelling from the places including Shepshed, Breedon on the Hill and Worthington via A453 West/East compared with the 'The Green' and 'Grimes Gate'. The journey time routes from Peggs Green and Thringstone via A453 E or W are also within minutes compared with 'The Green' and 'Grimes Gate. Furthermore, the mitigation proposals free up capacity at Finger Farm, which has been suitably modelled in PRTM, but the operation of The Green has not, for the reasons set out in the TA. Hence The Green would not be as an attractive route as suggested in PRTM, and whilst some traffic could well transfer to Grimes Gate, it would be quicker for them to route via the A453, avoiding Diseworth entirely instead, together with the right turn movements out of the village into the A453, which those who do not live in the village have the ability to avoid. This is therefore what is likely to happen in reality, as set out in the TA, and verbally to you when we met.</i> <i>The above should hopefully provide you with sufficient comfort that, whilst we have gone on record to query how The Green has been modelled in PRTM, if drivers were to avoid turning right onto the A453 via The Green they would far be more likely to re-route to access the site via the A453, than travel through Diseworth and turn right onto the A453 via Grimes Gate instead.'</i> (BWB email to PD 09 June 2026)	<i>that it is the intention to provide additional capacity on the SRN in order to reduce the likelihood of rat-running through sensitive villages but the modelling shows quite clearly that in this case (alternatives to using the Kegworth Bypass), development plus mitigation will increase the likelihood of rat-running.</i> <i>This remains a significant concern, particularly given that the most likely source of rat-running traffic is from areas to the south-east that could be deterred from using the Kegworth Bypass and instead approach westbound along The Green where the sensitive route via Grimes Gate is significantly shorter than the route</i>		

Issue	BWB Response	PD Comment	Current Position	Applicants' Response
		<i>continuing along The Green to the A453'. (PD email to BWB 11 June 2026)</i>		
<i>Latest EMG1 Travel Plan monitoring survey</i>	<i>'In the context of the Issue Specific Hearing response, the reference to ESG was intended to provide background to SEGRO's continued investment in Travel Plan and Public Transport Strategy measures. This investment is being maintained despite sustainable mode share targets having already been surpassed during the first seven years of site occupation. The EMG1 Travel Plan Fund and Bus Fund were originally established to support delivery of these targets. While this could have allowed for a reduction in funding at this stage (as the targets are being met), SEGRO and the EMG1 Sustainable Transport Working Group have instead chosen to continue using the Bus Fund for the remainder of the Travel Plan period. This is enabling further enhancements to local bus services serving EMG1'. (BWB email to PD 29 May 2026)</i>	<i>The current (2025) single occupancy car mode share is 47% and was 43% in 2021.</i> <i>There is a risk that if targets are set at the suggested level (68% single occupancy car in 2029 reducing to 56% single occupancy car in 2038), the applicant would be allowed to withdraw funding for key elements of the Travel Plan such as bus subsidies.</i> <i>PD supports a more flexible approach to setting Travel Plan targets that ensures that Travel Plan measures are implemented and maintained.</i>	<i>PD supports a flexible approach to setting Travel Plan targets to ensure effective Travel Plan implementation.</i>	<i>No further action required</i>