

EXAMINING PANEL THIRD WRITTEN SET OF QUESTIONS FOR EAST MIDLANDS GATEWAY PHASE 2 (PLANNING INSPECTORATE REFERENCE: BC041001) AND MATERIAL CHANGE ORDER TO THE EAST MIDLANDS GATEWAY RAIL FREIGHT INTERCHANGE AND HIGHWAY ORDER 2016 (S.I. 2016/17) (PLANNING INSPECTORATE REFERENCE: TR051002).

The response from North West Leicestershire District Council ('NWLDC - the Council') (Interested Party Reference Number ('IPRN'): [REDACTED]) to the Examining Panel's ('ExPs') third written set of questions are as follows.

Examining Panel (ExP) Question Number	Question To	ExP Question
6. Climate Change and Energy		
Q6.0.2	The applicants North West Leicestershire District Council ('NWLDC')	Building Research Establishment Environmental Assessment Method (BREEAM) The dDCO [REP5-008D] secures BREEAM. To what extent is this comparable to the Net Zero Carbon Building Standard? Further, what does the NNNPS or other important and relevant policy or guidance require in terms of minimum sustainable building standards, and is the level of BREEAM secured in the dDCO consistent with such requirements?
Response	NWLDC consider that BREEAM provides a comprehensive rating system which evaluates the broad environmental impact of a development including in respect of water, health, ecology, pollution, waste and energy usage. The UK Net Zero Carbon Building Standard ('UK NZCBS') specialises in a carbon-strict framework which appears to be dedicated to achieving operational energy limits, embodied carbon budgets, and an absolute net-zero alignment. It is considered that they are comparable given that both BREEAM and UK NZCBS seek to achieve 'net zero' via their rating assessments. The principal difference is that UK NZCBS would require a building to demonstrate its ongoing achievement with its aims in order to maintain its certification, whereas BREEAM compliance is generally demonstrated at completion when the certification is awarded.	

National Policy and Guidance

On a review of the National Networks National Policy Statement ('NNNPS') there is no specific reference to a minimum building standard, with 'net zero' simply referred to in terms of achieving the government's net zero targets. The current National Planning Policy Framework ('NPPF') (2024) also makes no reference to BREEAM or UK NZCBS with Paragraph 161, simply advising that the planning system should support the transition to net zero by 2050.

In terms of the draft NPPF (2025 / 2026), National Decision-making Policy CC2 (Mitigation of climate change) indicates that, in order to contribute to climate change mitigation and transition to net zero, development proposals should, where relevant to the proposal, *"use design approaches which conserve energy and other resources in accordance with policy DP3(1)(c)"* (criterion (c)).

National Decision-making Policy DP3 (Key principles for well-designed places) indicates that, in order to respond to their context and create well-designed places, development proposals should *"(c) Climate: contribute to climate change mitigation and adaptation and the transition to net zero, by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating."*

It is again the case that the draft NPPF does not require development to achieve BREEAM or UK NZCBS.

The National Planning Policy Guidance ('NPPG') also does not include any specific advice on the use of BREEAM or UK NZCBS in decision making.

Local Policy and Guidance

Policy D1 of the adopted North West Leicestershire Local Plan ('adopted Local Plan') [[REP1-103](#)] has no specific requirement for new development to achieve BREEAM or UK NZCBS.

In the Regulation 19 version of the emerging North West Leicestershire Local Plan ('emerging Local Plan') (submitted to the ExP at Deadline 6), BREEAM is referred to in Policy AP9 (Water efficiency) and specifically requires, in part 1, that major non-residential development should demonstrate that BREEAM excellent credits for WAT 01 are targeted and secured by planning condition. Whilst achieving net zero is also referenced in that policy, Policy AP1 (Design of development) does not require

	compliance with BREEAM or UK NZCBS, with Policy AP4 (Reducing carbon emissions) specifying, in part 2, that major development will be required to demonstrate that measures have been taken to reduce lifecycle carbon emissions and maximise opportunities for the reuse of materials. The Council’s adopted Good Design Guide Supplementary Planning Document [REP4-065D] also does not require development to demonstrate compliance with BREEAM or UK NZCBS. As presently worded, Requirement 15 of the dDCO [REP5-008D] requires the development to achieve a minimum BREEAM rating of Excellent which therefore does not prevent a BREEAM rating of Outstanding being achieved, if feasible. In addition, Requirement 15 requires the development to achieve a minimum Energy Performance Certificate (EPC) rating of A and again does not prevent a higher EPC being achieved, if feasible. On the basis that there is no requirement for new development to achieve a certain BREEAM or EPC rating or compliance with UK NZCBS in national planning policy or guidance, and that only Policy AP9 of the emerging Local Plan requires compliance with the WAT 01 target within BREEAM at the local level, the commitment by the applicants to achieve the standards outlined in Requirement 15 is supported by NWLDC.	
7. Compulsory Acquisition, Temporary Possession and Other Land Rights Considerations		
Q7.0.3	The applicants Prologis East Midlands International Airport (‘EMIA’) NWLDC	Possible take over of SEGRO PLC by Prologis Inc The ExP is aware that Prologis Inc has made a bid to take over SEGRO PLC, and thus the two applicant companies, which has been, at least initially, rejected by the SEGRO PLC board. The ExP also understands that under UK Stock Market Takeover Rules, a formal bid has to be made by 22 July 2026 at the latest. (a) Prologis and the applicants are asked to confirm the situation on 28 July 2026, setting out the position of the parties, along with the timeframe for any bid. (b) Prologis and the applicants are asked to set out, as far as they are able, their positions in respect of the application for development consent, including compulsory acquisition and funding, and whether this bid amends their positions in any way. If so, they are also asked to set this out as fully and clearly as possible.

		(c) EMIA are asked to confirm its position in respect of the compulsory acquisition of its interests as of 28 July 2026 in light of the above and whether the bid makes a difference to its non-statutory undertaker position. (d) Prologis and the applicants are asked, as part of their submissions at deadlines 7 (1 September 2026) and 8 (9 September 2026) to set out the legal situation of the two applicant companies at those dates (should this change on 10 September 2026 this should also be supplied to the ExP) and to update the ExP as to any implications for the consideration of the applications, including compulsory acquisition and funding. EMIA is also asked to confirm its statutory undertaker position. NWLDC, EMIA and Prologis are also asked to confirm the situation as regards the Joint Application as of both 28 July and 9 / 10 September.
Response	NWLDC's position on the timetable provided by the joint applicants for the determination of planning application reference 24/00727/OUTM was as outlined in our response of 16 June 2026 and submitted to the ExP at Examination Deadline 4 [REP4-064D]. As was outlined in that response, an amended Environmental Statement ('ES') was submitted to NWLDC on 21 May 2026 which sought to address highway matters. A response was also provided to comments from NWLDC's Planning Policy Team on 21 May 2026. National Highways ('NH') provided further comments on 16 June 2026 which maintained that further information was required and that the application could not be determined until such information was provided. To date, only a 'holding response' has been provided by Leicestershire County Council ('LCC'). It is understood that the joint applicants remain in discussions with NH and LCC in relation to the highway impacts. In addition, NWLDC's Planning Policy Team has maintained their position that further information needs to be submitted to address Policy Ec2(2) of the adopted Local Plan and demonstrate that there is an immediate need or demand for the development within NWLDC. Given the outstanding matters as of 28 July 2026, the application is not in a position to be reported to NWLDC's Planning Committee on 11 August 2026.	

	The next meeting of NWLDC’s Planning Committee is on 8 September 2026. Whether the application will be in a position to be presented at this meeting will depend on resolution being reached with NH and LCC in relation to the highway impacts and mitigation. In addition, the joint applicants will also need to address the comments of NWLDC’s Planning Policy Team. A further update will therefore be provided by NWLDC to the ExP by Examination Deadline 8 (9th September 2026).	
Q7.0.6	The applicants NWLDC Leicestershire County Council (‘LCC’) Castle Donington Parish Council (‘CDPC’) East Midlands Airport (‘EMA’) National Grid Electricity Distribution (East Midlands) PLC	Plots 2/18, 2/20, 2/23 and 2/25 Could the applicants please explain why it needs to compulsorily acquire all interests in these plots and why Work 19 could not be delivered by the temporary possession of land and permanent acquisition of rights? As NWLDC, LCC, Castle Donington Parish Council, EMA and National Grid Electricity Distribution (East Midlands) plc all have interests in these plots they are also invited to comment.
Response	NWLDC considers that Work 19 could be delivered without the permanent acquisition of all interests in Plot 2/18. By way of update to NWLDC’s response of 16 June 2026 and submitted to the ExP at Examination Deadline 4 [REP4-063D], in which it was indicated that it is generally not NWLDC’s position to sell land in the District, and there are other rights of access that would need to be maintained, NWLDC is currently in discussions with the applicants in relation to the permanent acquisition of rights in Plot 2 /18.	
8. The draft Development Consent Order (dDCO) [REP5-008D]		

8.3 Schedule 2 - Requirements		
Q8.3.2	The applicants NWLDC	NWLDC SoCG Noting 3.4 of the Overarching SoCG [REP4-039] between the applicants and NWLDC, please can the parties set out or direct the ExP to their latest respective positions on the requirements listed and explain why these cannot yet be agreed.
Response	NWLDC outlined proposed amendments to the Requirements in its response of 16 June 2026 and submitted to the ExP at Examination Deadline 4 [REP4-064D]. This provided comments on Requirements 10, 11, 20, 21, 22, 23, 25, 27 and 30, as well as requesting the imposition of a Requirement which secured 20% of the proposed floorspace for advanced manufacturing. The applicants subsequently submitted a revised dDCO into the Examination at Deadline 5 [REP5-008D]. Having considered the Requirements within the amended dDCO, NWLDC can confirm that the wording of Requirements 10, 11, 20, 21, 22, 23, 25 and 30 is acceptable. NWLDC would also consider the wording to be acceptable should these Requirements be amended in line with the recommendations made to the applicants by the ExP on 14 July 2026 on the drafting of the DCO [PD-027]. NWLDC remains of the view that the wording of Requirement 27 (Mezzanines) within the dDCO is unenforceable and is therefore not acceptable. The proposed amendments to this Requirement as recommended by the ExP, whereby the Requirement would refer and relate instead to ‘Internal Floorspace’, are noted. NWLDC is currently considering its position on the re-wording of this Requirement proposed by the ExP and will revert on whether such wording, as well as the reduction in the floorspace, could be enforceable and therefore acceptable. The dDCO still does not include a Requirement that 20% of the overall floorspace should be secured for advanced manufacturing as requested by NWLDC. It is again noted that the ExP are recommending that two new Requirements (nos. 31 and 32) are introduced to address ‘Advanced Manufacturing’ and ‘Marketing of the Advanced Manufacturing Floorspace.’ Should these two Requirements be introduced by the applicants, then NWLDC would support the wording proposed by the ExP.	
15. Need and Alternatives		

Q15.0.3	The applicants NWLDC	Local need The applicants set out in their post hearing submissions [REP1-052] that the Iceni Projects Limited report [REP1-126] demonstrates a need for 3,969,400m² of additional floorspace for strategic B8 development over the 23 year forecast period, weighted towards NWLDC where there is a 1,000,000m² unmet need. Consequently, the ExP notes around 30% would be met by EMG2 over the coming years. This would leave around 70% of the unmet need to be addressed as part of the emerging local plan. In this context, please can NWLDC explain how EMG2 would result in over delivery.
Response	Public consultation on NWLDC's Regulation 19 version of the emerging Local Plan https://www.nwleics.gov.uk/pages/local_plan_review_progress_so_far started on 17 July 2026. The emerging Local Plan's approach to planning for strategic warehousing requirements in the District is explained in the accompanying Employment Background Paper (dated July 2026) at paragraphs 27-43. To summarise, the Iceni Projects Limited report [REP1-126] apportions need to three locations in NWL, being: (i) the M1 / J24 area; (ii) Bardon (adjacent to Coalville) for the M1 at J22; and (iii) the A / M42 corridor. In response, the emerging Local Plan allocates a number of specific sites for strategic warehousing, including the EMG2 main site (Policy Ec3g – Land south of East Midlands Airport). The site allocations are sufficient to meet NWL's apportioned need for the A / M24 corridor but are insufficient to achieve the apportionment figures for the M1 / J24 area and the Bardon area. A shortfall in these two locations would result. Based on the evidence of future needs provided by [REP1-126], NWLDC's position is that EMG2 would not result in over-delivery.	
Q15.0.4	The applicants NWLDC	Policy Ec2(2) NWLDC in their LIR [REP1-103] and responses to ExQ1 [REP1-106] state that the proposed development does not comply with policy Ec2(2). The applicants subsequently responded [REP2-031] and [REP2-032]. However, this

	disagreement does not seem to be reflected in any of the SoCGs between the parties. Please can NWLDC and the applicants update the SoCGs with their latest positions on this issue. Furthermore, can the parties also consider Policy Ec2(2)(c) and the extent to which the proposed development would affect the amenities of any nearby residential properties (such as those within Diseworth) or the wider environment and the implications in terms of policy compliance.
Response	A revised draft of the Planning Policy Statement of Common Ground ('SoCG') was provided to NWLDC by the applicants on 16 July 2026, which has sought to address the first part of this question. The amended Planning Policy SoCG is currently under review by NWLDC, and comments will be provided to the applicant on this particular matter. In terms of the second part of this question, criterion (c) of Policy Ec2(2) of the adopted Local Plan indicates that any development considered compliant with Policy Ec2(2) should not be detrimental to the amenities of any nearby residential properties or the wider environment. NWLDC considers that the content of its LIR [REP1-103] has addressed this matter in Section 9.0 (Compliance with Local Planning Policies), notwithstanding any comments from the applicants in their responses [REP2-031] and [REP2-032]. Principally, NWLDC officers are satisfied that the separation distances and mitigation measures incorporated into the proposed development, and to be secured by the Requirements, would ensure that significantly adverse overbearing, overshadowing or overlooking impacts are unlikely to be experienced by those residing within the nearest residential properties, which are located in Diseworth. The impact of external lighting to the nearest residential receptors, and to the environment in general, is also considered by NWLDC officers to be suitably mitigated by the Requirements. With regards to noise and air quality impacts, to both residential receptors and the environment in general, these are considered to be largely addressed, with mitigation being secured by the Requirements. A definitive conclusion cannot be provided by NWLDC officers until the applicants have addressed matters with LCC in respect of the Pan Regional Transport Modelling ('PRTM') 2023, and its associated mitigation, which may impact on the current conclusions of the noise and air quality assessments within the ES.

	Even if the noise and air quality impacts are suitably addressed, the proposed development would result in major adverse landscape effects on the EMG2 main site and its immediate context during the construction stage and on completion, with such landscape effects only reducing to moderate / major adverse by year 15. The visual effects would also be major or moderate adverse to several receptors, with such visual effects persisting even by year 15. The assessment in these respects (particularly in year 15) would also be highly dependent upon the effectiveness of the proposed landscape mitigation in screening the development. The Built Heritage SoCG also identifies less than substantial harm to the setting of heritage assets. Given the landscape and built heritage impacts, NWLDC officers consider that it cannot be concluded that the proposed development would not be detriment to the environment and therefore would be in conflict with criterion (c) of Policy Ec2(2) of the adopted Local Plan. This conflict with Policy Ec2(2)(c) should be assessed in conjunction with Policy S3 of the adopted Local Plan (and in particular criterion (i)) given that the application site is in the countryside and the support for employment development under Policy S3 only applies if compliance with Policy Ec2(2) is demonstrated: criterion (i) requires the character and appearance of the landscape to be safeguarded and enhanced. Based on the conclusions above, it is difficult to support an assertion that the landscape is ‘safeguarded and enhanced.’ NWLDC considers that it would be for the ExP to account for the demonstrated conflict with Policy Ec2(2) and in turn Policy S3 and other policies of the adopted Local Plan in their overall recommendation to the Secretary of State for Transport.	
18. Socio-economic effects		
Q18.0.1	East Midlands Freeport ('EMF') The applicants NWLDC	Retained business rates In relation to the East Midlands Freeport (EMF) response to Q18.0.2 and Q18.0.8 [REP4-070D], the ExP notes that it expects around £288M from the EMG2 sites south of Hyams Lane up to 2048. Firstly, please can EMF clarify if this relates to the entirety of the EMG2 main site to the north and south of Hyam’s Lane, or just land to the south. Furthermore, please clarify the distinction between government reimbursement of business rates relief and retained rates. For example, does the £288M retained business rates to 2048 include both the rates that are reimbursed by government and the rates that would be payable up to 2048 once rate relief ends? Comments from NWLDC are also invited.

Response	NWLDC has no comments to make in response to this particular question at this time. NWLDC will review the response provided by EMF at Examination Deadline 6 and provide comments to the ExP if required.	
19. Traffic and Transport		
Q19.0.2	The applicants National Highways (‘NH’) LCC NWLDC	Advanced manufacturing In its proposed changes to the DCO the ExP as set out that 20% of the total gross floorspace provided as part of the authorised development shall be for advanced manufacturing use. Should, for example, it be possible to let more than 20% of the gross floorspace as advanced manufacturing the ExP is also concerned to ensure that the total of advanced manufacturing does not result in additional effects that have not been assessed. The applicants, NH, LCC and NWLDC are asked to consider mechanism(s) to ensure that no additional effects not assessed occur.
Response	NWLDC understands the ExP’s position on this matter and will await and review the applicants’ explanation before commenting further. In the main, however, it would be reasonable to assume that, if a quantum of advanced manufacturing floorspace above a figure of 20% was to be delivered, then the effects within the ES could be different based on how such a use operates in comparison to a B8 use, which is the use that has primarily been assessed.	