

THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**APPLICATIONS BY SEGRO PROPERTIES LIMITED AND SEGRO (EMG)
LIMITED
FOR A DEVELOPMENT CONSENT ORDER AND A MATERIAL CHANGE
CONSENT ORDER**

– EAST MIDLANDS GATEWAY PHASE 2 (EMG2) –

Planning Inspectorate References
John Raymond Sutton Deadline 5 response REP5-062D
The Applicant's response at Deadline 5 to Deadline 4 submissions: DCO 7.17 REP5-033

To be read in conjunction with the Kegworth Parish Council submission at Deadline 6

WRITTEN REPRESENTATION – DEADLINE 6

Submitted by **Ray Sutton**

Interested Party Reference: [REDACTED]

**ADDITIONAL SUBMISSION CONCERNING
LEICESTERSHIRE COUNTY COUNCIL'S NORTH
WEST LEICESTERSHIRE LOCAL PLAN
FORECASTING REPORT, MAY 2026 AND A NOTE
ABOUT MODELLING THE COMPLEX PAIR OF
JUNCTIONS AND MOTORWAY SERVICES**

1. Purpose of this submission

1.1 I respectfully draw attention to the **North West Leicestershire Local Plan Forecasting Report, May 2026** (“the LCC Forecasting Report”), prepared by Leicestershire County Council’s Network Data and Intelligence Team using the Pan Regional Transport Model 2023 (“PRTM 2023”). The LCC Forecasting Report was commissioned by North West Leicestershire District Council and published on July 16th with other Regulation 19 Local Plan consultation documents ie after Deadline 5.

1.2 Although prepared to inform the emerging North West Leicestershire Local Plan rather than specifically for the EMG2 DCO Examination, the report is directly relevant because it:

- a. models Local Plan development together with East Midlands Freeport development;
- b. assesses the strategic highway interventions around M1 Junction 24;
- c. uses the same PRTM 2023 modelling framework upon which the Applicant and highway authorities relied during the Examination; and
- d. identifies operational consequences of the proposed Junction 24 intervention which closely correspond with matters raised by East Midlands Airport and its transport consultant, SCP Consulting, during the Examination.

1.3 This submission does not suggest that the LCC Forecasting Report was prepared as an objection to EMG2, nor that it disproves the Applicant’s modelling. Its importance is more specific: it provides later, strategic modelling evidence from LCC that **the proposed intervention appears to transfer a bottleneck, creates an over-capacity condition at the A50 merge and requires further investigation through the Freeport’s separate workstreams.**

1.4 Those findings **materially qualify any broader conclusion that the Junction 24 intervention constitutes a complete or fully resolved strategic highway solution.**

2. The relevant findings of the LCC Forecasting Report

Transferred bottleneck

2.1 In its assessment of the strategic Freeport intervention at Junction 24, the LCC Forecasting Report identifies benefits on certain movements, including reduced delay on the A50 southbound/M1 southbound off-slip arising from the provision of additional capacity.

2.2 The report immediately qualifies that benefit:

“However, it should be noted that this has seemingly moved the bottleneck back one diverge, indicating this may need to be looked at further by the consortium proposing the scheme.”

LCC Forecasting Report, paragraph 5.3.5, p.56.

2.3 That is not simply a finding that some residual delay remains. It identifies an operational consequence of the intervention itself: additional capacity at one part of the network appears to transfer the constraint to another part.

A50 merge at or above capacity

2.4 Paragraph 5.3.6 considers the A50 merge at M1 Junction 24A. It records that the volume-to-capacity ratio is approximately 100% in the Stage 1a scenario and rises in Stage 2a to approximately:

- 102% in the morning peak; and
- 101% in the evening peak.

2.5 The report concludes:

“this indicates that the Freeport needs to investigate this further through their separate workstreams.”

LCC Forecasting Report, paragraph 5.3.6, p.56.

2.6 The language is significant. The matter is not described as resolved by the modelled intervention, but as requiring further investigation by the Freeport.

Ratcliffe access

2.7 The report also identifies substantial delay increases associated with the proposed Ratcliffe-on-Soar Freeport development and concludes:

“further thought may have to be given to how the proposed Ratcliffe-on-Soar Freeport development access the highway network.”

LCC Forecasting Report, paragraph 5.3.7, p.56.

2.8 Ratcliffe is relevant because its development contributes to the wider cumulative demand around Junction 24 and formed part of the growth assumptions discussed during the EMG2 Examination.

Conditional overall conclusion

2.9 The LCC Forecasting Report records that the scenario incorporating Local Plan and Freeport growth before the complete mitigation package is applied produces the greatest number of heavily and severely congested junctions.

2.10 Its overall conclusion is expressly dependent upon implementation of the full package:

“This suggests that if all the interventions included in the various Stage 2 modelling stages are fully realised, either through modal shift through sustainable measures or included within an Infrastructure Delivery Plan, then they are seemingly successful in mitigating the impact that the proposed Local Plan developments have on the highway network...”

LCC Forecasting Report, paragraph 7.1.7, p.124.

2.11 Key Finding 14 repeats the same essential qualification:

“if all the interventions included in the various Stage 2 modelling stages are realised...”

LCC Forecasting Report, Key Finding 14, p.125.

2.12 **The report therefore does not provide an unconditional conclusion that the strategic network can accommodate the proposed growth.** Its conclusion depends upon:

- delivery of the full highway intervention package;
- successful sustainable-transport measures and modal shift;
- inclusion and delivery of measures through the Infrastructure Delivery Plan;
and
- further investigation of the displaced constraint at the A50 merge.

3. The new report confirms a phenomenon already identified during the Examination

EMA and SCP at Deadline 3

3.1 East Midlands Airport submitted detailed transport evidence at Deadline 3 through SCP Consulting. SCP reviewed the Applicant's Junction 24 modelling and identified substantial queue increases on the M1 southbound and A50 approaches after the proposed mitigation was introduced.

3.2 In the 2028 Stage 2A mitigated scenario, SCP reported that the mean maximum queue on the M1 southbound off-slip/A50 arm increased from 38 metres in the without-development scenario to 1,140 metres with development and mitigation.

3.3 SCP further identified a maximum modelled queue of 1,722 metres and expressed concern that this could reach the M1 mainline. It observed that the mitigated queue was greater than in the corresponding unmitigated scenario and said that insufficient information had been provided to explain the result.

EMA Deadline 3 Submission, REP3-059, Appendix 1, SCP Technical Note 04, paragraphs 4.11–4.15, pp.6–7.

3.4 EMA accordingly stated in its main Deadline 3 submission:

“In certain scenarios the Applicant's proposed works to the southbound off-slip of the M1 appear to generate significant additional queueing about which there must be significant safety concerns.”

EMA Deadline 3 Submission, REP3-059, paragraph 7.12.2, p.7.

The Applicant's express admission at Deadline 4

3.5 In its Deadline 4 response, the Applicant did not dispute the underlying redistribution mechanism. It stated:

“The modelling does show an increase in queues on the M1 southbound off-slip to Junction 24. This is a result of the proposed mitigation, which allows more circulating traffic on Junction 24 travelling to the A453 Remembrance Way.”

Applicant's Response to Deadline 2 and 3 Submissions, DCO 7.13, response to EMA paragraphs 7.10–7.12, p.187.

3.6 The Applicant relied upon the distinction between:

- the Stage 1A/2A scenarios, which include draft Local Plan allocations without all associated mitigation; and
- the Stage 1B/2B scenarios, which exclude those allocations and are said to assess EMG2 more nearly in isolation.

3.7 It said that queues were forecast to reach the M1 mainline only in the cumulative Stage 1A/2A scenarios, whereas the Stage 1B/2B queues would remain within the slip road. The Applicant relied upon National Highways' agreement with that conclusion.

3.8 Responding directly to SCP's queue evidence, the Applicant further acknowledged:

"There will be increases in queue lengths on the M1 southbound off-slip to Junction 24 as a result of the development proposals."

It continued:

"Further improvements are likely to be needed by other planned developments, in particular Uniper and Ratcliffe on Soar Power Station re-development."

DCO 7.13, response to SCP Technical Note 04, paragraphs 4.5–4.6, p.198.

3.9 The Applicant therefore accepted during the Examination that:

- a. the proposed intervention increases queueing on the southbound off-slip;**
- b. that increase results from additional traffic being admitted to and circulated through Junction 24;**
- c. the cumulative scenarios may extend queues to the M1 mainline; and**
- d. wider planned development will require further intervention.**

National Highways' qualified acceptance

3.10 National Highways accepted the proposed mitigation principally because it contained the critical M1 northbound off-slip queue and addressed the associated Strategic Road Network safety problem.

3.11 However, National Highways also acknowledged that:

- "some redistribution of delay occurs";
- the mitigation "may inadvertently create new operational challenges";
- there was potential for increased opposing traffic on the M1 southbound/A50 arm;
- the operation was "clearly sensitive to variation"; and
- residual impacts associated with forecast growth remained.

National Highways Deadline 4 Response to ExQ2, response to Q19.0.2, pp.4–5.

3.12 National Highways also explained that its primary concern was safe and satisfactory operation of the Strategic Road Network, *"but not to eliminate all delay"*.

3.13 There is therefore no necessary contradiction between National Highways' acceptance and the new LCC findings. National Highways was satisfied that the principal SRN safety problem could be mitigated. The LCC Forecasting Report addresses the wider cumulative operational consequences and identifies the displaced bottleneck as requiring further investigation.

4. The LCC Statement of Common Ground did not establish that all wider effects were resolved

4.1 The Deadline 4 Highways and Transport Statement of Common Ground between the Applicant and LCC records LCC's position in its capacity as local highway authority. It expressly distinguishes agreed matters from those remaining under discussion.

4.2 The SoCG recorded that the PRTM 2023 outputs remained under discussion in order to agree residual effects on the local road network after mitigation. It identified outstanding matters concerning:

- the impacts and possible mitigation along Derby Road, Kegworth; and
- signage intended to encourage use of the Castle Donington bypass rather than the High Street.

4.3 In relation to the detailed junction modelling, the SoCG stated that existing capacity problems at Junction 24, the Kegworth bypass/A453 roundabout and Finger Farm would be worsened by EMG2. It said that mitigation had been designed for the SRN but that:

“the residual impacts on the local road network are being discussed with LCC.”

It also recorded LCC's request that the additional 100,000 square metres of floorspace be assessed within VISSIM to demonstrate the continuing suitability of the strategic mitigation.

4.4 Under proposed Highway Works, the SoCG records that LCC supported the strategic works but:

“awaits further submission of mitigation proposals addressing LRN impact.”

DCO 8.4B, rows 4.8a–4.8b, pp.19–20.

4.5 This was therefore not an unqualified conclusion by LCC that every transport consequence had been resolved. **It was qualified support for the strategic highway works while residual local-network impacts and associated mitigation remained outstanding.**

4.6 The new LCC Forecasting Report adds a separate and wider strategic point. It identifies a constraint at the A50 merge arising from the redistribution of traffic and says that this requires further investigation through the Freeport workstreams.

5. Why the distinction between “EMG2 only” and cumulative growth does not dispose of the issue

5.1 The Applicant stated at Deadline 4:

“The highway mitigation proposed in the Transport Assessment accompanying the DCO Application has been designed to accommodate EMG2 only.”

It said that the wider consortium scheme was a separate workstream which remained ongoing, although the EMG2 mitigation had been designed to complement and support it.

DCO 7.13, response to EMA paragraphs 7.1–7.6, pp.185–186.

5.2 Yet the Applicant also relied upon the Junction 24 works as:

- addressing an existing safety and congestion problem;
- creating capacity for approximately 1,600 additional vehicles on the SRN;
- producing significant benefits to the local network;
- supporting the wider developer consortium's strategic solution; and
- unlocking wider economic and development growth.

The Applicant stated that the additional SRN capacity would have significant local-road benefits.

5.3 The Applicant also accepted that the proposed Highway Works might not be the only means of achieving the same outcome but said that they had been selected as preferable to minor piecemeal interventions.

5.4 The Junction 24 works can therefore be described as designed to accommodate EMG2 in the Applicant's assessment, while simultaneously functioning as part of a wider strategic intervention and generating capacity and benefits extending beyond EMG2.

5.5 The cumulative Stage 1A/2A effects cannot consequently be dismissed as irrelevant simply because the Stage 1B/2B scenarios are said to show EMG2 in isolation to be acceptable. The physical infrastructure will operate within the real, cumulative highway network and has expressly been designed to complement the wider programme.

5.6 The LCC Forecasting Report is relevant precisely because it tests that wider cumulative setting and finds that the intervention appears to move the bottleneck to the A50 merge.

6. Procedural and evidential significance

6.1 EMA was not a participant in the private developer consortium developing the wider Junction 24 scheme. As operator of East Midlands Airport, it approached the matter from the distinct perspective of maintaining reliable passenger, employee and freight access to nationally important airport infrastructure.

6.2 EMA's transport adviser, SCP, raised the transferred-queueing issue during the Examination. The Applicant acknowledged the mechanism but relied upon:

- the separation of EMG2 from wider Local Plan growth;
- the newer PRTM 2023 results;
- and the acceptance of National Highways.

6.3 The LCC Forecasting Report is therefore important for three reasons.

6.4 First, **it uses PRTM 2023 but still identifies a displaced bottleneck.** The concern cannot be characterised merely as a product of the higher baseline flows in PRTM 2019.

6.5 Secondly, **it independently supports the substance of SCP's concern that relieving one part of Junction 24 may worsen conditions elsewhere.**

6.6 Thirdly, it shows that, **within LCC's wider strategic assessment, the consequence remained sufficiently material to require investigation through separate Freeport workstreams.**

6.7 My own Deadline 4 and Deadline 5 submissions argued that the **Examination was being asked to determine one major component of infrastructure while the wider strategic solution remained under development.** I also drew attention to the distinction between NH's concern for operation of the SRN and the unresolved consequences for airport access, cumulative development and the local network.

6.8 The LCC Forecasting Report now gives technical support to those concerns from the County Council's own strategic modelling.

7. The Services at Finger Farm Roundabout J23a and related traffic modelling

7.1 I wish to raise new questions about the modelling of the uniquely complex and interlinked M1 J24, M1 J23a, and the motorway services ("The Services"). The Services serve as a stop off for long distance journeys from at least six directions as well as shorter journeys originating or terminating eventually more locally. The services already incorporate a substantial lorry park.

7.2 As Andrew Priestley hinted in his Deadline 4 submission, the use of the services and the A453 and M1 parallel sections can result in unpredictable driver behaviour be it in response to a genuine stop at The Services, contingent traffic events, perhaps in the form of rat running, and even manoeuvrability for HGVs. I accept that these questions may be answered in sufficiently granular detail when further VISSIM data is made available at deadline 6.

7.3 New signage designed to encourage the use of the new A50 slip at J24 begs the question of how the Services will continue to be signposted for journeys from M1 South and from A42 South West and what the impact on overall modelling of the proposed mitigation at J24 might be. It will be obvious that signage does not dictate Sat Nav rerouting.

7.7 In summary, have J24, J23a been modelled separately? Have The Services been modelled separately? Did the modelling include both strategic and local journeys and the contingencies and impacts of behavioural responses in the unique juxtapositions here?

8. Conclusions and request

7.1 The new LCC Forecasting Report does not establish that the EMG2 mitigation fails in every respect. It confirms that the proposed works produce material benefits, particularly by reducing the critical M1 northbound queue.

7.2 It does, however, establish that the wider effect is more qualified than a simple conclusion that Junction 24 congestion is resolved.

7.3 Taken together, the Examination evidence and the new report demonstrate that:

- a. SCP identified substantial southbound and A50 queueing after mitigation;**
- b. the Applicant accepted that the mitigation itself increases southbound queueing by admitting more traffic to Junction 24;**
- c. National Highways accepted redistribution of delay, possible new operational challenges and sensitivity to variation;**
- d. the LCC SoCG supported the strategic works but left residual local-road impacts and mitigation under discussion; and**
- e. the LCC Forecasting Report subsequently identified a displaced bottleneck at the A50 merge and expressly required further Freeport investigation.**

7.4 The central new evidential point is therefore:

The LCC Forecasting Report independently confirms that the redistribution acknowledged by the Applicant and National Highways has a wider cumulative operational consequence which was not fully resolved within the evidence presented during the Examination.

7.5 I respectfully request that the LCC Forecasting Report and this submission be taken into account when considering:

- the robustness and maturity of the Junction 24 mitigation;
- the cumulative transport effects of EMG2 and wider Freeport and Local Plan development;
- the distinction between resolving the principal SRN safety issue and resolving wider operational effects;
- the necessity and proportionality of the highway works;
- the relationship between the DCO works and the wider consortium programme;
- the adequacy and enforceability of future mitigation and infrastructure-delivery arrangements; and
- whether any additional requirements, safeguards or clarification are necessary before consent is granted.

7.6 In particular, the decision-maker should not treat agreement by National Highways or LCC support for the strategic works as establishing that all cumulative operational effects at Junction 24 and the A50 merge have been resolved. The published LCC evidence demonstrates that they have not.

Document References

New document

Leicestershire County Council, *North West Leicestershire Local Plan Forecasting Report*, May 2026:

- paragraph 5.3.5, p.56;
- paragraph 5.3.6, p.56;
- paragraph 5.3.7, p.56;
- paragraphs 7.1.6–7.1.7, p.124;
- Key Finding 14, p.125.

Examination documents

- REP3-059, EMA Deadline 3 Submission, Appendix 1, SCP Technical Note 04, paragraphs 4.11–4.15, pp.6–7.
- DCO 7.13 / REP4-033, Applicant’s Response to Deadline 2 and 3 Submissions, pp.185–188 and 195–200.
- National Highways Deadline 4 Response to ExQ2, Q19.0.2, pp.3–5.
- DCO 8.4B / BC0410001-001297, Highways and Transport SoCG between SEGRO and LCC, rows 4.7e and 4.8a–4.8b, pp.18–21.
- REP4-066, EMA and EMIAL Deadline 4 post-hearing submission.
- BC0410001-001217, Ray Sutton Deadline 5 Written Representation.