

Document DCO 7.28 / MCO 7.28

Applicants' Summary and Signposting Document

SEPTEMBER 2026

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

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Highway Order 202X and The East Midlands
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Order 202X**

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DOCUMENT**

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1 Introduction

- 1.1 This document relates to the applications for a second phase of development 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 summary and signposting document has been prepared by the Applicants as required by the Examining Panel (ExP) and in accordance with the Examination timetable. This document is submitted at Deadline 7 of the Examination.

2 Background

- 2.1 EMG1 is a nationally significant infrastructure development comprising a 700-acre development which has delivered nearly 4 million sq.ft. of logistics accommodation and a rail freight terminal. It was authorised by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (SI 2016/17) (the EMG1 DCO) and was substantially completed in October 2024.
- 2.2 An application has been made for a DCO and MCO for a second phase to EMG1 referred to as 'East Midlands Gateway 2' or 'EMG2' or the 'EMG2 Project'.
- 2.3 The EMG2 Project comprises various components as shown on the Components Plan (DCO 2.7 / MCO 2.7 and [\[REP4-010\]](#)). The three main components are as follows:

Main Component	Summary of Component	Works Nos.
DCO Application made by the DCO Applicant for the DCO Scheme		
EMG2 Works	Logistics and advanced manufacturing development located on the EMG2 Main Site south of East Midlands Airport and the A453, and west of the M1 motorway. The development includes HGV parking and a bus interchange.	DCO Works Nos. 1 to 5 including relevant Further Works as described in the draft DCO (DCO 3.1 and [REP6-007D]).
	Together with an upgrade to the EMG1 substation and provision of a Community Park.	DCO Works Nos. 20 and 21 including relevant Further Works as described in the draft DCO (DCO 3.1 and [REP6-007D]).
Highway Works	Works to the highway network: the A453 EMG2 access junction works (referred to as the EMG2 Access Works); significant improvements at Junction 24 of the M1 (referred to as the J24 Improvements), works to the wider highway network including the Active Travel Link, Hyam's Lane Works, L57	DCO Works Nos. 6 to 19 including relevant Further Works as described in the draft DCO (DCO 3.1 and [REP6-007D]).

	Footpath Upgrade, A6 Kegworth Bypass/A453 Junction Improvements and Finger Farm Roundabout Improvements.	
MCO Application made by the MCO Applicant for the MCO Scheme		
EMG1 Works	Additional warehousing development on Plot 16 together with works to increase the permitted height of the cranes at the EMG1 rail-freight terminal, improvements to the public transport interchange, site management building and the EMG1 Pedestrian Crossing.	MCO Works Nos. 3A, 3B, 5A, 5B, 5C, 6A and 8A in the draft MCO (MCO 3.1 and [REP6-013M]).

- 2.4 A more detailed description of the EMG2 Project and its component parts can be found in Chapter 3 of the Environmental Statement (ES) submitted with the applications (**DCO 6.3 / MCO 6.3 and [REP3-006]**) and in the Planning Statement (**DCO 5.4 / MCO 5.4 and [REP4-016]**).
- 2.5 The Applicants have made two concurrent applications for the three component parts of the EMG2 Project:
- (a) The first application, being the DCO Application, is made by the DCO Applicant is for a DCO for the EMG2 Works component and the Highway Works component. The DCO Application is made pursuant to section 37 of Part 5 of the Planning Act 2008 (PA 2008) and:
- (i) In respect of Works Nos. 1 to 7, is made pursuant to a direction made by the Secretary of State (SoS) under section 35 of the PA 2008 and dated 21 February 2024 (Section 35 Direction) (**DCO 6.1B and [APP-068]**);
 - (ii) In respect of Works Nos. 8 to 12, these works are a Nationally Significant Infrastructure Project in their own right and the application is made pursuant to section 22 of the PA 2008; and
 - (iii) In respect of Works Nos. 13 to 21, these are associated development as defined in section 115(2) of PA 2008.
- (b) The second application, being the MCO Application, is made by the MCO Applicant for a Material Change Order (MCO) to the existing EMG1 DCO for the EMG1 Works component. The MCO Application is made pursuant to section 153 and schedule 6 of the PA 2008¹.
- 2.6 Further details about the DCO Application and the MCO Application can be found in sections 3 and 5 of the guide to each application (**DCO 1.3 and [APP-005D] / MCO 1.2 and [APP-009M]**).
- 2.7 Details about the DCO Applicant and the MCO Applicant can also be found in section 3 of the guide to each application (**DCO 1.3 and [APP-005D] / MCO 1.2 and [APP-009M]**). The MCO Applicant is the owner and operator of EMG1 and a wholly owned

¹ EMG1 was substantially completed in October 2024, less than 4 years ago, so the power of the Secretary of State to make a change to the EMG1 DCO remains for the purposes of paragraph 5(2) of Schedule 6 of the PA 2008.

subsidiary of the DCO Applicant. The DCO Applicant is a wholly owned subsidiary of SEGRO PLC. SEGRO PLC is a leading owner, manager and developer of modern warehouses and industrial property, including, in addition to the successful DCO scheme at EMG1, the successful DCO scheme at Northampton Gateway as well as Coventry Gateway, Smartparc Derby and Rugby Gateway.

- 2.8 The DCO Application and the MCO Application were submitted to the Planning Inspectorate in October 2025 and were accepted for Examination in November 2025. Relevant representations on the applications were invited with 46 being received in respect of the DCO Application and 15 being received in respect of the MCO Application.
- 2.9 On 6 January 2026, the two applications were co-joined by the Secretaries of State ([\[PD-007D\]](#) and [\[PD-008M\]](#)). A preliminary meeting took place and the examination into the applications formally commenced on 10 March 2026 and will close on 10 September 2026.

3 Need for the Proposed Development and Alternatives

- 3.1 The EMG2 Main Site sits within the East Midlands Freeport, designated in 2022 (see [\[REP1-227\]](#)), as part of the East Midlands Airport and Gateway Industrial Cluster (EMAGIC). The designation is central to Government policy to promote trade, investment, and innovation while supporting the UK's net-zero transition.
- 3.2 The need for EMG2 is considered in section 5 of the Planning Statement (**DCO 5.4 / MCO 5.4 and [\[REP4-016\]](#)**). The market need for industrial and logistics floorspace that underpins the need for EMG2 is set out in the Industrial and Logistics Needs Assessment (**DCO 5.5 / MCO 5.5 and [\[APP-078\]](#)**). It demonstrates a significant shortfall of industrial and logistics floorspace across North West Leicestershire and the wider region. Existing allocations and consents are insufficient to meet projected demand, and there is a pressing requirement for new strategic sites.
- 3.3 The need for EMG2 is clear and the timescale for bringing it forward is critical because the Freeport benefits are time limited and dependent on early delivery of strategic sites.
- 3.4 The need for EMG2 is borne out by the support from key stakeholders such as Maritime (who operate the strategic rail freight terminal (SRFI) at EMG1), Maersk (who are interested in taking floorspace within EMG1) and Moto (see Appendix 2 and 3 to the Planning Statement (**DCO 5.4 / MCO 5.4 and [\[REP4-016\]](#) and [\[RR-021D\]](#)**)).
- 3.5 In preparing the DCO Application and MCO Application, the Applicants had regard to alternatives. See paragraph 5.1.157 – 5.1.162 of the Planning Statement and Chapter 4 of the Environmental Statement (**DCO 6.4 / MCO 6.4 and [\[REP5-021\]](#)**).
- 3.6 The assessment of alternatives — in particular, the alleged "sterilisation" and/or "displacement" effects on the Joint Application arising from the "delivery" and "non-delivery" scenarios — was raised by Prologis/EMA during the examination. This issue is addressed in further detail in section 12 below.

4 Design, Parameters and Details of the Proposed Development

- 4.1 EMG2 has been designed as a coherent extension of EMG1. The approach to the design is set out in the Planning Statement (**DCO 5.4 / MCO 5.4 and [\[REP4-016\]](#)**) and the Design Approach Document (DAD) (**DCO 5.3 / MCO 5.3 and [\[REP2-022\]](#)**). The DAD records the design process, scheme evolution, overarching and detailed design

principles, illustrative masterplans, and a Design Code covering building, soft landscape and hard landscape design, which together will guide the post-consent detailed design of each development plot. Appendix 1 to the DAD sets out the approach to highway design (**DCO 5.3A / MCO 5.3A and [REP2-024]**). The DAD and Appendix 1 have been updated to address comments made by the ExP, NWLDC, LCC, NH and other interested parties. Compliance with the DAD and Appendix 1 is secured in requirements 5 and 7 of the draft DCO (**DCO 3.1 and [REP6-007D]**) and requirements 5A and 6(1A) of the draft MCO (**MCO 3.1 and [REP6-013M]**).

- 4.2 The DCO Application and the MCO Application adopt a "Rochdale Envelope" approach which ensures that EMG2 can respond to occupier demand and the evolving requirements of the logistics industry. The parameters for EMG2 are shown on the parameters plans (**DCO 2.5 and [REP6-006D] / MCO 2.5 and [REP1-013M]**) with development zones for up to 300,000 sq.m. of employment floorspace (GIA) with an additional allowance of 200,000 sq.m. of internal mezzanine floorspace on the EMG2 Main Site and, at EMG1 (Plot 16), a development zones for up to 26,500 sq.m. of employment floorspace (GIA) with an additional allowance of 3,500 sq.m. of internal mezzanine floorspace.
- 4.3 The EMG2 Main Site must be developed in accordance with the parameters plan and DAD pursuant to schedule 1 and schedule 2 requirement 7 of the draft DCO (**DCO 3.1 and [REP6-007D]**) and schedule 1 and schedule 2 requirement 6(1A) of the draft MCO (**MCO 3.1 and [REP6-013M]**). The provision of mezzanine floorspace is regulated by the proposed requirement 36 in the draft DCO and proposed requirement 29 in the draft MCO. The highway works must further be carried out in accordance with Appendix 1 to the DAD as secured by requirement 5 and the protective provisions set out in Parts 1 and 2 in the draft DCO and requirement 5A and the protective provisions set out in Parts 19 and 20 in the draft MCO.

Change request

- 4.4 Following representations received from East Midlands International Airport Limited / East Midlands Airport Property Investments (Industrial) Limited (EMA) and Leicestershire County Council (LCC) during the course of the Examination, the Applicants made a change request **[AS1-001]** to change the status of the public right of way on the eastern boundary of the EMG2 Main Site; to change the alignment and area of land for the active travel link (DCO Works No. 14); and to change to the A453 EMA access junction crossing (DCO Works No. 15) from an uncontrolled crossing to a controlled crossing.
- 4.5 These changes are set out in detail in the Applicants' technical note **[REP5-034D]**. EMA and LCC have confirmed that these changes are agreed by them (**[REP6A-006D]** and **[REP6A-005D]** respectively). Representations from LCC and EMA, together with others, were made in respect of the changes at Deadline 6a and the Applicants' response to the same is at (**DCO 7.27 / MCO 7.27**).

5 Draft Development Consent Order (draft DCO) and Draft Material Change Order (draft MCO)

- 5.1 The draft DCO (**DCO 3.1 and [REP6-007D]**) and draft MCO (**MCO 3.1 and [REP6-013M]**) have been prepared using the statutory instrument template and regard has been had to the model provisions and other made DCOs, including the EMG1 DCO, The Northampton Gateway Rail Freight Interchange Order 2019 and The West Midlands Rail Freight Interchange Order 2020.

- 5.2 Details and justification for the draft DCO and draft MCO is set out in the explanatory memorandum to the draft DCO (**DCO 3.2 and [REP6-009D]**) and draft MCO (**MCO 3.2 and [REP6-015M]**) respectively.
- 5.3 The draft DCO and draft MCO were updated at Procedural Deadline A and Deadlines 2, 5, 6 and 7. The changes made at each deadline are set out in the schedule of changes to the draft DCO [**DCO 3.4 and [REP6-011D]**] and draft MCO [**MCO 3.5 and [REP6-018M]**].

6 Legal Basis for Determination and Vires

- 6.1 As the ExP is aware, on 22 January 2024, the DCO Applicant made an application to the SoS asking that they exercise power pursuant to Section 35(1) of the PA 2008 to issue a direction to the effect that development proposed as 'East Midlands Gateway Phase 2' be treated as development of national significance for which development consent is required. The application documentation (the Section 35 Application Documentation) was considered by the Secretary of State who subsequently issued the direction dated 21 February 2024 (the Section 35 Direction); which identified its subject development in the following terms, namely:

"a logistics and manufacturing hub, including a substantial carbon neutral campus/ headquarters including co-located head office functions"

- 6.2 The DCO Applicant subsequently made the DCO Application seeking that the SoS make a DCO in respect of the proposed DCO Scheme. The DCO Application, together with the MCO Application, is now the subject of examination.
- 6.3 It is on this basis of the Section 35 Direction that the SoS is respectfully requested to make the DCO as sought.

The issue in dispute between the Applicants and Prologis/EMA

- 6.4 In the course of the examination both Prologis UK Limited / Prologis UK 121 Limited (together Prologis) and EMA have sought to persuade the ExP that it is not open to the SoS to grant development consent in respect of the DCO Scheme, on the basis that there is disparity as between the development identified in the Section 35 Direction and the DCO Scheme (most recently in their Deadline 6 submissions **[REP6-100]**, paragraphs 3.1 – 3.6, and their Deadline 6a submissions **[REP6A-009D]**).
- 6.5 In this regard, it is not suggested that it was not open to the SoS to make the Section 35 Direction. The Applicants note that no legal challenge was issued in respect of that direction, thus there is no dispute that the exercise of the power by the SoS to make the Section 35 Direction was legitimate. Further, it is not suggested by either Prologis or EMA that there is any substantive reason why the DCO Scheme could not be the subject of a direction pursuant to Section 35 of the PA 2008 (i.e. there is no suggestion that it does not/could not satisfy the relevant statutory criteria).
- 6.6 Instead, what is said is that the exercise of power by the SoS to grant development consent for the DCO Scheme would be ultra vires because the DCO Scheme does not fall within the terms of the Section 35 Direction.
- 6.7 That submission is without merit. The Applicants' response to this issue has been set out in the following documents and is summarised below:

(a) Applicants' response to Hearing Action Points **[REP1-053]**, pages 18 - 21

- (b) Applicants' response to Deadline 2 and 3 submissions [\[REP4-033\]](#), pages 81 – 93 and 119 – 123, 125 - 126
 - (c) Applicants' response to Hearing Action Points [\[REP4-035\]](#), pages 5 - 8
 - (d) Applicants' response to Deadline 4 submissions [\[REP5-033\]](#), pages 140, 145 – 158
 - (e) Applicants' response to Deadline 5 submissions [\[REP6-042\]](#), pages 15 – 22
- 6.8 On 10 August 2026, the ExP issued a request for information [\[PD-032\]](#), seeking to understand the Applicants' position in the event that the ExP or SoS were to conclude that the DCO Scheme does not fall within the Section 35 Direction. The Applicants have explained [\[REP6A-001D\]](#) that in such a scenario, it would be open to the SoS to vary the direction (see section 233(2) PA 2008) within the timescales for determination under the PA 2008. Alternatively, if the ExP or SoS considered it necessary to secure the delivery of a “*substantial carbon neutral campus/headquarters including co-located office functions*” in Schedule 1 (rather than relying on requirement 33 which is already proposed in Schedule 2 of the draft DCO [\[REP6-007D\]](#)), this could be achieved through minor amendments to article 5 and Schedule 1, Work 1(b) (as set out in [\[REP6A-001D\]](#)). This would address the matters raised by Prologis in its Deadline 6 submissions ([\[REP6-100\]](#), paragraphs 7.1 – 7.3) and would not change the nature of the DCO Scheme given that requirement 33 already secures the delivery of a substantial carbon-neutral campus including co-located office functions (as explained in [\[REP4-033\]](#)). Contrary to Prologis’ submission at paragraphs 7.6 – 7.13 of [\[REP6-100\]](#), requirement 33 includes reference to “*co-located office functions*” and the omission of the word “*head*” does not represent a material change to the DCO Scheme.

Process

- 6.9 Section 35 of the PA 2008 is clear in its terms. It provides a mechanism for parties to seek a direction that development should be the subject of examination pursuant to the PA 2008 as though it were a nationally significant infrastructure project (NSIP), notwithstanding it does not satisfy relevant statutory criteria set out in Sections 15 - 30A of the PA 2008 so as to comprise an NSIP.
- 6.10 However, the statutory mechanism for determining whether to issue a direction pursuant to Section 35 is relatively rudimentary. An applicant for such direction is required to submit only limited documentation to the SoS, identifying the broad form of development proposed and setting out the basis on which it is said that such development should be regarded as being of national significance so as to justify the making of a direction. The SoS is then required to reach a decision on the application within 28 days. There is no provision for any consultation.
- 6.11 By its very nature, this exercise necessarily results in the SoS reaching their decision on the basis of a ‘high level assessment’ of a ‘high level summary’ of proposed development. There is no requirement as to detailed plans or design, nor is any significant detail provided regarding any matters such as environmental impacts. For this reason, it is self-evident that any decision to make a direction pursuant to Section 35 of in the PA 2008 is concerned with the principle, and broad outline of development which is the subject of the request for the making of the direction.
- 6.12 In the present case, the SoS determined to issue the Section 35 Direction on the basis of their assessment that the details summarised in the Section 35 Application Documentation. On that basis the SoS determined that:

- *“the proposal would be likely to have significant economic impact;*
- *be important in driving growth in the economy;*
- *have an impact on an area wider than a single local authority area;*
- *the substantial physical size and scale of the project;*
- *would contribute to delivering the outcomes of the Freeport; and*
- *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”.*

6.13 There is no suggestion (nor could there credibly be) that these findings do not apply in respect of the DCO Scheme. Instead, what is said is that the DCO Scheme departs from the development the subject of the Section 35 Direction in certain respects.

6.14 In this regard it cannot reasonably be suggested that an applicant for a development consent order is bound to every letter of the documentation submitted in respect of its request for a direction pursuant to Section 35 of the PA 2008. Not only would such approach render the statutory mechanism unwieldy (and unworkable), but it is also not the interpretation of the legislative scheme adopted by the SoS. In this regard the Applicants note that the SoS stated in terms in the body of the Section 35 Direction 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”

6.15 Such statement necessarily envisages a scenario where details of a development may change/evolve whilst also remaining within the ambit of a direction made pursuant to Section 35. Such purposive and practical application of the legislation is entirely appropriate.

Summary Analysis

6.16 In the present case, therefore, in order to make good their ‘vires’ point, it would be incumbent on the EMA and Prologis to demonstrate that the DCO Scheme is so different from the form of development identified in the Section 35 Direction that the latter does not provide a valid jurisdiction for the grant of development consent.

6.17 In this regard there are essentially two points raised by the EMA and Prologis, which concern:

- Firstly, the provision of a carbon neutral campus/headquarters with co-located head office functions; and
- Secondly, the nature extent of office development proposed.

Carbon Neutral Campus

- 6.18 In making the Section 35 Direction the SoS had regard to the Section 35 Application Documentation but elected not to impose any material specificity and conditionality regarding that element of the proposed development identified as a 'carbon neutral campus/headquarters'. In particular, in this regard:
- (a) No such specificity/conditionality was included within the direction regarding the extent of the facility, save that indication that it should be 'substantial';
 - (b) No particularity was included as to the identity of the party that would occupy the facility;
 - (c) No detail was included as to what should be understood by the term 'carbon-neutral'; and
 - (d) No detail was provided as to the nature of the facility beyond the overarching description '*campus/ headquarters including co-located head office functions*'.
- 6.19 Further, in this regard, it is not appropriate for either the ExP or the SoS to proceed as EMA and Prologis maintain, and to focus on every letter of the Section 35 Application Documentation when determining whether or not the DCO Scheme sits within the Section 35 Direction as made. Rather, it is appropriate to have regard to the Section 35 Direction itself, and determine whether – on a fair, objective reading of that document – the DCO Scheme sits within its ambit.
- 6.20 The Applicants respectfully submit that both the ExP and the SoS can be assured that this is indeed the case. Significantly, the Applicants have guaranteed provision of this 'campus' element of the proposed development by way of requirement 33 as imposed in Part 1 of Schedule 2 of the draft DCO. That requirement is an entirely appropriate mechanism to ensure delivery of the 'campus', to the extent that element of the proposed development is identified in the Section 35 Direction.
- 6.21 Thus, the DCO Scheme falls clearly within the Section 35 Direction in this regard.

Extent of Office development proposed

- 6.22 The further point raised by EMA and Prologis is to the effect that the office element of the proposed 'campus' is such that it must be separately identified and assessed in planning use terms, or otherwise once again the DCO Scheme would sit outside the terms of the Section 35 Direction.
- 6.23 Once again, that contention lacks any material substance. It has always been apparent that the proposed development is a commercial logistics hub. Warehousing development within such facilities often entails/requires ancillary office accommodation, and such arrangement will be reflected in the proposed development. In particular, it will be reflected in the 'campus' for which requirement 33 expressly provides. The provision of such office floorspace, in the context of the very significantly greater provision of operational logistics floorspace, will not extend beyond that which is properly characterised as ancillary. The 'planning unit' in respect of which the office space is provided will be identified pursuant to the discharge of requirement 33.
- 6.24 Once again, in this context also there is no basis to conclude that the DCO Scheme would depart from the terms of the Section 35 Direction.

The DCO Application and the MCO Application

- 6.25 The statutory basis for determination of the DCO Application and the MCO Application has been set out by the Applicants by reference to the relevant provisions of Section 104 and Section of the PA 2008 in:
- (a) Applicants' written summary of ISH1 [\[REP1-052\]](#), page 24 - 27
 - (b) Applicants' response to Hearing Action Points [\[REP1-053\]](#), page 10 – 12
 - (c) Applicants' response to Deadline 1 submissions [\[REP2-032\]](#), page 225
 - (d) Applicants' post-hearing submissions [\[REP4-034\]](#), pages 21 – 29
 - (e) Applicants' note on disaggregation [\[REP5-035D\]](#)
 - (f) Applicants' response to Deadline 5 submissions [\[REP6-042\]](#), pages 14 – 15
- 6.26 In summary, the DCO Application comprises three tranches of development, for which the position is as follows:
- (a) Logistics and advanced manufacturing development located on the EMG2 Main Site:

This element of the DCO Scheme, as contained in Part 1 of Schedule 1 of the draft DCO, is a nationally significant business and commercial project. There is no national policy statement (NPS) for business and commercial projects and, as such, this element falls to be determined under Section 105 of the PA 2008.
 - (b) Highway works:

The Highway Works within Part 2 of the Schedule 1 of the draft DCO exceed the threshold for the 'alteration of a highway' for the purposes of Section 22 of the PA 2008. These works are therefore an NSIP for the purposes of the PA 2008 and the National Networks NPS (NN NPS) has effect in relation to the highway works, such that this element of the DCO Scheme falls to be determined under Section 104 of the PA 2008.
 - (c) Associated Development (see **DCO 3.2** and [\[REP6-009D\]](#)):

To the extent that associated development supports the delivery of the business and commercial project in Part 1 this element should be determined under Section 105 of the PA 2008, but insofar as associated development relates to Part 2 (specifically, Works No.16), then it falls to be determined under Section 104 of the PA 2008.
- 6.27 The Applicants' position as regards the MCO Application is as set out in the Applicants' written summary of ISH1 [\[REP1-052\]](#), at pages 24- 26, in that it considers that:
- (a) The application falls to be determined pursuant to Section 104 of the PA 2008, but that,
 - (b) Insofar as there is any uncertainty on the part of the ExP or the SoS, a determination pursuant to Section 105 should be undertaken in the alternative to render the decision-making process robust.

National Policy and other important and relevant matters

- 6.28 That part of the DCO Scheme comprising the Highway Works and the MCO Scheme fall to be determined in accordance with the NN NPS, which is also an important and relevant matter for the business and commercial development for the reasons explained in:
- (a) Applicants' post-hearing submissions [\[REP4-034\]](#), pages 21 – 29;
 - (b) Applicants' note on disaggregation [\[REP5-035D\]](#); and
 - (c) Applicants' response to Deadline 5 submissions [\[REP6-042\]](#), pages 14 – 15.
- 6.29 The National Planning Policy Framework (NPPF) as well as regional and local policy are also important and relevant considerations for all aspects of the proposed development.
- 6.30 The assessment of the proposed development against national, regional and local policy is principally set out in the Applicants' Planning Statement, the latest version of which is at [\[REP4-016\]](#) (particularly pages 34 – 128 and Appendix 1).

7 Compulsory Acquisition, Temporary Possession and Land Rights

The statutory tests and case for compulsory acquisition

- 7.1 Section 122 of the PA 2008 provides that a DCO may include provision authorising the compulsory acquisition of land if the SoS is satisfied that:
- (a) The land is required for the development to which the DCO relates; or
 - (b) Is required to facilitate or is incidental to that development; or
 - (c) Is replacement land given in exchange for the Order land under section 131 or s.132;
- And there is a compelling case in the public interest for its compulsory acquisition.
- 7.2 The Statement of Reasons [\[AS1-005\]](#) describes the need for each plot of land subject to compulsory acquisition powers (in sections 3, 5 and Appendices 1 – 3) and the compelling case in the public interest for the acquisition (at paragraphs 5.12 – 5.71). The latest Land and Rights Negotiations Tracker [\[REP5-019D\]](#) records the status of negotiations with affected persons.
- 7.3 During the course of examination, the DCO Applicant has made further submissions in respect of compulsory acquisition powers and the satisfaction of the statutory tests, including in response to matters raised by Prologis and EMA, in particular, in the following representations:
- (a) Applicants' funding statement [\[APP-020D\]](#);
 - (b) Applicants' viability appraisal [\[REP1-027D\]](#) and summary of viability appraisal [\[REP1-028D\]](#);

- (c) Applicants' response to Relevant Representations [\[REP1-051D\]](#), electronic pages 242 – 317;
- (d) Applicants' post-hearing submissions [\[REP1-052\]](#), pages 11 – 23;
- (e) Applicants' response to the ExP's first written questions [\[REP1-054\]](#), in particular, pages 84 – 88 (compulsory acquisition) and pages 170 – 175 (need and alternatives);
- (f) Applicants' response to Deadline 1 submissions [\[REP2-032\]](#), pages 219 – 244 and 249 – 251;
- (g) Applicants' response to Deadline 2 and 3 submissions [\[REP4-033\]](#), pages 93 – 124; 133; 156 - 166 and Appendix L (electronic pages 365 – 404);
- (h) Applicants' post-hearing submissions [\[REP4-034\]](#), pages 11 – 19 and Appendix 1 (including annexes 1 and 2), pages 49 – 57;
- (i) Applicants' response to hearing action points [\[REP4-035\]](#), pages 4 – 14 and Appendices 1 and 2 (electronic pages 38 – 86);
- (j) Applicants' response to ExP's second written questions [\[REP4-036\]](#), pages 21 – 25;
- (k) Land and Rights Negotiations Tracker [\[REP5-019D\]](#);
- (l) Applicants' updated Chapter 4 (consideration of alternatives) of the ES [\[REP5-022\]](#) and Appendices B (assessment of effects in the 'delivery scenario') [\[REP5-023\]](#) and C (assessment of effects in the 'non-delivery scenario') [\[REP5-024\]](#);
- (m) Applicants' response to Deadline 4 submissions [\[REP5-033\]](#) pages 139 – 144; 157 – 170; 177 – 179; 189; 200 - 214 and Annex F (electronic pages 303 – 309);
- (n) Applicants' letter to ExP on Action Point 35 (viability spreadsheet) [\[REP5-051\]](#);
- (o) Applicants' response to Deadline 5 submissions [\[REP6-042\]](#), pages 23 – 46; 49 – 51 and Annexes A – D (electronic pages 76 – 107);
- (p) Applicants' response to 3WQs [\[REP6-043\]](#), pages 22 – 26; and
- (q) Draft Statement of Common Ground with Prologis and EMA [\[REP6-075\]](#), pages 7 – 9; 11 – 28; 30 – 39; 41 – 43.

7.4 In summary, all land subject to compulsory acquisition is necessary for the development to which the DCO relates; is required to facilitate or incidental to that development. There is a compelling case in the public interest in that the public interest benefits decisively outweigh the private loss, having regard to the following:

- (a) The DCO Scheme represents a major and prime opportunity to deliver a significant contribution to meet the shortfall in supply of industrial and logistics floorspace. The location of the EMG2 Main Site is also a significant benefit meaning that growth will be retained within the region and will build on the existing successful logistics development at EMG1 and within the wider inland port which is concentrated around East Midlands Airport.

- (b) The EMG2 Main Site benefits from the Freeport designation, being part of EMAGIC, which is intended to catalyse regional regeneration and economic transformation by offering a suite of incentives including tax reliefs, customs benefits, business rates retention and planning flexibility. The DCO Scheme is fully consistent with the objectives of the designation and the vision for the Freeport.
- (c) Comprehensive delivery of the EMG2 Main Site: The entire site must be delivered comprehensively through a coordinated masterplan to realise the full public benefits. Piecemeal development of individual parcels cannot deliver the same quantum or quality of benefits, including the strategic infrastructure necessary to unlock the site's full potential. There is a time-limited opportunity to deliver the full benefits of the Freeport designation. Delay occasioned by piecemeal development risks the loss of those benefits.
- (d) Economic benefits: EMG2 will deliver substantial local, regional and national economic growth, including significant employment generation and inward investment consistent with Government policy for the Freeport programme. During the operational phase, the proposed development will generate approximately 4,000 on-site jobs; 5,250 net additional jobs once displacement and multipliers are accounted for; an estimated £148m gross-added value generated per annum from on-site jobs and £9.7m in business rates income per annum.
- (e) Strategic highway improvements: The scheme includes improvements to M1 Junction 24, the 'Green Package', which are of such significance as to constitute a NSIP in their own right. These works are necessary to mitigate the impacts of the commercial and business development and will have incidental benefits in drawing traffic on to the strategic road network, thereby reducing traffic on local roads. The comprehensive package of highway improvements cannot be delivered through piecemeal development. These Highway Works will be a key first element of a strategic solution which will help facilitate wider development in the region (see the Joint Position Statement between the Applicants and NH (**DCO 8.1 and [\[REP1-060D\]](#)**) and the note at Annexure 19A of **DCO 7.5 / MCO 7.5 and [\[REP1-054\]](#)**).
- (f) Local community benefits: EMG2 will deliver a community park, public rights of way, an HGV Park, a bus interchange, all of which require comprehensive delivery of the wider site. These measures, together with the Active Travel Link (DCO Works No. 14) will deliver significant sustainable transport improvements, building on the improvements already delivered at EMG1.
- (g) Active travel connectivity: The DCO Scheme delivers a good quality active travel link connecting EMG2 and East Midlands Airport with local communities in Kegworth and Castle Donington and beyond. Improved active travel connections with East Midlands Airport is a longstanding objective of local and regional stakeholders and the active travel link (DCO Works No. 14) will enable an extension of the National Cycle Network from Diseworth to Kegworth. The Applicants have engaged with EMA through the examination to minimise the land needed for the active travel link (DCO Works No. 14) (see paragraphs 4.4 and 4.5 above).
- (h) Environmental benefits: The DCO Scheme delivers significant environmental benefits including biodiversity net gain that can only be achieved through the master-planned approach.
- (i) Alternatives considered: The PA 2008 deliberately provides for the use of compulsory acquisition when cooperation has failed so that such failure does not prevent the delivery of a project of national significance. The Applicants have

explored alternatives and sought to negotiate with Prologis and EMA for the acquisition of the land by agreement. The alternatives advanced by Prologis and EMA do not provide realistic, deliverable or sufficiently certain substitutes for the powers sought through the DCO. It is important to note that neither the statutory provisions nor the compulsory acquisition guidance require an applicant to anticipate and exhaustively document every hypothetical delivery structure that an affected landowner might later formulate in opposition to the application. Nor do they require the applicant to rule out every alternative as impossible. The relevant exercise is a practical one, directed to whether there is a reasonable alternative to the compulsory acquisition powers sought which would enable the objectives of the DCO Scheme to be delivered with sufficient certainty. The question for the ExP and, ultimately, the SoS is not whether Prologis can identify a theoretical route by which some development might occur without the powers sought, but whether that route is a reasonable, available and deliverable alternative to the DCO Scheme and the acquisition powers required to secure its delivery. Where voluntary agreement or collaborative delivery would leave the scheme dependent on an unwilling or competing landowner, future permissions, uncertain planning allocations, unsecured commercial arrangements or unresolved infrastructure interfaces, the decision-maker is entitled to conclude that those matters do not provide a reasonable alternative to the acquisition powers sought.

- (j) Funding and viability: The DCO Scheme is viable and funded. The DCO Applicant's funding statement [\[APP-020D\]](#) explains that the DCO Applicant is a wholly owned subsidiary of SEGRO PLC, entirely funded by its stakeholders with no external borrowing. SEGRO PLC is a FTSE 100 listed Real Estate Investment Trust with funds available at 31 December 2025 totalling [REDACTED] comprising [REDACTED] in [REDACTED] and [REDACTED] of undrawn credit facilities. Total development costs of the proposed development are estimated at [REDACTED]. There is plainly a reasonable prospect of the necessary funding being available. The Applicant's viability appraisal [\[REP1-027D\]](#) and [\[REP1-028D\]](#) and evidence of Mr Cottage at Appendix L of [\[REP4-033\]](#) demonstrate that the proposed development is viable and deliverable; that the Prologis / EMA land is integral to the viability of the overall scheme and that only a single, comprehensive approach provides sufficient certainty that the development and associated infrastructure will be delivered.
- (k) Any land compulsorily acquired will be subject to compensation pursuant to the compensation code which means that all landowners will receive full market value for their land. The private loss alleged by Prologis and the EMA is financial in nature and is fully addressed by the compensation regime.

7.5 For the reasons summarised above (and addressed in more detail in the representations to the ExP), the compulsory acquisition powers sought by the DCO Applicant are necessary, proportionate and justified by a compelling case in the public interest. The DCO regime was deliberately extended to commercial and business projects to allow such projects of national significance to benefit from the advantages of the DCO process so as to facilitate quicker delivery, a key advantage being compulsory acquisition powers. No additional or heightened tests apply because the powers of compulsory acquisition are sought by a private rather than a public body. Prologis will be well aware of this as, in its own application for a section 35 Direction at Daventry International Rail Freight Terminal (DIRFT), they acknowledge the benefit of the DCO process both in terms of certain timeline and compulsory acquisition powers (Appendix 12 and Annex 12A to DCO 7.12 / MCO 7.12 and [\[REP2-032\]](#)).

The Joint Application

- 7.6 The Applicants do not accept that the Joint Application promoted by Prologis and EMA is likely to secure consent, could viably be delivered or that it would deliver comparable benefits. That application was submitted in May 2024 and has still not been determined, not least because Prologis and EMA have been unable to satisfy the highway authorities as to its acceptability. The Applicants do not consider there is a realistic prospect that planning permission will be forthcoming for the development comprised in the Joint Application or that it could viably be delivered, even if planning permission was forthcoming. Even in the unlikely event that planning permission is granted and the Joint Application can viably be delivered, there remains a compelling case in the public interest for the compulsory acquisition of land to facilitate the delivery of the proposed development. The DCO Scheme delivers benefits which are attributable to the comprehensive, single-developer approach that can only be achieved through the exercise of compulsory acquisition powers. These include, but are not limited to, the delivery of the Highway Works (NSIP) at Junction 24 of the M1; the integrated approach to sustainable transport across EMG1 and EMG2; the comprehensive Community Park; the integrated power, drainage and site management infrastructure; and the ability to bring forward the entire EMG2 Main Site in a coordinated manner within the Freeport window.
- 7.7 Contrary to the allegations made by Prologis and adopted by EMA at paragraphs 2.1 – 2.11 of [\[REP6-100\]](#), the Applicants have fully engaged with the alleged ‘displacement’ and/or ‘sterilisation’ effects associated with the ‘delivery’ and ‘non-delivery’ scenarios at Appendix 1 of its post-hearing submissions [\[REP4-034\]](#) (electronic pages 49 – 55) and its revised Chapter 4 (consideration of alternatives) of the ES [\[REP5-022\]](#) together with Appendices B (assessment of effects in the ‘delivery scenario’) [\[REP5-023\]](#) and C (assessment of effects in the ‘non-delivery scenario’) [\[REP5-024\]](#).

8 Statements of Common Ground (SoCGs)

- 8.1 SoCGs have been prepared with all the parties referred to in the Rule 8 letter. In addition, a SoCG has been prepared with the Forestry Commission and, at their request, Litton (Donington) Ltd. See **DCO 8.3 – 8.13 / MCO 8.3 – 8.13**.
- 8.2 All but 3 SoCGs have been agreed. The 3 that remain outstanding are with North West Leicestershire District Council (NWLDC) (Planning Policy), Prologis / EMA and EMA.
- 8.3 The final Statement of Commonality (**DCO 8.2 / MCO 8.2** and [\[REP6-048\]](#)) submitted at Deadline 7 includes a summary of the remaining areas of disagreement (see Table 3 of that document).
- 8.4 NWLDC is the host local planning authority for the land subject to the DCO Application and the MCO Application. The Applicants have prepared topic-specific SoCG with NWLDC covering overarching matters (**DCO 8.3A / MCO 8.3A** and [\[REP6-050\]](#)), planning policy (**DCO 8.3B / MCO 8.3B** and [\[REP6-052\]](#)), air quality (**DCO 8.3C / MCO 8.3C** and [\[REP4-041\]](#)), lighting (**DCO 8.3D / MCO 8.3D** and [\[REP6-054\]](#)), noise (**DCO 8.3E / MCO 8.3E** and [\[REP4-043\]](#)), landscape (**DCO 8.3F / MCO 8.3F** and [\[REP6-055\]](#)) and heritage (**DCO 8.3G / MCO 8.3G** and [\[REP6-056\]](#)).
- 8.5 Final signed SoCGs on lighting, landscape and heritage were submitted at Deadline 6.
- 8.6 Agreement has been reached with NWLDC on all matters relating to air quality, noise and vibration, landscape and visual impact, lighting and socio-economic effects.

- 8.7 In relation to heritage, the Applicants and NWLDC have agreed most matters, including those relating to the Church of St Michael and All Angels, the Bulwarks Scheduled Monument and the Church of St Mary and St Hardulph. The only outstanding disagreement concerns the level of harm to the Diseworth Conservation Area: the Applicants assess a low level of less than substantial harm, whereas NWLDC considers the harm to be at a moderate level of less than substantial harm. Both parties agree that the DCO Scheme will not result in significant effects on built heritage assets in EIA terms.
- 8.8 In relation to planning policy, the overarching SoCG and planning policy SoCG were updated at Deadline 6. NWLDC also submitted updates at Deadline 6 addressing, among other matters, the adopted EMF Strategic Infrastructure & Contributions SPD and the emerging Local Plan (Regulation 19 Proposed Submission Draft).
- 8.9 NWLDC has actively participated in the examination, responding to all three rounds of written questions from the Examining Panel (ExQ1, ExQ2 and ExQ3), providing a Local Impact Report at Deadline 1 and making submissions at Deadlines 1 through 6. The Design Approach Document and Appendix 1 were updated to address comments from NWLDC, LCC, NH and other interested parties. The final Statement of Commonality submitted at Deadline 7 includes a summary of the very limited remaining areas of disagreement.
- 8.10 LCC is responsible for the local road network and has responsibilities relating to archaeology, ecology, flood risk and drainage, minerals and waste, and population and human health. The Applicants have prepared topic-specific SoCGs with LCC covering overarching matters (**DCO 8.4A and [REP4-036]**), highways and transport (**DCO 8.4B and [REP4-047]**), archaeology (**DCO 8.4C and [REP5-040]**), ecology (**DCO 8.4D and [REP6-060]**), population and human health (**DCO 8.4E and [REP6-061]**), minerals and waste (**DCO 8.4F and [REP6-063]**) and flood risk and drainage (**DCO 8.4G and [REP6-065]**).
- 8.11 The Applicants have worked with LCC as a principal member of the Transport Working Group (TWG) since April 2022. Final signed SoCGs on archaeology and ecology were submitted at Deadline 6. A final signed SoCG on flood risk and drainage will be submitted at Deadline 7 following the amendment of requirement 17(3) of the draft DCO to address LCC's concern about unexpected flooding events, and a final signed SoCG on minerals and waste will be submitted at Deadline 7.
- 8.12 On highways and transport, all matters have been agreed in the SoCG to be submitted at Deadline 7 (**DCO 8.4B and [REP4-047]**), subject to two exceptions: (i) an issue arising from the PRTM 2023 sensitivity test concerning possible impacts at High Street, Castle Donington and Derby Road, Kegworth; and (ii) LCC's request to safeguard the entire EMG2 site frontage for future dualling of the A453. LCC has produced no evidence base for the requested safeguarding or demonstrated why the land within the EMG2 Main Site rather than land to the north of A453 is necessary for the scheme, which was removed following receipt of the ExP's Schedule of Changes to the draft DCO **[PD-027]**.
- 8.13 The PRTM 2023 issue was considered in the Applicants' report submitted at Deadline 6 **[REP6-045D]**. That report concluded that improved signage at Castle Donington would be proportionate and that no mitigation was justified at Kegworth, based on detailed VISSIM modelling. LCC has not accepted that no mitigation is required at Kegworth but has produced no technical basis to dispute the findings of the Applicants' report.

- 8.14 Because the highways disagreement regarding Kegworth and Castle Donington remains unresolved, LCC has advised that it is unable to record agreement on most matters relating to population and human health.
- 8.15 The final Statement of Commonality (**DCO 8.2 / MCO 8.2** and [\[REP6-048\]](#)) submitted at Deadline 7 includes a summary of the very limited remaining areas of disagreement between the Applicants and LCC.
- 8.16 The protective provisions in favour of LCC, as local highway authority, set out at Part 2 of Schedule 13 of the draft DCO are agreed between the Applicants and LCC.
- 8.17 National Highways (NH) is responsible for the strategic road network and is a principal member of the TWG. The Applicants have prepared a Joint Position Statement (**DCO 8.1** and [\[REP1-060D\]](#)) and SoCG with NH (**DCO 8.5** and [\[REP6-067\]](#)).
- 8.18 All matters relating to the assessment of highway impact, including the entire mezzanine floorspace of 200,000 sq m, the provision and design of appropriate mitigation (including routeing measures for HGV and construction traffic), and the suitability of the sustainable transport strategy have been agreed with NH. The completed SoCG will be submitted at Deadline 7.
- 8.19 NH has confirmed that the highway mitigation works, including the major improvement to M1 Junction 24, the 'Green Package', are appropriate. The Joint Position Statement explains the strategic nature of the NSIP element of the Highway Works.
- 8.20 The Applicants, NH and LCC agree that other developments, including Ratcliffe Power Station and Isley Woodhouse, will require further works on the SRN at M1 J23A and M1 J24. The Applicants have worked collaboratively with other developers and stakeholders to ensure that the M1 J24 works for EMG2 are compatible with the larger scheme required to facilitate further planned growth.
- 8.21 There are no matters of disagreement between the Applicants and NH. The protective provisions in favour of NH, as highway authority, set out at Part 1 of Schedule 13 of the draft DCO are agreed between the Applicants and NH.
- 8.22 There are no issues of disagreement relating to the MCO. The final assessment of the impact of Plot 16 alone has been submitted [\[REP5-031M\]](#) and is agreed as acceptable by the highway authorities in their respective SoCGs.

9 Engagement with Prologis and EMA

Private treaty negotiations with Prologis and EMA

- 9.1 The requirement of the Applicants set out in the relevant guidance is “*to demonstrate to the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored*”.
- 9.2 The Applicants have been engaging with EMA since January 2020 and Prologis since it acquired an interest in the land in 2024. Following the involvement of Prologis all discussions have taken place with Prologis alone representing both itself and EMA.
- 9.3 The history of engagement between the Applicants and EMA/Prologis has been set out in the following submissions:

- (a) Applicants' response to Relevant Representations of EMA [\[REP1-051D\]](#) – Appendix 5 paragraphs 1.16 – 1.28 and paras 1.41 – 1.42;
- (b) Applicants' response to Relevant Representations of Prologis [\[REP1-051D\]](#) – Appendix 6 paras 2.1 – 2.5, paras 3.81 -3.84 and Annex 1;
- (c) Applicants' response to ExP's Second Written Questions [\[REP4-036\]](#) – ExQ 7.0.2 and 7.0.3 and Annex 7A;
- (d) Applicants' response to Deadline 4 Submission of Prologis – Appendix 8 Response to Prologis response to ExQ2 [\[REP5-033\]](#) Item 4 re ExQ 7.0.2 (pdf page 189) and Annex F;
- (e) Applicants' response to Deadline 5 Submission of Prologis [\[REP6-042\]](#) – Appendix 2 Item 9 (pdf page 26); and
- (f) DCO 7.27 / MCO 7.27 Applicants' response to Deadline 6 Submission of Prologis – Annex A (updated chronology).

9.4 What these submissions demonstrate, based on the undisputed facts, is that:

- (a) Negotiations took place between EMA and the Applicants over a period of nearly four years prior to the involvement of Prologis and related to a variety of potential arrangements including joint venture.
- (b) During that period the Applicants engaged with EMA:
 - (i) in jointly promoting the site through the emerging local plan;
 - (ii) 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;
 - (iii) in exploring alternative land uses on land to the south of the A453 to meet the needs articulated by EMA;
 - (iv) in entering into an Exclusivity Agreement;
 - (v) in making an offer to acquire the land in July 2022 which was recommended by EMA's agent to their board but ultimately rejected; and
 - (vi) in making further offers in August 2023, June 2024, July 2024 and August 2024 each time improving on the previous offer.
- (c) Prologis knew of the Section 35 Direction / proposed DCO Application, and therefore the potential for compulsory acquisition powers being sought, prior to signing their option with EMA and prior to acquiring the freehold of the Jarrom land.
- (d) The Applicants were the first to initiate dialogue with Prologis by an email dated 21 November 2024 and has pursued dialogue ever since (first entry of Annex F Excel Spreadsheet [\[REP5-033\]](#)).
- (e) Different options were explored between the Applicants and Prologis, and a variety of offers made by the Applicants 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 [\[REP5-033\]](#) and 19 August (see updated chronology (Annex A to **DCO 7.27 / MCO 7.27**)).

- 9.5 There have therefore been extensive discussions between the Applicants and Prologis, all with the objective of avoiding the need to exercise compulsory purchase powers. 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.
- 9.6 Even were a separate agreement to be reached with Prologis the stumbling block in respect of EMA would remain since it is understood that the control Prologis has over the EMA land is confined to implementation of a planning permission and not a DCO. Accordingly, even if at some point in the future Prologis and SEGRO were to be a single entity (which is by no means certain), that barrier to delivery of the DCO Scheme will still remain.

Engagement with EMA as statutory airport operator

- 9.7 The Applicants and EMA have maintained a constructive and cooperative working relationship on a day-to-day basis in the delivery and subsequent operation of EMG1, including most recently in respect of the installation of photovoltaic panels on units at EMG1 and collaboration on sustainable transport for employees (the Applicants have extensive experience of developing in and around airports at East Midlands Airport, Heathrow and Coventry and are used to operating within the constraints created by proximity to an airport). The nature and extent of EMA's objections to EMG2 in its capacity as statutory airport operator are therefore somewhat surprising and, in the Applicants' view, are not reflective of the practical reality of that ongoing relationship. Consequently, EMA's objections should not properly be assessed in isolation as the airport operator. EMA is simultaneously promoting the Joint Application, a directly competing proposal for the same land, and this provides the necessary context within which EMA's representations should be evaluated.
- 9.8 EMA has asserted that it requires bespoke protective provisions which are materially more prescriptive and onerous than those it has proposed in respect of the Joint Application or at Isley Woodhouse (see Annex D of **DCO 7.13 / MCO 7.13** and [\[REP4-033\]](#)). EMA has sought to justify those provisions, but the Applicants do not accept that justification, for the reasons set out in their response in **DCO 7.27 / MCO 7.27**. The Applicants consider that the protective provisions contained in Part 6 of Schedule 13 of the draft DCO are sufficient to safeguard the operation of the airport. The ExP must consider whether EMA's demand for bespoke protective provisions is proportionate to any genuine safeguarding need. In particular, the ExP may wish to consider whether the cumulative effect of EMA's approach — combining a maintained objection, non-standard protective provisions, challenges to compulsory acquisition, and the simultaneous promotion of a competing scheme — is such as to delay or impede the DCO process in furtherance of EMA's own competing development interest. The disproportionate nature of EMA's response is underscored by the fact that EMG1 is situated closer to the airport than the EMG2 Main Site, yet the protective provisions sought in respect of the EMG2 Main Site are materially more onerous than those which have operated satisfactorily in relation to EMG1 (see plan at Annex B of **DCO 7.27 / MCO 7.27**).
- 9.9 If the ExP considers the protective provisions in Part 6 of Schedule 13 of the draft DCO to be insufficient to protect the operation of the airport and prefers some or all of the

EMA's proposed provisions, the Applicants have put forward an amended set of protective provisions at Annex C of **DCO 7.27 / MCO 7.27**. Those amended provisions address a number of the matters raised by EMA whilst also seeking to address the conflict of interest that arises from EMA's dual role as airport operator and as a competing developer. In particular, the amended provisions propose that the local planning authority, rather than EMA, should serve as the discharging authority for the protective provisions. In circumstances where a reasonable apprehension of bias arises, it would not be appropriate for EMA to act as the discharging authority for the protective provisions, and that the local planning authority should assume that role instead.

- 9.10 It is the Applicants' submission that EMA is seeking to deploy its statutory function as airport operator to prevent or delay the authorised development from proceeding. The disparity in EMA's treatment of the Applicants as compared with the Joint Application is a material consideration in this regard. Furthermore, EMA has not engaged in any meaningful detail with the aerodrome safeguarding material that has been submitted as part of the DCO Application and MCO Application. The disparity in approach is further underscored by EMA's public endorsement of the Junction 24 works and acknowledgement of their importance to the future operation of the airport (see Annex G of **DCO 7.20 / MCO 7.20** and [\[REP6-042\]](#)), a position that sits uncomfortably with its objections to the scheme.
- 9.11 All the above calls into question the basis upon which EMA's objections are made.

10 Engagement with other interested parties and community representations

- 10.1 The Applicants engaged and consulted extensively with the local community in developing EMG2 and preparing the DCO Application / MCO Application. The Consultation Report (**DCO 5.1 / MCO 5.1** and [\[APP-208\]](#) to [\[APP-218\]](#)) summarises the engagement / consultation which took place and the outcomes of the same.
- 10.2 A number of other interested parties subsequently submitted representations on the DCO Application / MCO Application during the examination, including Kegworth Parish Council, Castle Donington Parish Council and Long Whatton and Diseworth Parish Council. The local community interest group, Project Diseworth, and members of the local community have also commented on the applications.
- 10.3 The main issues raised by them are set out in the Examination Issues Tracker (**DCO 7.6 / MCO 7.6** and [\[REP5-029\]](#)), which will be updated and resubmitted at Deadline 7.

11 Environmental Statement – General Matters

- 11.1 The Applicants have prepared an ES, including various updates during the course of the examination, to describe the likely significant effects of the proposed development on the environment. The ES is based on the latest scoping opinion and has otherwise been prepared in accordance with the requirements of the Infrastructure Planning (EIA) Regulations 2009 (EIA Regulations).
- 11.2 In light of some of the representations made by objectors, it is important to note that the requirement that an application must be accompanied by an ES is not intended to obstruct development and should not be subject to an unduly legalistic approach (R (Blewett v Derbyshire Council [2003] EWHC 2775 (Admin) at [32 – 33]; [39] and [41]; R (Boswell) v Secretary of State for Transport [2024] RTR 14 at [34]).

- 11.3 Pursuant to regulation 21 of the EIA Regulations, in deciding whether to grant development consent, the Secretary of State must:
- (a) Examine the environmental information;
 - (b) Reach a reasoned conclusion on the significant effects of the proposed development on the environment;
 - (c) Integrate that conclusion into the decision as to whether to grant consent; and
 - (d) If a DCO is made, consider whether it is appropriate to impose monitoring measures.
- 11.4 “Environmental information” includes not only the ES but any further or other information and any representations made by any body or person about the environmental effects of the development (regulation 2 of the EIA Regulations). Whether a decision-maker has sufficient information for the purposes of an EIA is a matter of judgment, subject only to review on Wednesbury grounds (*R (Spurrier) v Secretary of State for Transport* [2021] PTSR 190 at [143 – 154]).
- 11.5 The Applicants' ES, together with all other representations submitted during the course of the examination, provide the ExP and Secretary of State with adequate information to assess the significant effects of the proposed development on the environment.
- 11.6 Two particular issues have been raised by Prologis/EMA during the course of the examination in relation to the adequacy of the Applicants' assessment. They are:
- (a) Whether it is necessary to disaggregate and separately identify the environmental effects arising from the commercial and business development (and its associated development) from the effects of the highways NSIP (and its associated development); and
 - (b) Whether it is necessary to assess the alleged “sterilisation” and/or “displacement” effects on the Joint Application in the event that the Scheme is delivered or consented but not delivered (i.e. the “delivery” or “non-delivery” scenarios).

Disaggregation of environmental effects

- 11.7 The Applicants' position is that it is not necessary to disaggregate or separately assess the environmental effects arising from the commercial and business development and the effects of the highways NSIP in order to determine the constituent elements under section 104 and section 105 of the PA 2008 or to comply with the EIA Regulations for the reasons set out in the following documents:
- (a) Applicants' post-hearing submissions [\[REP1-052\]](#), pages 24 – 27;
 - (b) Applicants' post-hearing submissions [\[REP4-034\]](#), pages 15; 21 – 29;
 - (c) Applicant's response to ExP's second written questions [\[REP4-036\]](#), page 40;
 - (d) Applicants' updated ES Chapter 4 (consideration of alternatives) [\[REP5-022\]](#);
 - (e) Applicants' response to R17 letter – disaggregation of highways NSIP and commercial and business development [\[REP5-035D\]](#); and
 - (f) Applicants' response to Deadline 5 submissions [\[REP6-042\]](#), pages 12 – 15.

- 11.8 In summary, the Applicants' position is that it is not necessary to separately identify and assess the environmental effects of those parts of the development to be determined under section 104 from those to be determined under section 105, either to comply with the EIA Regulations or to enable reporting and decision-making under the relevant provisions of the PA 2008. Provided that all environmental effects of the project as a whole are assessed, and the recommendation report makes clear that only for the works for which the NPSNN has effect should it be assumed that need is established and that there is a presumption in their favour, the decision will be appropriately taken under both section 104 and section 105. The different consenting routes for the discrete aspects of the development do not affect the EIA process. That requires all significant effects of the Project as a whole to be taken into account. In practice, this means the ExP's recommendation report will need to consider all benefits and adverse impacts of the Project as a whole.
- 11.9 The NSIP Highway Works (and their associated development) are necessary to mitigate the effects of the commercial and business development such that one will not come forward without the other. In those circumstances, it would be wholly artificial to seek to separate out the impacts of one from the other.
- 11.10 Even if disaggregation were attempted, it would produce the same outcome. The direct effects of Part 1 are the indirect effects of Part 2, and the direct effects of Part 2 are the cumulative effects of Part 1. The EIA framework would require each supposedly discrete assessment to take account of the very elements that have been separated out. Disaggregation would not change the substance of what must be assessed — it would merely re-label it.
- 11.11 Need for the Highway Works NSIP is established through the NN NPS. Need for the business and commercial development is established through the Industrial and Logistics Need Assessment [APP-223]. On the facts of this case, the outcome of the application for the commercial and business development and the highways development will inevitably be the same whether determined under section 104 or section 105 of the PA 2008. The benefits of both substantially outweigh their adverse impacts, and the planning balance falls decisively in favour of granting development consent for the project as a whole.

Assessment of the alleged “sterilisation” and/or “displacement” effects on the Joint Application arising from the “delivery” and “non-delivery” scenarios

- 11.12 During the course of the examination, Prologis (supported by EMA) has suggested that it is necessary for the Applicants to assess the likely significant effects resulting from the alleged “displacement” of the benefits arising from the Joint Application in the event that the proposed development is consented and delivered as well as the alleged “sterilisation” effects in the event that the proposed development is consented but not delivered. The scenarios posited by Prologis have come to be known as the “delivery” and “non-delivery” scenarios.
- 11.13 On 2 June 2026, the ExP issued a R17 letter [PD-021] in which they advised that they considered both the delivery scenario (i.e. the consent and delivery of the proposed development) and the non-delivery scenario (i.e. the consent but non-delivery of the proposed development) to be “likely” such that there should be an assessment of the impacts of delivery and non-delivery on the likely environmental effects of the Joint Application. This was notwithstanding the fact that the Applicants had also provided a comparison of the benefits of the DCO Scheme against the Joint Application [REP1-051D].

- 11.14 The Applicants do not accept that it is necessary to assess the impacts of the delivery and non-delivery scenarios to comply with the EIA Regulations for the reasons explained in the following documents:
- (a) Applicants' response to Deadline 2 and 3 submissions [\[REP4-033\]](#), p.156 – 166;
 - (b) Applicants' post-hearing submissions [\[REP4-034\]](#), pages 14 – 15 and Appendix 1 (electronic pages 49 – 56);
 - (c) Applicants' response to the R17 letter, dated 10 June 2026 [\[AS-004\]](#);
 - (d) Applicants' letter to ExP dated 22 June 2026 [\[AS-006\]](#);
 - (e) Applicants' response to Deadline 5 submissions [\[REP6-042\]](#), pages 41 – 42; and
 - (f) Applicants' response to Deadline 6 submissions [\[REP6-042\]](#), pages 12 – 13.
- 11.15 The Applicants remain strongly of the position that the information requested by the ExP in its R17 letter [\[PD-024\]](#) is not necessary to satisfy the requirements of regulation 14(2) of the EIA Regulations [\[AS-006\]](#). Even without the update to ES Chapter 4 [\[REP5-022 – REP5-024\]](#), the ES complies with the requirements of regulation 14 of the EIA Regulations in that it has properly assessed the environmental effects of the DCO Scheme on a robust basis, and the speculative “displacement” effects relied upon by Prologis and EMA do not warrant the additional assessment exercise contemplated in the Rule 17 Letter.
- 11.16 The Applicants remain of the position that the Rule 17 Letter was issued prematurely, in advance of the Deadline 4 submissions, and without affording the ExP the opportunity to have regard to the material that the Applicants and other parties were due to submit at that deadline. The Applicants' Deadline 4 submissions [\[REP4-034\]](#) contained material that is directly relevant to the matters raised by the ExP in the Rule 17 Letter. The ExP did not have the benefit of those submissions when formulating the Rule 17 request, and the Applicant considers that, had those submissions been taken into account, the Rule 17 Letter may not have been issued or may have been issued in materially different terms.
- 11.17 Following the ExP's R17 letter [\[PD-024\]](#), Prologis and EMA made representations that the effect of the letter was such that the examination would need to be suspended pursuant to regulation 20 of the EIA Regulations. However, in circumstances where the SoS finds that the alleged “sterilisation” and “displacement” benefits did not require assessment under the EIA Regulations, such a consequence would not follow.
- 11.18 Notwithstanding its position that it is unnecessary to do so, the Applicants have assessed the delivery and non-delivery scenario in its updated ES Chapter 4 (consideration of alternatives) [\[REP5-022\]](#) and Appendices B (assessment of effects in the ‘delivery scenario’) [\[REP5-023\]](#) and C (assessment of effects in the ‘non-delivery scenario’) [\[REP5-024\]](#). This should not be taken as an acceptance that such assessment is necessary. Appendix B [\[REP5-023\]](#) explains that there is a very high probability that the DCO Scheme will be implemented based on the Applicants' track record and the significant investment already made. As such, there are no “likely” environmental effects arising from the non-delivery scenario. In the unlikely event that the DCO Scheme were not to be delivered, Appendix B simply reports that its benefits would not be realised. Conversely, Appendix C reports that if the DCO Scheme is consented and delivered, all of the benefits reported in the original ES will be realised which will significantly exceed the benefits associated with the Joint Application (in the

event that development was to be consented and could be viably delivered, which the Applicants do not accept to be likely).

- 11.19 Having reviewed the information in [\[REP5-022 – REP5-024\]](#) the Applicants are confident that the ExP and SoS will accept that such assessment was not necessary in order to comply with the EIA Regulations.

12 Traffic and Transport

Highway Authorities

- 12.1 The Applicants have worked with the TWG since April 2022. The principal members of that group are NH and LCC in respect of the strategic road network (SRN) and local road network (LRN) respectively. Appendix 21 of the TA [\[REP1-033\]](#) identifies the relevant areas of the SRN and LRN and the mitigation to be carried out on those roads.
- 12.2 The highway mitigation works set out in the TA [\[REP6-023\]](#) are shown indicatively on the Component Plan [\[REP4-010\]](#). These works include a major improvement to M1 Junction 24 (M1 J24), itself being an NSIP. The strategic nature of the NSIP element of the works is explained in the Joint Position Statement appended to the NH SoCG (Appendix 2 to the Completed SoCG submitted at Deadline 7 DCO 8.5) and the note on the need for a strategic approach to mitigation at M1 23A and J24 (Appendix 3 ISH1 Action Point 16 [\[REP1-053\]](#)).
- 12.3 The extensive sustainable transport measures, based on the acknowledged success of the EMG1 strategy, is set out in the Sustainable Transport Strategy [\[REP6-027\]](#) and is supported by a Framework Travel Plan [\[REP6-029\]](#).
- 12.4 The highway mitigation and sustainable transport measures are all secured by appropriate provisions in the DCO.
- 12.5 All matters relating to the assessment of highway impact (of a logistics and advanced manufacturing employment park, including entire mezzanine floorspace of 200,000 sq m), the provision, and design of, appropriate mitigation (including routeing measures for HGV and construction traffic impacts) and suitability of the sustainable transport strategy, have been agreed with NH (completed SoCG submitted at Deadline 7, **DCO 8.5**).
- 12.6 All matters relating to the assessment of highway impact (of a logistics and advanced manufacturing employment park including entire mezzanine floorspace of 200,000 sq m), the provision, and design of, appropriate mitigation (including routeing measures for HGV and construction traffic impacts) and suitability of the sustainable transport strategy, have been agreed with LCC (Completed SoCG submitted at Deadline 7 DCO 8.4B), with the exceptions only of an issue arising from the PRTM 2023 sensitivity test and the perceived need to safeguard the entire EMG2 site frontage for future dualling of the A453.
- 12.7 The PRTM 2023 sensitivity test gave rise to two possible impacts which LCC suggested required mitigation – High Street, Castle Donington and Derby Road, Kegworth. Those possible impacts were considered and were subject to further modelling as set out in a report submitted at Deadline 6 [\[REP6-045D\]](#). That report concluded:
- (a) Improved signage at Castle Donington to direct drivers to the bypass would be proportionate and reasonable to address any possible impact; and

- (b) More detailed VISSIM modelling and journey time analysis demonstrated that no mitigation was justified in Kegworth.
- 12.8 LCC have not accepted that there should be no mitigation required at Kegworth but have produced no technical basis to dispute the findings of the report. There is therefore no evidence base supporting mitigation at Kegworth and also therefore no justification for a monitor and manage requirement as suggested by LCC.
- 12.9 LCC has requested that an area along the entire frontage of the EMG2 Main Site be safeguarded for dualling but, again, have produced no evidence base for such safeguarding which is entirely aspirational. The requirement for providing this has been removed following receipt of the ExP's Schedule of Changes to draft DCO [\[PD-027\]](#).

Other Parties and Issues

12.10 EMA - Active Travel Link

- (a) EMA has consistently contested the need for an active travel link. The need for such a link is set out in the Applicants' response to EMA's Written Representation (Item 5 of Appendix 13 of the Applicants' response to Deadline 1 submissions [\[REP2-032\]](#)).
- (b) EMA raised concerns regarding the alignment of the active travel link including its relationship with the end of the runway and associated infrastructure. The Applicants have responded to EMA's concerns and sought to minimise the land take for the active travel link as set out in the change request [\[REP5-034D\]](#), these changes have been agreed by EMA [\[REP6A-006D\]](#).

12.11 EMA – EMG2 Site Access Junction

- (a) EMA have questioned the capacity of the A453/Beverley Road roundabout that forms the access to EMG2. Queue length results were included in Annex E of the Applicants' response to Deadline 5 submissions [\[REP6-042\]](#) and shows that the junction will operate well within capacity.

12.12 EMA/Prologis - Scale of J24 works

- (a) EMA/Prologis have suggested that the works proposed for M1 J24 amount to overprovision and should not therefore be considered mitigation for the proposed development. That is not the case. Whilst there is a strategic role played by the M1 J24 works (as evidenced by the Joint Position Statement appended to the NH SoCG (Appendix 2 to Completed SoCG submitted at Deadline 7, **DCO 8.5**), and the note on the need for a strategic approach to mitigation at M1 J23A and J24 set out in response to ISH1 Action Point 16 (Appendix 3 [\[REP1-053\]](#)), all of the highway mitigation works proposed in the DCO are necessary to mitigate the impact of the EMG2 development, both in terms of highway safety and capacity. Annex K of the response to Deadline 2 and 3 submissions [\[REP4-033\]](#) explains how M1 J24 proposals were arrived at.
- (b) Indeed, it is the absence of mitigation addressing issues around M1 J24 that the Applicants suspect is preventing the Joint Application from advancing. This is set out at Annexures A, B and C of the response to Deadline 5 submissions [\[REP6-042\]](#). These issues should be concerning to EMA, as airport operator, given the importance they place on the operation of M1 J24 (Annex G of [\[REP6-042\]](#)).

12.13 Protect Diseworth

- (a) Protect Diseworth has appointed a transport consultant to comment on the Transport Assessment work. They have raised concern with the transport modelling, suggesting that there are inconsistencies and possible errors and concern that there could be additional traffic running through Diseworth village.
- (b) The Applicants have undertaken detailed transport modelling, using both PRTM 2019 and PRTM 2023, as well as more VISSIM, Junctions 11 and LinSig [\[REP6-023\]](#) and [\[REP6-045D\]](#). More recently, additional sensitivity tests have been undertaken that model an additional 100,000sqm of development to consider all mezzanine floor space based on ground floor trip rates [\[REP6-046D\]](#). All transport modelling work has the same conclusion in that the proposed mitigation is the correct solution that will ensure the EMG2 development has no unacceptable capacity or road safety impacts on the surrounding highway network, including the availability of suitable alternatives for drivers to avoid routing through Diseworth instead of accessing the site via The Green. This conclusion is based on a highly robust assessment that makes no allowance for the Sustainable Transport Strategy and travel plan measures, which aim to reduce single occupancy car journeys from 80% to 56%.

12.14 Ray Sutton and Kegworth Parish Council (KPC)

- (a) Both Ray Sutton and KPC have raised concerns about the EMG2 highway solution at M1 J24 and how it relates to the wider strategic growth aspirations. These include concerns that the M1 J24 works are not adequately mitigating the impact of EMG2. This appears to stem from confusion between the various traffic models and their intended purpose.
- (b) It has been demonstrated, and agreed with NH and LCC, that the M1 J24 works are appropriate and that they mitigate the impacts of EMG2 at this junction (Deadline 7 SOCG, **DCO 8.4B** and **DCO 8.5**). However, it is agreed with NH and LCC that other developments such as Ratcliffe Power station and Isley Woodhouse will need to undertake further works on the SRN at M1 J23A and J24. Indeed, this is why the Applicants have worked collaboratively with other developers and stakeholders to ensure that the M1 J24 works for EMG2 are compatible with a larger scheme required to facilitate further planned growth.

MCO

- 12.15 There are no issues of disagreement relating to the MCO. The final assessment of the impact of Plot 16 alone has been submitted [\[REP5-031M\]](#) and is agreed as acceptable by the highway authorities in their respective SoCG.

13 Heritage and the Historic Environment

- 13.1 Likely significant effects of the EMG2 Project on archaeology and built heritage assets are considered at Chapter 12: Cultural Heritage (**DCO 6.12 / MCO 6.12** and [\[REP4-024\]](#)) of the ES and its associated appendices. The most up-to-date technical appendices comprise the following documents:
 - (a) Appendix 12A: Built Heritage Assessment of the EMG2 Project (**DCO 6.12A / MCO 6.12A** and [\[REP4-026\]](#));

- (b) Appendix 12B: Archaeological Desk-Based Assessment of the EMG2 Project (**DCO 6.12B / MCO 6.12B and [REP3-051]**);
 - (c) Appendix 12C: Geophysical Survey Report of the EMG2 Works (**DCO 6.12C / MCO 6.12C and [APP-136]**);
 - (d) Appendix 12D: Geoarchaeological Report of the EMG2 Works (**DCO 6.12D / MCO 6.12D and [APP-137]**);
 - (e) Appendix 12E: Fieldwalking Report of the EMG2 Works (**DCO 6.12E / MCO 6.12E and [APP-138]**);
 - (f) Appendix 12F: Trial Trenching Report of the EMG2 Works (**DCO 6.12F / MCO 6.12F and [APP-139]**);
 - (g) Appendix 12G: Heritage Receptors for the EMG2 Project (**DCO 6.12G / MCO 6.12G and [AS-055]**); and
 - (h) Appendix 12H: Archaeological Mitigation Strategy (**DCO 6.12H / MCO 6.12H and [REP4-028]**).
- 13.2 The assessment does not identify any designated heritage assets within the DCO Application or MCO Application sites, but there are a number of designated built and archaeological heritage assets in close proximity which could potentially be affected including the Grade II* listed Church of St Michael and All Angels in the centre of Diseworth, the Diseworth Conservation Area and the Bulwarks Scheduled Monument and Grade I listed Church of St Mary and St Hardulph. A number of archaeological features have been identified within the EMG2 Main Site which could potentially be affected by the DCO Scheme.
- 13.3 With regard to archaeological resources, the assessment shows that the development will result in the complete, or near complete, removal of archaeological features within the EMG2 Main Site. A targeted programme of archaeological works will be undertaken and this will offset the physical loss of archaeological remains. This is secured by Requirement 13 of the DCO (**DCO 3.1 and [REP6-007D]**). The assessment concludes that the proposed development will not result in any significant effects on archaeological resources.
- 13.4 Embedded mitigation measures comprising the extensive bunding and structural landscaping along the western edge of the EMG2 Main Site and the Community Park to the west of that, together with the retention of Hyams Lane in its existing form (with its hedgerows) will mitigate potential impacts on the identified built heritage assets within Diseworth. The assessment concludes that the development will not result in any significant effects on built heritage assets.
- 13.5 In respect of the MCO Scheme, it is likely to generate limited short term visual impacts to the significance of the Church of St Andrew during construction. This will give rise to less than substantial harm to the asset's significance, which is likely to represent a negligible level of less than substantial harm. No harm is anticipated to arise once the development is operational.
- 13.6 The Applicants have engaged with a number of consultees on heritage matters including LCC on archaeology, NWLDC on built heritage and Historic England with regard to both archaeology and built heritage matters. The agreed position on heritage matters with these consultees are set out within the SoCG.

- 13.7 As set out in the SoCG with LCC covering archaeology (Document REP6-059), agreement has been reached on all relevant matters and there are no matters of disagreement between the parties.
- 13.8 With regard to built heritage matters, the Applicants and NWLDC have reached agreement on most matters including on the scope and methodology of the built heritage assessment, the potential impacts and mitigation measures, and residual impacts on the Church of St Michael and All Angels, the Bulwarks Scheduled Monument and on the Church of St Mary and St Hardulph. Whilst both parties agree that the DCO Scheme will not result in any significant effects on built heritage assets, agreement could not be reached on the level of harm of the DCO Scheme to the Diseworth Conservation Area. The Applicants have assessed the harm to be at the low level of less than substantial harm. NWLDC considers the harm to be at the moderate level of less than substantial harm. These areas of disagreement are recorded in the SoCG ([REP6-056](#)).
- 13.9 Similarly, the SoCG with Historic England [[REP5-046](#)] shows that both parties agree on many matters relating to the assessment of built heritage and archaeology matters. However, Historic England does not agree with the assessment conclusions regarding the impacts of the DCO Scheme on the Church of St Michael and All Angels, the Diseworth Conservation Area and the Church of St Mary and St Hardulph. Regarding the impact on the Church of St Michael and All Angels, Historic England consider that the DCO Scheme will result in a significant impact in EIA terms in contrast to the medium level of less than substantial harm identified by the Applicant. With regard to the Diseworth Conservation Area, both parties agree that the DCO Scheme will not result in significant impacts in EIA terms. However, whilst Historic England consider that the DCO Scheme will result in a moderate level of less than substantial harm, the Applicant's assessment concludes that the impact would be a low level of less than substantial harm. In respect of the DCO Scheme's impact on the Grade I listed Church of St Mary and St Hardulph, Historic England consider the impact to be at a low level of less than substantial harm and therefore not significant in EIA terms. This heritage asset had been scoped out of the Applicant's assessment as it was considered that the proposed development would not impact the significance of this asset.

14 Biodiversity, Ecology and the Natural Environment (including Habitats Regulations Assessment)

- 14.1 Likely significant effects of the EMG2 Project in respect of ecological and biodiversity matters are considered at Chapter 9: Ecology and Biodiversity (REP3-014) of the ES and its associated appendices. The most up-to-date technical appendices comprise the following documents:
- (a) Appendix 9A: Preliminary Ecological Appraisal (**DCO 6.9A / MCO 6.9A** and [[APP-108](#)]);
 - (b) Appendix 9B: Badger Report (Confidential) (**DCO 6.9B / MCO 6.9B** and [[APP-109](#)]);
 - (c) Appendix 9C: Bat Report (**DCO 6.9C / MCO 6.9C** and [[APP-110](#)]);
 - (d) Appendix 9D: Bird Report (**DCO 6.9D / MCO 6.9D** and [[APP-111](#)]);
 - (e) Appendix 9E: Invertebrate Report (**DCO 6.9E / MCO 6.9E** and [[APP-112](#)]);
 - (f) Appendix 9F: Otter and Water Vole Report (**DCO 6.9F / MCO 6.9F** and [[APP-113](#)]);

- (g) Appendix 9G: Reptile Report (**DCO 6.9G / MCO 6.9G** and [\[APP-114\]](#));
 - (h) Appendix 9H: Shadow Habitats Regulation Assessment (sHRA) (**DCO 6.9H / MCO 6.9H** and [\[APP-115\]](#));
 - (i) Appendix 9I: Biodiversity Net Gain Report (**DCO 6.9I / MCO 6.9I** and [\[REP3-041\]](#));
 - (j) Appendix 9J: Landscape and Ecological Management Plan (LEMP) (**DCO 6.9J / MCO 6.9J** and [\[REP6-031\]](#) with updated version submitted at Deadline 7);
 - (k) Appendix 9K: Bird Strike Hazard Management Plan (**DCO 6.9K / MCO 6.9K** and [\[APP-118\]](#)); and
 - (l) Appendix 9L: Protected Species Licences and Letters of No Impediment (LONIs) (**DCO 6.9L / MCO 6.9L** and [\[APP-119\]](#)).
- 14.2 The assessment shows that, without mitigation, the DCO Scheme could adversely affect habitats and wildlife. The provision of green infrastructure is the primary mitigation measure that has been embedded within the proposals through the Parameters Plan ([\[REP6-006D\]](#)) and DAD (updated document submitted at Deadline 7). In accordance with requirement 9 of the DCO, a landscaping scheme including ecological mitigation will have to be agreed prior to commencement of development, and any such landscaping scheme will have to be carried out in accordance with the Parameters Plan ([\[REP6-006D\]](#)), the LEMP ([\[REP6-031\]](#) with updated version submitted at Deadline 7) and the Biodiversity Net Gain Report ([\[REP3-041\]](#)) and the principles established in the Illustrative Landscape Masterplan ([\[APP-040D\]](#)).
- 14.3 To mitigate the construction impacts of the development on retained habitat, protected species and/or connected features of ecological off-site interest, a phase-specific Construction Environment Management Plan (P-CEMP) will have to be submitted and approved by the local planning authority or relevant highway authority to satisfy requirement 11 of the DCO. Each P-CEMP will have to be prepared in accordance with the submitted Construction Environmental Management Plan ([\[REP6-020D\]](#) with updated version submitted at Deadline 7). The Applicants will enter into District-level Licensing Agreements with Natural England to ensure appropriate compensation is provided for impacts on GCNs, bats and badgers, and as further outlined below draft licensing applications have been provided to Natural England and Letters of No Impediment (LONIs) have been issued.
- 14.4 Regarding the mitigation of operational impacts of the DCO Scheme, the main mitigation measures are the provision of a final LEMP and the approach of external lighting details in accordance with requirement 10 and requirement 14 of the draft DCO respectively.
- 14.5 The assessment at Chapter 9 of the ES concludes that, with mitigation in place, the DCO Scheme will not result in any impacts on ecology and biodiversity that would be significant in EIA terms.
- 14.6 In respect of the MCO, the assessment at Chapter 9 concludes that with mitigation in place, there are no expected adverse residual impacts.
- 14.7 The Applicants have engaged with a number of consultees on ecology and heritage matters including LCC, Natural England (NE) and the Forestry Commission. The agreed positions on ecology and biodiversity matters with these consultees are set out within the SoCG.

- 14.8 As set out in the SoCG with LCC ([[REP6-060](#)]), agreement has been reached on all relevant matters and there are no matters of disagreement between the parties.
- 14.9 As set out in the final SoCG between the Applicants and NE submitted at Deadline 7, all matters are now agreed and there are no matters of disagreement between the parties to the SoCG.
- 14.10 In relation to the assessment of Biodiversity Net Gain for the Highway Works on the SRN, the Applicants are in agreement with NH as set out in the final SoCG with NH (**DCO 8.5** and [[REP6-067](#)]).
- 14.11 The Applicants have engaged with the Forestry Commission on matters relating to trees (including veteran trees) and woodlands and, as set out in the final SoCG ([[REP5-047](#)]), the Forestry Commission agrees that the Applicants' approach to the assessment, retention, mitigation, and management of trees and woodland is realistic, proportionate, and ecologically appropriate given the site constraints and species condition. There are no matters of disagreement.

15 Flood Risk, Drainage and the Water Environment

- 15.1 Likely significant effects of the EMG2 Project in respect of flood risk and drainage have been considered at Chapter 13: Flood Risk and Drainage of the ES ([[REP6-033](#)]) and its associated appendices. The most up-to-date technical appendices comprise the following documents:
 - (a) Appendix 13A: Flood Risk and Drainage Study Area Figure (**DCO 6.13A / MCO 6.13A** and [[APP-142](#)]);
 - (b) Appendix 13B: Surface Water Bodies Figure (**DCO 6.13B / MCO 6.13B** and [[APP-143](#)]);
 - (c) Appendix 13C: Environment Agency (EA) Flood Zones Figure (**DCO 6.13C / MCO 6.13C** and [[APP-144](#)]);
 - (d) Appendix 13D: EA Risk of Flooding from Surface Water Mapping Figure (**DCO 6.13D / MCO 6.13D** and [[APP-145](#)]);
 - (e) Appendix 13E: Lockington Brook Flood Assets (**DCO 6.13E / MCO 6.13E** and [[APP-146](#)]);
 - (f) Appendix 13F: Water Framework Directive (WFD) Screening for the EMG2 Project (**DCO 6.13F / MCO 6.13F** and [[REP5-027](#)] with updated document submitted at Deadline 7);
 - (g) Appendix 13G: Flood Risk Assessment (**DCO 6.13G / MCO 6.13G** and [[AS-058](#)]);
 - (h) Appendix 13H: Sustainable Drainage Statement – EMG2 Works (**DCO 6.13H / MCO 6.13H** and [[APP-149](#)]);
 - (i) Appendix 13I: Sustainable Drainage Statement – Highways Works (**DCO 6.13I / MCO 6.13I** and [[APP-150](#)]);
 - (j) Appendix 13J: Sustainable Drainage Statement – EMG1 Works (**DCO 6.13J / MCO 6.13J** and [[APP-151](#)]).

- 15.2 The assessment shows that without mitigation, the DCO Scheme could result in increased flood risk and adversely affect water quality. Measures to mitigate potential construction impacts are set out in the Construction Environmental Management Plan (CEMP) ([\[REP6-020D\]](#) with updated version submitted at Deadline 7). In accordance with requirement 11 of the DCO, phase-specific CEMPs will be prepared based on the principles and management plans set out in the CEMP. Each P-CEMP will include a surface water management plan to provide treatment to surface water runoff from the construction site prior to it being discharged to the downstream watercourses and drainage systems and include details on the disposal of foul water from welfare facilities.
- 15.3 The design of the DCO Scheme includes embedded mitigation in the form of flood risk avoidance so that the built development is located outside of the floodplain and away from watercourses, wherever possible. It also includes surface water drainage infrastructure as embedded mitigation in order to manage the quantity of runoff from the built development of the DCO Scheme. In accordance with requirement 17 of the DCO, a surface water drainage scheme will have to be agreed prior to the commence of development, and details of the long-term maintenance will have to be approved prior to occupation. Requirement 18 of the DCO secures the approval of a foul water drainage strategy.
- 15.4 The assessment at Chapter 13 of the ES concludes that with mitigation in place, the EMG2 Project will not result in any significant impacts in EIA terms on of flood risk and drainage.
- 15.5 The Applicants have engaged with a number of consultees on flood risk and drainage matters including LCC and the Environment Agency (EA). The agreed positions with these consultees are set out within the SoCG.
- 15.6 As set out in the SoCG with LCC submitted at Deadline 6 ([\[REP6-065\]](#)), agreement has been reached on all relevant matters including the scope and methodology of the flood risk assessment and drainage strategies, the potential impacts, identified mitigation measures and residual effects. To address an outstanding concern that the surface water drainage scheme could result in unexpected flooding events, requirement 17(3) has been enhanced to specifically require agreement of the assessment procedures that should be undertaken in the event of the drainage infrastructure being exceeded. LCC has now confirmed that it is satisfied with the amended wording of requirement 17 and a final signed SoCG has been submitted at Deadline 7. There are no matters of disagreement between the parties.
- 15.7 Similarly, there are no outstanding issues on flood risk and water quality matters between the Applicant and the EA, as set out in the final and signed SoCG submitted at Deadline 7.
- 15.8 Various parties have raised concerns about the Kegworth Bypass (part of the EMG1 DCO) and a perception that it has increased flooding within Kegworth. The Applicants:
- (a) Note that none of the EMG2 works, the Highway Works or the EMG1 MCO works will drain into the drainage network east of the M1 into which the Kegworth Bypass drains; and
 - (b) Notwithstanding the above it is not agreed that the Kegworth Bypass exacerbated flooding in Kegworth (as set out in the response to Nathan Alton, Appendix 15 of the Applicant's responses to Deadline 4 submissions [\[REP5-033\]](#)).

16 Landscape and Visual Impact

- 16.1 Likely significant effects of the EMG2 Project in respect of landscape and visual impact have been considered at Chapter 10: Landscape and Visual (**DCO 6.10 / MCO 6.10 and [AS-041]**) of the ES and its associated appendices. The most up-to-date technical appendices comprise the following documents:
- (a) Appendix 10A: Landscape and Visual Impact Assessment (LVIA) Criteria; including Visualisations and ZTV Methodologies (**DCO 6.10A / MCO 6.10A and [AS-043]**);
 - (b) Appendix 10B: Landscape and Visual Impact Assessment (LVIA) Figures (**DCO 6.10B / MCO 6.10B and [AS-044], [AS-045], [REP3-045], [REP3-046]**);
 - (c) Appendix 10C: Arboricultural Assessment (**DCO 6.10C / MCO 6.10C and [REP3-047]**);
 - (d) Appendix 10D: Illustrative Landscape Masterplans and Landscape Cross Sections (**DCO 6.10D / MCO 6.10D and [AS-048]**);
 - (e) Appendix 10E: Landscape Effects Table (LET) (**DCO 6.10E / MCO 6.10E and [APP-125]**);
 - (f) Appendix 10F: Visual Effects Table (VET) (**DCO 6.10F / MCO 6.10F and [REP3-049]**).
- 16.2 Embedded mitigation measures comprising the extensive bunding and structural landscaping along the western and southern edges of the EMG2 Main Site and the Community Park to the west of that. This will include new woodland, scrub and other planting. This proposed mounding and planting will provide mitigation and visual filtering and screening to views predominantly from Diseworth and other visual receptors to the west and south of the site. In combination, the Community Park and the mitigation mounding and structural planting proposals will provide an appropriate and effective landscape setting to the built development proposals. These landscape areas and proposals will mitigate and reduce the landscape effects of the Scheme, as it matures and is managed. The Community Park will provide a locally beneficial landscape and amenity area for use by the local community. In accordance with Requirement 9 of the DCO, a landscaping scheme will have to be agreed prior to commencement of development, and any such landscaping scheme will have to be carried out in accordance with the Parameters Plan (**[REP6-006D]**), the LEMP (**[REP6-031]** with updated version submitted at Deadline 7) and the Biodiversity Net Gain Report (**[REP3-041]**) and the principles established in the Illustrative Landscape Masterplan (**[APP-040D]**).
- 16.3 The assessment at Chapter 10 concludes that with mitigation in place, the EMG2 Project will result in some likely significant landscape and visual effects. These will principally arise from the DCO Scheme. The likely significant landscape and visual effects of the EMG2 Works at the operation (residual (Year 15)) stage will comprise the impact upon the landscape of the EMG2 Works and its immediate context; and the visual impact upon residents of Bleak House, to the north of Diseworth and users of a number of PROW, including Hyams Lane (Ref L45/ L46) and stretches of The Cross Britain Way (L48) and some PROW (L47/ L49/ L50) close to the site and south of Diseworth. At this time, other views towards the built development proposals from properties and receptors on the north eastern edge of Diseworth will be more effectively limited by the maturing of the proposed outer woodland and scrub planting. In respect of the MCO Scheme, only one significant landscape and visual effect identified during

construction on a single PROW receptor for the MCO Scheme, there will be no likely significant landscape and visual effects arising from these proposals at the Operation (Residual (Year 15)) stage.

- 16.4 The Applicants have engaged with Gillespies, who were appointed by NWLDC as their landscape advisors. As set out in the final SoCG with NWLDC ([\[REP6-055\]](#)), agreement has been reached on all relevant matters including the scope and methodology of the landscape and visual impact assessment, the potential impacts, identified mitigation measures, including the adequacy of such, and the residual effects. There are no matters of disagreement between the parties.

17 Agriculture and Soils

- 17.1 Likely significant effects of the EMG2 Project in respect of agriculture and soils are considered at Chapter 15: Agriculture and Soils (**DCO 6.15 / MCO 6.15** and [\[AS-061\]](#)) of the ES and its associated appendices. The most up-to-date technical appendices comprise the following documents:
- (a) Appendix 15A: Soils and Agricultural land Quality Report (**DCO 6.15A / MCO 6.15A** and [\[APP-175\]](#));
 - (b) Appendix 15B: EMG2 Works Ownership Plan (Confidential) (**DCO 6.15B / MCO 6.15B** and [\[APP-176\]](#));
 - (c) Appendix 15C: Soil Resource Management Plan (**DCO 6.15 / MCO 6.15C** and [\[REP6-037\]](#)).
- 17.2 The assessment solely relates to the EMG2 Works component of the EMG2 Project. The Highways Works and the MCO Scheme were scoped out as they contain no agricultural land resource.
- 17.3 The assessment shows the EMG2 Works would have a negligible effect on soil resources subject to mitigation in the form of compliance with a Soil Management Plan prepared in general accordance with the Soils Resource Management Plan (SRMP) ([\[REP6-037\]](#)). The Soil Management Plan is required as a component of the Phase-specific Construction Environment Management Plan (P-CEMP) which will have to be submitted and approved by the local planning authority or relevant highway authority to satisfy requirement 11 of the DCO.
- 17.4 The assessment also concludes that the EMG2 Works have a negligible effect on the landowners/users of the land on which the EMG2 Works are situated as they will be reimbursed financially through the acquisition of the land. No mitigation is required.
- 17.5 The assessment also concludes that there will be a loss of 35.2ha of best and most versatile (BMV) agricultural land. The loss of BMV has been assessed as a permanent significant major adverse effect of the DCO Application arising from the EMG2 Works. There is no onsite mitigation available to offset this loss without fundamentally altering the EMG2 Works. This would be significant in EIA terms.
- 17.6 The Applicants have engaged with Natural England (NE) and, as set out in the final SoCG between the Applicants and NE submitted at Deadline 7, all matters are now agreed. There are no matters of disagreement between the parties to the SoCG.

18 Air Quality and Emissions

- 18.1 Likely significant effects of the EMG2 Project on air quality are considered at Chapter 8: Air Quality of the ES (**DCO 6.8 / MCO 6.8** and [\[REP3-012\]](#)) and its associated appendices. The most up-to-date technical appendices comprise the following documents:
- (a) Appendix 8A: Model Verification (**DCO 6.8A / MCO 6.8A** and [\[REP3-033\]](#));
 - (b) Appendix 8B: Dust Risk Assessment Methodology (**DCO 6.8B / MCO 6.8B** and [\[APP-099\]](#));
 - (c) Appendix 8C: Modelled Human Receptor Locations (**DCO 6.8C / MCO 6.8C** and [\[REP3-035\]](#));
 - (d) Appendix 8D: Modelled Ecological Receptor Locations (**DCO 6.8D / MCO 6.8D** and [\[APP-101\]](#));
 - (e) Appendix 8E: Diffusion Tube Monitoring Programme (**DCO 6.8E / MCO 6.8E** and [\[APP-102\]](#));
 - (f) Appendix 8F: Traffic Data (**DCO 6.8F / MCO 6.8F** and [\[APP-103\]](#));
 - (g) Appendix 8G: Human Receptor Concentrations and Impacts (**DCO 6.8G / MCO 6.8G** and [\[REP3-037\]](#));
 - (h) Appendix 8H: Ecological Receptor Impacts (**DCO 6.8H / MCO 6.8H** and [\[REP3-039\]](#));
 - (i) Appendix 8I: Mitigation (**DCO 6.8I / MCO 6.8I** and [\[APP-106\]](#)).
- 18.2 The EMG2 Project is not within any AQMA, but there are three AQMAs within the Study Area.
- 18.3 With regard to the construction stage, the assessment shows that subject to mitigation in the form of compliance with the Construction Management Plan ([\[REP6-037\]](#)), dust and emissions from construction activities and traffic upon the local area and sensitive receptors although adverse, will be temporary, and 'Not Significant'.
- 18.4 To mitigate the construction impacts of the development on air quality, a Phase-specific Construction Environment Management Plan (P-CEMP) will have to be submitted and approved by the local planning authority or relevant highway authority to satisfy requirement 11 of the DCO. Each P-CEMP will have to be prepared in accordance with the submitted Construction Environmental Management Plan ([\[REP6-020D\]](#)) with an updated version submitted at Deadline 7). This includes specific items relating to dust management and construction traffic management.
- 18.5 With regard to the operational stage, the transport modelling data for the EMG2 Project as a whole has not identified any exceedances of the relevant annual mean air quality standards for the assessed pollutants. Whilst some isolated moderate adverse impacts were identified, generally, the broad impacts were negligible and deemed as 'Not Significant'. Whilst mitigation was deemed unnecessary, it is nevertheless the case that the measures set out within the Sustainable Transport Strategy as updated ([\[REP6-027\]](#)) and Framework Travel Plan as updated ([\[REP6-029\]](#)) include a number of

measures to encourage travel by a range of modes other than the private car, which aligns with the NWLDC and EPUK & IAQM guidance.

- 18.6 The Applicants have engaged with NWLDC on air quality matters and as recorded in the SoCG with NWLDC submitted at Deadline 4 ([\[REP4-041\]](#)) most matters had already been agreed including the scope and methodology of the assessment, the potential impacts, identified mitigation measures and residual effects. The only outstanding matter that was still under discussion at the time related to the outcome of the PRTM 2023 sensitivity modelling. That has now been resolved following the submission of an additional Project Note addressing the issue ([\[REP6-045D\]](#)) at Deadline 6. As set out in the final SoCG between the Applicants and NWLDC submitted at Deadline 7, all matters are now agreed. There are no matters of disagreement between the parties to the SoCG in regard to air quality.

19 Noise and Vibration

- 19.1 Likely significant effects of the EMG2 Project on noise and vibration are considered at Chapter 7 of the ES (**DCO 6.8 / MCO 6.7 and [\[REP3-010\]](#)**) and its associated appendices. The most up-to-date technical appendices comprise the following documents:
- (a) Appendix 7A: Glossary of Noise and Vibration Terms (**DCO 6.7A / MCO 6.7A and [\[APP-090\]](#)**);
 - (b) Appendix 7B: Construction Data (**DCO 6.7B / MCO 6.7B and [\[APP-091\]](#)**);
 - (c) Appendix 7C: Operational Data (**DCO 6.7C / MCO 6.7C and [\[REP3-030\]](#)**);
 - (d) Appendix 7D: Receptor Plans (**DCO 6.7D / MCO 6.7D and [\[REP3-032\]](#)**);
 - (e) Appendix 7E: Monitoring Plans (**DCO 6.7E / MCO 6.7E and [\[APP-094\]](#)**);
 - (f) Appendix 7F: Monitoring Equipment (**DCO 6.7F / 6.7F and [\[APP-095\]](#)**);
 - (g) Appendix 7G: Monitoring Results and Weather Data (**DCO 6.7G / MCO 6.7G and [\[APP-096\]](#)**).
- 19.2 The existing noise climate around the EMG2 Project has been quantified through noise surveys, with the dominant noise sources being from road traffic, primarily from the M1, A453, A42 and A50, with aircraft serving East Midlands Airport also contributing.
- 19.3 With regard to the construction stage, the assessment shows that subject to mitigation in the form of compliance with the Construction Management Plan (see below), noise impacts on the local area and sensitive receptors are temporary, and 'Not Significant'.
- 19.4 To mitigate the construction stage noise and vibration impacts of the development, a Phase-specific Construction Environment Management Plan (P-CEMP) will have to be submitted and approved by the local planning authority or relevant highway authority to satisfy requirement 11 of the DCO. Each P-CEMP will have to be prepared in accordance with the submitted Construction Environmental Management Plan ([\[REP6-020D\]](#)) with an updated version submitted at Deadline 7. This includes specific items relating construction traffic management.

- 19.5 With regard to the operational stage, and in regard to road traffic noise, significant effects have been predicted initially at six receptors, but when considered in context, these are considered very much a worst-case and no mitigation is required.
- 19.6 Regarding operational activity noise, the assessment shows that the only potential area of significant impact is in Zone 5 within the EMG2 Works. In this zone if the buildings are orientated as per the illustrative masterplan there are no significant effects. However, based on a worst-case layout with north facing yards, some long-term permanent adverse effects were indicated at the Premier Inn to the north of the EMG2 Works. The assessment has demonstrated how these could be mitigated using a 3 m high barrier along the northern boundary of Zone 5, at the north of the EMG2 Works which will need to be allowed for when considering final detailed design. With this in place, no significant adverse effects were expected.
- 19.7 The Applicants have engaged with NWLDC on noise and vibration matters and as recorded in the SoCG with NWLDC submitted at Deadline 4 ([\[REP4-043\]](#)) most matters had already been agreed including the scope and methodology of the assessment, the potential impacts, identified mitigation measures and residual effects. The only outstanding matter that was still under discussion at the time related to the outcome of the PRTM 2023 sensitivity modelling. That has now been resolved following the submission of an additional Project Note addressing the issue ([\[REP6-045D\]](#)) at Deadline 6. As set out in the final SoCG between the Applicants and NWLDC submitted at Deadline 7, all matters are now agreed.

20 Population and Human Health

- 20.1 Likely significant effects of the EMG2 Project in respect of Population and Human Health are considered at Chapter 17: Population and Human Health (**DCO 6.17 / MCO 6.17 and [\[REP4-029\]](#)**) of the ES and its associated appendices. The most up-to-date technical appendices comprise the following documents:
- (a) Appendix 17A: Informal scoping exercise with LCC (**DCO 6.17A / MCO 6.17A and [\[APP-181\]](#)**);
 - (b) Appendix 17B: Population and health Baseline (**DCO 6.17B / MCO 6.17B and [\[APP-182\]](#)**);
 - (c) Appendix 17C: Equality Statement (**DCO 6.17C / MCO 6.17C and [\[REP4-031\]](#)**);
 - (d) Appendix 17D: Baseline Study Area (**DCO 6.17D / MCO 6.17D and [\[APP-184\]](#)**).
- 20.2 With regard to the construction stage of the EMG2 Project, the assessment concludes the impacts will be negligible with the exception of health effects from changes in socio-economic factors which is considered to be minor beneficial to moderate beneficial.
- 20.3 In regard to the operational phase, the assessment concludes that the EMG2 Project as a whole will have no significant adverse effects and is considered to result in a minor beneficial effects due to increased access to open space and PROWs for physical activity, leisure/play and recreation and minor beneficial to moderate beneficial (significant) for changes in socio-economic factors.
- 20.4 Overall, the contribution to socio-economic determinants of health would have a beneficial cumulative effect on health and wellbeing when considered in-combination with the EMG2 Project. As the direction of effect is beneficial, no mitigation is proposed;

the resultant residual significance of effect for all cumulative developments is moderate beneficial (significant).

- 20.5 In view of the conclusions of the assessments, no specific mitigation is required arising from the assessment.
- 20.6 The Applicants have engaged with LCC and as recorded in the SoCG with LCC submitted at Deadline 6 ([\[REP6-061\]](#)) agreement all matters were still under discussion because of the discussions relating to highways mitigation in Kegworth. Given these matters have not been agreed, LCC have advised they are unable to record agreement on most matters relating to population and health. This is despite NWLDC confirming their agreement that there are no outstanding noise and air quality impacts, which could give rise to the same. The positions of both parties are set out in the final SoCG between the Applicants and LCC at Deadline 7.

21 Socio-Economic Effects

- 21.1 Likely significant effects of the EMG2 Project in respect of socio-economic effects are considered at Chapter 5: Socio-Economic (**DCO 6.5 / MCO 6.5 and [\[REP4-020\]](#)**) of the ES and its associated appendices. The most up-to-date technical appendix comprises Appendix 5A: East Midlands Gateway Phase 2 (EMG2) Industrial & Logistics Needs Assessment (**DCO 6.5A / MCO 6.5A and [\[APP-078\]](#)**).
- 21.2 With regard to the construction stage of the DCO Scheme, the assessment shows it will generate 390 Full-Time Equivalent (FTE) on-site jobs per annum on average during the construction period of 4.25 years with a peak of 430 FTE on-site jobs in 2028 resulting in a temporary minor beneficial effect over the short and medium term and circa £90 million total gross value added (GVA) to the economy over the construction period resulting in a major beneficial effect over the short and medium term, which is significant in EIA terms.
- 21.3 In respect of MCO Scheme during the construction period, the assessment shows it will generate 130 Full-Time Equivalent (FTE) on-site jobs over the one year construction period from Q1 2027 to Q1 2028 resulting in a temporary minor negligible effect over the short and medium term and circa £6.9 million total gross value added (GVA) to the economy over the construction period resulting in a moderate beneficial effect over the short and medium term, which is significant in EIA terms.
- 21.4 The assessment shows that the operational phase of the DCO Scheme will result in significant beneficial impacts including operational on-site employment resulting in circa 3,700 FTE jobs. There would be support for employment opportunities in the wider labour market and industrial and logistics businesses resulting from an increase in available land supply given the DCO Scheme will deliver around 300,000 sq.m. (GIA) of employment floorspace over 105 ha (gross site area), which represents between 7% and 14% of the FEMA need shortfall. The DCO Scheme will also contribute £137m per annum in GVA, £8.5 million in business rates alongside the benefits resulting from the EMG2 Main Site's Freeport status.
- 21.5 In order to secure local employment opportunities, the Applicants will commit to the preparation and implementation of an 'Employment Scheme'. The Employment Scheme will apply across both construction and operational phases and is secured by requirement 25 of the draft DCO. This will require the submission of an Employment Scheme prior to commencement detailing the provision of employment/training and education opportunities during construction and local procurement of products and services and an Employment Scheme to be submitted prior to occupation detailing

operational employment opportunities. The scheme will build on the success of the scheme at EMG1 as secured by the EMG1 DCO (see paragraphs 3.59 – 3.60 and Appendix 1 (socio-economic impacts) of the Planning Statement (**DCO / MCO 5.4 and [APP-222]**)).

- 21.6 With regard to the operation of the MCO Scheme, moderate beneficial residual impacts will arise on regional and economic activity (significant in EIA terms) which is in addition to the significant socio-economic benefits already delivered as part of EMG1. The MCO Scheme would generate circa 300 new FTE on-site jobs. The MCO Scheme will deliver around 26,500 sq.m. (GIA) of employment floorspace, over 6 ha gross, which represents less than 1% of the FEMA need shortfall and resulting in a minor beneficial impact and supporting the wider labour market and industrial and logistics businesses. It is also estimated that an additional £11m per annum in GVA and £300,000 per annum in business rates will be generated, alongside the additional benefits to businesses located in proximity to the East Midlands Freeport once the MCO Scheme is operational.
- 21.7 As set out in the SoCG with NWLDC (**[REP6-052]** with updated version submitted at Deadline 7), agreement has been reached on the socio-economic impact of the EMG2 Project. In respect of the DCO Scheme, it would provide a significant number of jobs and substantial investment in the area, and the MCO Scheme would provide some 280 - 380 Jobs and substantial investment in the area. There are no matters of disagreement between the parties to the SoCG in respect of socio-economic effects.

22 Materials and Waste

- 22.1 Likely significant effects of the EMG2 Project Scheme in respect of flood risk and drainage have been considered at Chapter 18: Materials and Waste (**DCO 6.18 / MCO 6.18 and [REP1-029]**) of the ES and its associated appendices. The most up-to-date technical appendices comprise the following documents:
- (a) Appendix 18A: Leicestershire County Council Contact Log (**DCO 6.18A / MCO 6.18A and [APP-186]**);
 - (b) Appendix 18B: Technical Note Justifying the Expansive Study Area in Consultation with LCC (**DCO 6.18B / MCO 6.18B and [APP-187]**);
 - (c) Appendix 18C: Updated Technical Note in Consultation with LCC (**DCO 6.18C / MCO 6.18C and [APP-188]**);
 - (d) Appendix 18D: Expansive Study Area Plan (**DCO 6.18D / MCO 6.148D and [APP-189]**);
 - (e) Appendix 18E: Site Waste and Materials Management Plan (SWMMP) (**DCO 6.18E / MCO 6.18E and [REP6-040]**).
- 22.2 The assessment at Chapter 18 shows that at construction stage, the DCO Scheme would result in minor adverse effects in respect of consumption of material resources and recycling/recovery of waste, both of which are not significant in EIA terms. The DCO Scheme would also result in negligible effects in respect of the disposal of waste at construction stage. Measures to mitigate potential construction impacts are set out in the Construction Environmental Management Plan (CEMP) (**[REP6-020D]** with updated version submitted at Deadline 7). In accordance with requirement 11 of the draft DCO, Phase-specific CEMPS will be prepared based on the principles and management plans set out in the CEMP. Each P-CEMP will include a material and

waste management plan which shall be substantially in accordance with the SWMMP. At the operational stage, the DCO Scheme will result in residual minor adverse effects for recycling/recovery and negligible residual effects for disposal of waste. Requirement 24 of the draft DCO requires the submission a scheme for waste management which will be implemented and maintained for the duration of the operation of that component of the scheme. To secure all wider operational environmental mitigation measures, including materials and waste, requirement 34 of the draft DCO secures the approval of an operational environmental management plan.

- 22.3 In respect of the MCO Scheme, this will also not result in any significant effects in the EIA terms at either construction or operational phases. In respect of Plot 16, a CEMP will be submitted pursuant to requirement 11 of the EMG1 DCO to minimise the use of materials and generation of waste.
- 22.4 As set out in the draft SoCG with LCC submitted at Deadline 6 ([\[REP6-063\]](#)), agreement has been reached on all relevant matters including the scope and methodology of the assessment, the potential impacts and the SWMMP. The only outstanding matter at Deadline 6 was in respect to the monitoring of waste and some further clarity within Appendix 18E: SWMMP was required. LCC confirmed at Deadline 6 that outstanding matters have been addressed subject to submission of the revised SWMMP to the examination in which the SWMMP was accordingly submitted at Deadline 6 ([\[REP6-040\]](#)). A final signed SoCG has been submitted at Deadline 7. There are no matters of disagreement between the parties.

23 Major Accidents and Disasters

- 23.1 Likely significant effects of the EMG2 Project in respect of agriculture and soils are considered at Chapter 20: Major Accidents and Disasters (**DCO 6.20 / MCO 6.20 and [\[REP3-024\]](#)**) of the ES and its associated appendices. The most up-to-date technical appendices comprise the following documents:
 - (a) Appendix 20A: Major Accidents and Disasters Long List (**DCO 6.20A / MCO 6.20A and [\[REP3-052\]](#)**);
 - (b) Appendix 20B: ES Risk Record (**DCO 6.20B / MCO 6.20 and [\[REP3-054\]](#)**);
 - (c) Appendix 20C: Aerodrome Safeguarding Report (**DCO 6.20C / MCO 6.20C and [\[APP-207D\]](#)**).
- 23.2 The assessment identifies that the EMG2 Project is located adjacent to East Midlands Airport, within the consultation zones for Major Hazard Site H4798 and immediately adjacent to the Donington Park motorway services including fuel retail.
- 23.3 The assessment shows that, at construction stage, only one 'MAD event' has been identified to which the DCO Scheme may be vulnerable during the construction phase as detailed in entry 6 at Appendix 20B: ES Risk Record of this ES ([\[REP3-054\]](#)). Likewise, only one 'MAD event' has been identified at the construction stage for the MCO Scheme. The risk identified is that there will be an increase in construction traffic that could potentially lead to an increase in road accidents. However, based on mitigation measures put forward in Chapter 20: Major Accidents and Disasters ([\[REP3-024\]](#)) and Chapter 6: Traffic and Transportation ([\[AS-032\]](#)) together with the measures identified in the CTMP appended to the CEMP ([\[REP6-020D\]](#)), it is considered that the identified potential MAD event would be managed to be as low as reasonably practicable and would therefore not be significant in EIA terms.

- 23.4 The assessment shows that, at the operational stage, six 'MAD events' have been identified to which the DCO Scheme may be vulnerable in respect of extreme temperatures; accidents occurring at EMA; EMG1; Major Hazard Site H4798; at other operational facilities; and HGV movements associated with the DCO Scheme. However, based on the assumptions and mitigation measures put forward in the relevant ES Chapters, which are summarised in the mitigation column of the Risk Record at Appendix 20B: ES Risk Record ([\[REP3-054\]](#)), it is considered that the identified potential major accident(s) and/or disaster(s) events above would all be managed to be as low as reasonably practicable and no significant effects in EIA terms have therefore been identified. The MCO Scheme would also be vulnerable to the same potential risks, other than the operational HGV movements and therefore can also be managed as low as reasonably possible and no significant effects in EIA terms. There is no greater impact of the combination of the DCO Scheme and the MCO Scheme.
- 23.5 Whilst there is no regulatory guidance on how to consider major accidents and disasters within the context of an EIA and no relevant statutory consultee to formally engage with, the Applicants have engaged with EMA. Protective provisions applicable to aerodrome safeguarding in favour of EMA are included in Part 6 of Schedule 13 of the draft DCO and draft MCO. A Management Strategy for the Safeguarding of East Midlands Airport has been produced (Appendix 20C: Aerodrome Safeguarding Report ([\[APP-207D\]](#)) to demonstrate that the EMG2 Project has been assessed with full regard to the principles and technical safeguarding requirements and to provide assurance that the safe operation of EMA will not be compromised by the proposed development.

24 Utilities

- 24.1 Likely significant effects of the EMG2 Project in respect of utilities are considered at Chapter 16: Utilities (**DCO 6.16 / MCO 6.16** and [\[AS-063\]](#)) of the ES and its associated Utility Assessment Report provided as Appendix A to the Chapter ([\[APP-179\]](#)).
- 24.2 Mitigation measures are an integral aspect of the initial assessment and all considered embedded as they inherently relate to the need to make arrangements to divert, protect and/or accommodate existing utility infrastructure and ensuring new utility supplies and capacity are available to meet the requirements for each phase as the development is built.
- 24.3 Specific requirements for diversionary and/or protections to existing utility apparatus will be progressed at detailed design with the incumbent utility providers following development consent and as the development phasing progresses. Consideration has been given in the development proposals to the provision of the required easements for future utility services. With regard to the DCO protective provisions in favour of utility undertakers are included in Schedule 13. With regard to the MCO protective provisions in favour of utility undertakers are already included in the EMG1 DCO.
- 24.4 Aside from the embedded mitigation, mitigation of effects will be further included during the detailed design phase of the DCO Scheme and the MCO Scheme. These include:
- (a) Use of applicable design standards (BS, EN, Lloyds);
 - (b) Use of approved plant and equipment;
 - (c) Utilisation of existing service ducts, pipes, cables, plant & equipment;
 - (d) Clash detection and design collaboration to mitigate requirement for diversions; and

(e) Utilisation of existing service strips.

24.5 There is no SoCG with any of the utilities providers but matters are covered in the protective provisions.

25 Energy and Climate Change

25.1 Likely significant effects of the EMG2 Project in respect of agriculture and soils are considered at Chapter 19: Climate Change (**DCO 6.19 / MCO 6.19** and [\[AS-069\]](#)) of the ES and its associated appendices. The most up-to-date technical appendices comprise the following documents:

(a) Appendix 19A: Climate Change Policy Review (**DCO 6.19A / MCO 6.19A** and [\[APP-192\]](#));

(b) Appendix 19B: Greenhouse Gas Assessment (**DCO 6.149B / MCO 6.19B** and [\[APP-193\]](#));

(c) Appendix 19C: Climate Change Risk Assessment (**DCO 6.19C / MCO 6.19C** and [\[APP-194\]](#));

(d) Appendix 19D: Energy Report (**DCO 6.19D / MCO 6.19D** and [\[APP-195\]](#));

(e) Appendix 19E: Carbon Management Plan (**DCO 6.19E / MCO 6.19E** and [\[APP-196\]](#)).

25.2 In respect of the DCO Scheme, the assessment in Chapter 19 shows that, at construction stage, the scheme will have a negligible effect on the climate resilience (CCRA) and in the absence of mitigation or reduction of emissions in respect of greenhouse gas emissions (GHG), the DCO Scheme would have a significant moderate adverse construction-stage effect, prior to consideration of further mitigation measures.

25.3 However, measures to mitigate potential climate change related construction impacts are set out in the Construction Environmental Management Plan (CEMP) ([\[REP6-020D\]](#) with updated version submitted at Deadline 7) and in Appendix 19E: Carbon Management Plan ([\[APP-196\]](#)). In accordance with requirement 11 of the draft DCO, Phase-specific CEMPS will be prepared based on the principles and management plans set out in the CEMP which seeks to ensure that construction activities generating GHG emissions are undertaken efficiently to minimise emissions.

25.4 With regard to the operational phase, the assessment shows that subject to mitigation, negligible residual effects are predicted in the operational phase as a result of climate change resilience and therefore 'Not Significant'. In terms of GHG, no significant effects have been identified during the operational phase of the DCO Scheme. Nevertheless, a Carbon Management Plan has been prepared and submitted as part of the application, which sets out how SEGRO will minimise GHG emissions throughout the lifetime of the DCO Scheme.

25.5 The assessment contained with Chapter 19 demonstrates that the MCO Scheme, with the necessary mitigation in place, will not give rise to any significant effects in respect of either climate change resilience or GHG at either the construction or operational phase. The cumulative effect of the DCO and MCO Schemes together, as the EMG2 Project, will also not give rise to any significant effects in EIA terms.

26 Planning Balance

- 26.1 Section 6 of the Planning Statement (**DCO / MCO 5.4** and [\[APP-222\]](#)) contains the Applicants' assessment of the 'planning balance'. It considers the various benefits identified from the proposed development alongside consideration of the likely 'harms' or adverse effects from granting consent.
- 26.2 The balancing process directly takes account of issues arising from an assessment against relevant planning policies (national and local), as well a consideration of the conclusions and judgements reached in the Environmental Statement (**DCO 6.1 – 6.23 / MCO 6.1 – 6.23**). The wider policy context is an important element of the overall balancing process (as set out in Section 6 of the Planning Statement), including the policy context provided by the NPSNN and NPPF, but also the Freeport context of the EMG2 proposals.
- 26.3 An important element of the wider benefits of the proposals is the highway mitigation works referred to above (section 13) with cross-reference to the relevant joint statements, SOCGs and associated technical work. These works include a major improvement to M1 Junction 24 (M1 J24) which, as described above, have been subject to extensive joint work and collaboration by the Applicants with other developers and stakeholders to ensure that the M1 J24 works for EMG2 form part of a strategic approach to mitigation at J24 and J23a. The EMG2 J24 works provide wider benefits than simply mitigating the impact of the EMG2 development and are compatible with a larger scheme required to facilitate further planned growth in the wider area. As a first 'package' of works at J24 they will be beneficial to the future operation of the SRN and can be expected to enable the junction – in conjunction with improvements to the eastern side of the gyratory – to accommodate transformational growth in the region. As referred to in section 13, these benefits are set out in detail in Appendix 3 of ISH1 Action Point 16 [\[REP1-053\]](#).
- 26.4 EMG2 further aligns with the Government policy target for a significant increase in rail freight and a mode shift from road to rail coupled with the evidence that the EMG2 Main Site will integrate with the EMG1 rail freight terminal in a way other sites cannot and will therefore provide the opportunity for occupiers to fully utilise rail in their supply chain.
- 26.5 The Applicants' judgement and assessment of the planning balance recognises that there will be some adverse effects, notably residual landscape and visual harm, loss of agricultural land, and some residual moderate-minor adverse (not significant in ES terms) effects on two nearby off-site SSSIs, as well as low to medium levels of 'less than substantial harm' to the setting of off-site designated heritage assets (the setting of the Grade II* listed Church in Diseworth, and Diseworth Conservation Area). However, these effects have been minimised and mitigated wherever possible and are clearly outweighed by the compelling benefits of the scheme.
- 26.6 These benefits include (in summary) new jobs and economic investment, significant highways improvements (most notably being the improvements to Junction 24 of the M1), sustainable transport enhancements, improved flood resilience and reduced off-site flood risk, biodiversity gains and enhancement, and the delivery of energy efficient buildings. Fuller details of the identified economic benefits are included in the Planning Statement ([\[APP-222\]](#)) at paragraph 6.13, with a summary of the relevant evidence regarding the compelling economic case for the proposals at paragraph 6.26. The economic benefits include:

- (a) 5,720 operational jobs once complete, including Employment and Skills initiatives to maximise local opportunities;
 - (b) £137 million GVA per annum in operation.
 - (c) £15.8 million GVA per annum during construction, supported by a £280 million capital investment.
 - (d) £11.4 million annual business rates, contributing to local reinvestment and the wider Freeport programme.
- 26.7 As identified in the amended Policy Compliance Tracker (Appendix 1 to the Planning Statement, updated at Deadline 7), the recently updated NPPF has increased the weight attached to the economic benefits of commercial development from 'significant' to 'substantial' (NPPF 2026, paragraph Policy E2(1a)).
- 26.8 Other specific benefits include provision of a Community Park which will provide new and high-quality green infrastructure for the local community while also serving to support biodiversity net gain and forming part of the design response to the minimisation of visual and other effects to acceptable levels overall. The sustainable transport enhancements referred to above will deliver benefits of enhanced and new public transport and other sustainable travel opportunities as a result of the provision of new infrastructure proposed, including walking and cycling, to the benefit of nearby communities as well as future employees and visitors on the site.
- 26.9 As set out in the Planning Statement, the benefits are clear and decisive, and the planning balance clearly in favour of the proposed development. EMG2 is a project of national importance that will secure jobs, investment, and trade, help support the transition to net zero, and strengthen the UK's supply chains. It represents a unique opportunity to deliver lasting economic and environmental value at the heart of the East Midlands.

27 Conclusions

- 27.1 This document summarises and signposts the principal application documents, examination submissions and evidence on which the Applicants rely. The Applicants submit that, considered as a whole, the applications provide a complete, coherent and robust basis for the grant of the DCO and the making of the MCO.
- 27.2 The need for the EMG2 Project is clear, compelling and urgent. The EMG2 Main Site lies within the East Midlands Freeport, as part of EMAGIC, and the Industrial and Logistics Needs Assessment demonstrates a significant shortfall in industrial and logistics floorspace across North West Leicestershire and the wider region. Existing allocations and consents are insufficient to meet projected demand. The Freeport window is time-limited, and its benefits depend on early delivery of strategic sites: delay risks the loss of those benefits and the associated opportunity for economic growth and regeneration. The DCO Scheme is fully consistent with the objectives of the Freeport designation. The Highway Works within Part 2 of Schedule 1 exceed the threshold for nationally significant infrastructure, with the National Networks National Policy Statement therefore having effect. The Applicants further rely on the increased weight now given by the National Planning Policy Framework to the economic benefits of commercial development, which has moved from "significant" to "substantial". The need, policy support and timing together make the case for EMG2 compelling.

- 27.3 EMG2 has been designed as a coherent extension of EMG1. The Applicants have adopted a Rochdale Envelope approach that provides the necessary flexibility to respond to occupier demand and evolving logistics requirements, while retaining robust, clearly defined control over the development through the DAD, its highway design appendix and the parameters plans. Those documents record the design process, scheme evolution and detailed design principles and provide an appropriate framework for post-consent detailed design. The design and its control have been refined through constructive engagement during the Examination with the ExP, NWLDC, LCC, NH and other interested parties, including through the agreed change request. The resulting controls are proportionate to the outline nature of the applications and provide a proper basis for assessment and subsequent delivery.
- 27.4 The EMG2 Works, part of the DCO Scheme, falls within the Section 35 Direction. The vires argument advanced by Prologis and EMA is wholly without merit and fundamentally misconceived. No legal challenge was brought against the Section 35 Direction, and its validity is not in issue. On a fair and objective reading, the Section 35 Direction concerns the principle and broad form of the logistics and manufacturing hub, including the substantial carbon neutral campus and co-located office functions; it does not require the DCO Scheme to replicate every detail of the material considered when the Direction was made. Requirement 33 secures delivery of the carbon neutral campus element.
- 27.5 The Highway Works, part of the DCO Scheme, are an NSIP under section 22 of the PA2008 and are required to mitigate the impact of the EMG2 Works. Whilst the works to M1 J24 are justified in the context of EMG2 in isolation, they have been developed to form part of a longer-term solution to this strategically important junction. NH, LCC, NWLDC and EMA, amongst others, recognises the importance of the works to unlocking growth within the area, being a key first element of a strategic solution which will help facilitate wider development in the region (see the Joint Position Statement between the Applicants and NH (**DCO 8.1** and [\[REP1-060D\]](#)) and the note at Annexure 19A of **DCO 7.5 / MCO 7.5** and [\[REP1-054\]](#)).
- 27.6 Each application has a clear statutory basis for determination under the applicable provisions of sections 104 and 105 of the Planning Act 2008.
- 27.7 The draft DCO and draft MCO have been prepared using the statutory instrument template, with regard to the model provisions and relevant made DCOs, including the EMG1 DCO and the Northampton Gateway and West Midlands Rail Freight Interchange Orders.
- 27.8 The compulsory acquisition powers sought are plainly necessary, proportionate and justified by a compelling case in the public interest. All land subject to compulsory acquisition is necessary for the development or is required to facilitate or is incidental to it, and the public interest benefits decisively outweigh the private loss. The scheme is viable and funded by SEGRO PLC, a FTSE 100 listed REIT, and the evidence demonstrates a reasonable prospect of the funding required for delivery. The Applicants have explored all reasonable alternatives to compulsory acquisition, including extensive negotiations with EMA and Prologis and consideration of alternative delivery arrangements. Those negotiations did not fail through lack of effort; they failed because sensible commercial terms could not be agreed. The Joint Application promoted by Prologis and EMA cannot provide a realistic, viable or sufficiently certain alternative capable of delivering comparable outcomes. In particular, it cannot deliver the same certainty of comprehensive, single-developer delivery of the highway NSIP, integrated transport, community, power, drainage and site-management infrastructure, and the wider EMG2 Main Site within the time-limited Freeport opportunity. The DCO

regime was designed precisely for projects of this kind: nationally significant commercial and business projects for which comprehensive delivery depends on securing the necessary land and overcoming failed cooperation. The statutory tests are accordingly satisfied

- 27.9 SoCGs have been prepared with all parties referred to in the Rule 8 letter. Most have been agreed and signed off; the outstanding SoCGs are with NWLDC (Planning Policy), Prologis/EMA and EMA. The Applicants have worked constructively with NWLDC, LCC and NH throughout the examination. All matters have been agreed with NH. With LCC, all material matters have been agreed subject only to two exceptions: the issue arising from the PRTM 2023 sensitivity test and the request to safeguard the EMG2 site frontage for future dualling of the A453. With NWLDC, all matters have been agreed save for planning policy and the level of harm to the Diseworth Conservation Area. That remaining heritage issue is narrowly defined: both parties agree that the harm is less than substantial and that the effect is not significant in EIA terms. The extensive areas of agreement, together with the targeted amendments made during the examination, demonstrate that the principal technical, environmental and drafting matters have been constructively addressed.
- 27.10 The ES, together with the further environmental information submitted during the examination, comprehensively assesses the likely significant effects of the EMG2 Project. With mitigation in place, the only significant adverse effects identified are the permanent loss of 35.2 hectares of best and most versatile agricultural land and some residual landscape and visual effects. In particular: traffic and transport mitigation has been agreed with NH and LCC, subject to the two limited LCC matters identified above; there are no significant effects on built heritage assets in EIA terms; there are no significant effects on ecology with mitigation; there are no significant effects on flood risk and drainage with mitigation; there are no significant effects on air quality; there are no significant effects on noise and vibration; the socio-economic effects are significantly beneficial, including approximately 4,000 on-site jobs, £148 million GVA per annum and £9.7 million of business rates per annum; and there are no significant effects from major accidents and disasters.
- 27.11 The Applicants do not accept that disaggregation of the environmental effects is necessary. They have in any event demonstrated that the delivery and non-delivery scenarios do not give rise to likely significant effects requiring assessment under the EIA Regulations. The ES and the examination material therefore provide an adequate basis for the ExP's recommendation and the SoS's decision.
- 27.12 The planning balance falls clearly in favour of granting development consent. The benefits of the EMG2 Project are clear and decisive and substantially outweigh the identified adverse effects. They include substantial employment generation, with approximately 5,720 operational jobs; £137 million GVA per annum in operation; £15.8 million GVA per annum during construction; and £11.4 million in annual business rates. They also include strategic highway improvements, including the nationally significant M1 Junction 24 improvement; the Community Park; active travel and wider sustainable transport connectivity; significant biodiversity net gain; improved flood resilience and reduced off-site flood risk; energy-efficient buildings; and the wider economic, trade and supply-chain benefits of the Freeport location. These are benefits of a coordinated, comprehensive project which cannot be replicated through piecemeal or uncertain alternative delivery. In the context of the policy support summarised above and the mitigation secured by the DCO and MCO, the balance is decisively in favour of the EMG2 Project.