

PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**APPLICATION BY SEGRO PROPERTIES LIMITED FOR THE EAST MIDLANDS GATEWAY PHASE
2 AND HIGHWAY ORDER 202X**

Deadline 7 Submission

ON BEHALF OF

EAST MIDLANDS INTERNATIONAL AIRPORT LIMITED

EAST MIDLANDS AIRPORT PROPERTY INVESTMENTS (INDUSTRIAL) LIMITED

Interested Party References: F93345741, FDD9A4250 and FB7339EC9

1. INTRODUCTION

- 1.1 This is East Midlands International Airport Limited's ("**EMA**") ("**the Airport**", as appropriate) and East Midlands Airport Property Investment (Industrial) Limited's ("**EMIAL**") Deadline 7 submission provided in respect of SEGRO Properties Limited's ("**SEGRO**") application for a Development Consent Order ("**DCO**") for the East Midlands Gateway Phase 2 ("**EMG2**") ("**the DCO Application**").
- 1.2 Terms used in this submission have the same definition as set out in EMA and EMIAL's Written Representation dated 7 April 2026 unless otherwise defined.
- 1.3 In view of the brevity of the substance of this document, a summary has not been provided.

2. ALIGNMENT WITH PROLOGIS

- 2.1 EMA and EMIAL continue to support the case being made to the Examination by Prologis UK Limited and Prologis UK 121 Limited (together, "**Prologis**") in relation to land north of Hyams Lane which is the subject of the Joint Application.
- 2.2 EMA and EMIAL:
- 2.2.1 have had sight of the documents to be submitted by Prologis at Deadline 7; and
- 2.2.2 agree with and endorse the contents of those documents.
- 2.3 In light of the fact that EMA and EMIAL's position is on all fours with Prologis, EMA and EMIAL do not propose to repeat points made by Prologis. Rather, as set out above, EMA and EMIAL endorse and adopt those submissions.

3. MATTERS ADDRESSED

- 3.1 This document acts as EMA and EMIAL's:
- 3.1.1 Response to SEGRO's Deadline 6 [and 6a] submissions; and
- 3.1.2 Summary and signposting document in respect of remaining airport operational matters in dispute.

4. RESPONSE TO SEGRO'S DEADLINE 6 AND 6A SUBMISSIONS - TRAFFIC & TRANSPORT

A453/Beverley Road Junction

- 4.1 The applicant has provided additional information, most notably results from the VISSIM model for the A453/Beverley Road junction, which demonstrates that there are no capacity issues at the junction once the development is operational. That is welcomed by EMA and EMIAL, although it is regrettable it was not provided at submission of SEGRO's application or in response to our subsequent requests.

Mezzanine floors

- 4.2 Additional information has also been provided by the Applicant regarding the mezzanine floor use, demonstrating that the additional mezzanine floor area creates no additional detrimental impact on the local highway and so the current mitigation proposed does not need to be amended. However, it should be noted that no mitigation is being proposed at the A453/The Green junction which is shown to be over capacity. The additional modelling does not take into account the variation in flows that may occur as a result of the advanced manufacturing use on the site, as such it is suggested that Requirement 27 is retained to address this use.

- 4.3 As yet the Applicant is still to provide data on the optioneering process to determine the mitigation proposed at the M1 Junction 24. Whilst we accept that the scheme deals with the development traffic, the scale of the scheme is significant and it may be possible for a lesser scheme to have been provided that would still have addressed the development traffic. At an earlier hearing, the Applicant's team did highlight they had undertaken this process but that data (somewhat unsatisfactorily) has not been shared with all interested parties. It will be recalled that EMA and EMIAL's position is that this has relevance to the weighing of the benefits of SEGRO's highway works in the planning balance (see EMA's full position on this in **REP3-059**, section 7 and paragraph 7.6).

Position of National Highways & Leicestershire County Council

- 4.4 Comments from National Highways indicate that they are content with the additional data provided, leaving them only to; (1) agree the protective provisions; and (2) respond to the ExP's Rule 17 letter dated 20 August 2026 relating to perceived inconsistency on the AM and PM, 2028 and 2038, without development, without development and with development and mitigation traffic flows. Leicestershire County Council ("**LCC**") also has to respond to the ExP's Rule 17 letter and still has concerns regarding the mitigation required on the local road network and have asked for additional information to be provided. LCC also has a number of comments regarding the SoCG. Other parties have also raised highway concerns (e.g. Protect Diseworth).

5. **SUMMARY AND SIGNPOSTING - OPERATIONAL MATTERS**

- 5.1 As stated in paragraph 2 above, for signposting of all substantive matters concerning EMA and EMIAL's objection as landowner, we defer to the summary and signposting document submitted by Prologis and do not repeat those matters. We fully endorse the contents of that submission. This document acts as EMA and EMIAL's summary and signposting of operational matters.

Active Travel Link (Plot 2/6) and part of Works 19 (Plot 2/25)

- 5.2 The Applicant has applied for compulsory acquisition powers over plot 2/6 comprising part of the existing airport trail, which is a permissive path in EMA's ownership. The Applicant intends to acquire the plot (among others) in order to upgrade the permissive path to tie it into an "Active Travel Link" ("**ATL**") linking EMG1 and EMG2, enabling pedestrian and cycle access between the two developments.
- 5.3 The Applicant has also applied for compulsory acquisition powers over plot 2/25 to carry out Work No 19 (to upgrade public footpath L57 to a cycle track between Diseworth Lane and Moira Dale).

EMA's Position

- 5.4 EMA's position is that the need for the ATL is not made out given the anticipated demand and projected use of the ATL for the intended purpose. To date, the Applicant has not put forward any quantitative analysis that demonstrates that the projected use of the ATL would be enough to justify the interference with private rights necessary to deliver it.
- 5.5 In the alternative and where need was established, EMA further considers that the case for compulsory acquisition has simply not been met, as it is not necessary to permanently acquire Plot 2/6 to deliver the ATL. There are multiple different options which the Applicant did not explore before submitting its application. It could use temporary possession powers to deliver the works before agreeing with EMA and the local highway authority the relevant dedication and adoption in the public footpath network. Alternatively, it could voluntarily agree a works/access licence with EMA to carry out the ATL and then agree with EMA and the local highway authority the relevant dedication and adoption agreement to preserve long term use

of the ATL. Neither of these options were explored before (and until very recently, during) the examination of the EMG2 DCO.

- 5.6 EMA has provided the Applicant with a draft works/access licence to negotiate, which would enable the Applicant to carry out the necessary construction works avoiding the need for compulsory acquisition. EMA has also suggested legal wording for the Applicant and EMA to commit to entering into the necessary dedication and adoption agreement with the local highway authority. This is without prejudice to EMA's position on the need for the ATL, which is for the ExP and Secretary of State to determine.
- 5.7 EMA has the benefit of rights over Plot 2/25 which are relevant and related to its operational undertaking, namely rights of service media and the maintenance of boundary structures contained in a Transfer dated 31 March 2017. If the Applicant's need case for the ATL is not made out, to the extent that Work Number 19 is intended to form part of a continuous cycle link from Castle Donington to EMG2, the case for compulsory acquisition of Plot 2/25 is undermined because logically without the underlying need for the ATL it follows there can be no need for Work Number 19. Again, the Applicant has not explored any alternatives to compulsory acquisition that EMA is aware of and accordingly, EMA requires a commitment from the Applicant that if permanent acquisition powers are granted over Plot 2/25, the rights and covenants benefitting EMA will not be extinguished.

Applicant's Position

- 5.8 The Applicant's position is that the ATL is needed and in the absence of a licence of works and a dedication and adoption agreement, compulsory acquisition powers are necessary.

Summary and Signposting

- 5.9 In summary, the matters which fall to be addressed by the ExP and the Secretary of State's reporting and decision-making processes are as follows:
- 5.9.1 The need for the ATL; and, if need is established
- 5.9.2 Whether compulsory acquisition powers are necessary in order to deliver the ATL.
- 5.10 EMA's full position on the need for the ATL are more particularly set out in responses to ExQ1 Q7.0.3 (**REP1-218D**), ExQ3 Q7.0.6 (**REP6-092**).

Protective Provisions

EMA's Position

- 5.11 The protective provisions for the benefit of EMA at Part 6 of Schedule 13 of the draft DCO are not accepted by EMA and are not appropriate to mitigate the impacts of the authorised development on aerodrome safeguarding.
- 5.12 The proposed draft protective provisions reflect historic drafting from the East Midlands Gateway Rail Freight Interchange Order 2016 which is now 10 years old and have not been updated to reflect modern aerodrome safeguarding standards and updated Civil Aviation Authority guidance.
- 5.13 The proposed draft protective provisions were drafted with a different development in mind – namely, one that did not have a major country park adjacent to the airport which would result in aeronautical safety risks such as waste, landscaping and associated wildlife hazard management.
- 5.14 EMA's position is that an updated version of the protective provisions that were included in the East Midlands Gateway Rail Freight Interchange Order 2016 are necessary, reflecting modern standards and the unique nature of the EMG2 development as applied for.

- 5.15 This updated version should impose controls on the Applicant to be approved by the airport operator and not the local planning authority. This is not unusual and is well precedented in other Orders regarding control documents being approved by bodies other than the local planning authority (e.g. Construction Traffic Management Plans which mitigate impact on the strategic road network being signed off by National Highways as the responsible and licenced body).
- 5.16 The version of the protective provisions advanced by EMA is not materially different to the controls put forward with respect to the planning conditions proposed for the Joint Application and the Isley Woodhouse development. These developments are being consented under the Town and Country Planning Act 1990 regime. EMA has recommended draft planning conditions to be imposed on the planning permissions of both of those developments, which set the framework for the various aeronautical safety requirements. Further details under that framework will be required to be put forward and agreed at reserved matters stage. Under the Planning Act 2008 regime, there is no opportunity for statutory consultees to secure further details at a later stage in the development process. If the relevant controls are not secured on the statutory order now, the Applicant is not required to agree to them and can build out the authorised development without having regard to them. This is a fundamental difference between the way the Planning Act 2008 and Town and Country Planning Act 1990 processes operate in practice. Unlike the Joint Application and the Isley Woodhouse development, it is necessary to include controls in the protective provisions which capture both the framework of what the Applicant needs to submit and the necessary detail under that framework now. There will be no further opportunity for EMA to secure commitments, and this is why the EMA protective provisions represent a more onerous position than that advanced on neighbouring proposed developments under the Town and Country Planning Act 1990 process.
- 5.17 EMA requests that the EMA preferred protective provisions are included in any made Order for EMG2 and any made Material Change Order for EMG1.

Applicant's Position

- 5.18 The Applicant has included protective provisions for the benefit of EMA at Part 6 of Schedule 13 of the draft DCO. This version is almost entirely identical to the East Midlands Gateway Rail Freight Interchange Order (Schedule 16).
- 5.19 The Applicant does not agree to the amended protective provisions put forward by EMA for inclusion in the draft DCO as they represent a materially more onerous set of requirements than that agreed for the East Midlands Gateway Rail Freight Interchange Order 2016. They also depart from the planning conditions put forward by EMA for the Isley Woodhouse development.
- 5.20 The Applicant does not agree that EMA should be the body responsible for approving certain requirements in the protective provisions, as suggested by EMA. Its position is that all such obligations should be discharged by an independent decision-maker (the local planning authority).

Summary and Signposting

- 5.21 EMA's full position on the protective provisions required to be included in any made DCO for the EMG2 project and any made Material Change Order for EMG1 are more set out here:
- 5.21.1 Applicant and EMA position on the EMA protective provisions – Final Statement of Common Ground of SEGRO Properties and EMA submitted at Deadline 7.
 - 5.21.2 Comparison and justification for the proposed EMA protective provisions against the Joint Application Planning Conditions - Appendix 1 to ExQ3 Q8.4.1 and Q9.0.2 (REP6-092).
 - 5.21.3 The position on protective provisions is not agreed between the parties and is unlikely to be agreed by the close of examination. The matters which will fall to the

ExP and the Secretary of State's reporting and decision-making processes are whether the protective provisions included by the Applicant at Part 6 Schedule 13 of the draft DCO are sufficient to mitigate the impacts on aerodrome safeguarding, having regard to the representations made by the statutory airport operator.