

East Midlands Gateway Phase 2 – BC0410001

Segro (EMG) Limited

Section 51 Advice Log

Version: 06 February 2025

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to Segro (EMG) Limited and their consultants (the "Applicant") during the pre-application stage. It will be updated by the Inspectorate after every interaction with the Applicant during which s51 has been provided. The Applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The Applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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Date of meeting	Meeting overview
08 October 2024	Agenda consisted of General updates namely, Engagement with stakeholders, as well as, issues arising out of Scoping Opinion, Programme update, and Next Steps
01 November 2024	Email: The Inspectorate advised that the Applicant, at the earliest opportunity, as per the Planning Inspectorates prospectus that they need to produce a public-facing version of the Programme Document. The Inspectorate advised it is content with using the public-facing document and that the Applicant does not need to maintain two separate documents.
14 January 2025	Project Update Meeting

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Topic	Meeting date: 08 October 2024
General Update	The Applicant advised the Inspectorate that it is engaging with relevant highway authorities including National Highways to confirm whether the extent of the proposed highway improvement works meet the threshold for a highways NSIP in their own right. The Inspectorate relayed the importance of understanding whether the application will include other works which would be classed as NSIPs in their own right and advised the Applicant to communicate this at the earliest stage possible.
Scoping Opinion	The Inspectorate advised the Applicant that it is not possible to change the Scoping Opinion, but that the Inspectorate can clarify any comments it has made on scoping for the Applicant.
Programme Update	The Inspectorate advised the Applicant to consider the timetable they have set out for the remainder of the pre-application stage to ensure adequate time is allocated to allow for the submission of the Adequacy of Consultation Milestone (AoCM) and, should the Applicant require, a draft documents submission. The Inspectorate reiterated further the importance of allowing sufficient time to take account of the feedback received from the Consultation including the Preliminary Environmental Information Report before their submission.
Programme Update	The Inspectorate reminded the Applicant of the importance of securing agreements to share and discuss information with consultation bodies. The Applicant confirmed that it has arrangements / agreements already in place with key consultation bodies.
Programme Update	The Inspectorate requested that the Programme Document be provided as soon as possible to allow the Inspectorate to understand the Applicant's proposed pre-application timescales.
Topic	Meeting date: 14 January 2025
Identity of Applicant	The Inspectorate noted that the Applicant was intending to simultaneously make a Material Change Order (MCO) application as well as a DCO application. The Inspectorate noted that the Applicant will need to explain/clarify why it (i.e. Segro EMG Ltd) believes it has the legal standing to apply for a material amendment to the made Order 2016 given that the powers conferred by that Order are vested in three

	<p>(apparently) entirely different companies. The Applicant confirmed it would be submitting its MCO application under the name of Segro (EMG) Ltd being the new name of Roxhill (Kegworth) Ltd, one of the undertakers for the original East Midlands Gateway Phase 1 (EMG1) DCO. The Inspectorate invited the Applicant to clarify in due course if the two applications would be submitted under the same name.</p>
Section 35	<p>The Inspectorate noted that the section 35 direction provided the option for the Applicant to contact the Secretary of State where the details of the Project change prior to submission: <i>The Secretary of State considers that if the details of the Proposed Project change, before submitting any application to the Planning Inspectorate, the Applicant may wish to seek confirmation from the Secretary of State that the development which is to be the subject of the proposed application is the same as that for which this Direction is given.</i></p> <p>The Inspectorate advised the Applicant to contact the Secretary of State to confirm the section 35 direction still applies to the project in its current form to ensure the application meets the s55 PA2008 test for acceptance. The Applicant advised they considered the Project had not materially changed and therefore they did not need to seek confirmation from the Secretary of State but that they would keep this under review as set out in the direction.</p>
Strategic Highways Improvements	<p>The Applicant advised that the highways improvements were likely to exceed the threshold in the Planning Act 2008 and constitute an additional NSIP. The Inspectorate enquired how the Applicant intended to carry out their statutory consultation whilst there was still uncertainty over whether the highways improvements would constitute an NSIP or additional works. The Applicant advised it was presenting its calculations to National Highways and using those calculations it would consult on the basis that the highways improvements constitute an NSIP. The Inspectorate advised the Applicant to resolve/clarify this before submission, ensuring appropriate and clear evidence in its application.</p>
Multiple Secretaries of State	<p>The Applicant enquired as to how the Planning Inspectorate would be involved if there were multiple consenting Secretaries of State. The Inspectorate advised this would not be a unique position and that the Secretary of State who gave the Section 35 direction would likely become the Lead Secretary of State. The Inspectorate invited the Applicant to approach and confirm this directly with the Secretary of State for Transport and the Secretary of State for Housing, Communities and Local Government respectively.</p>

Material Change Order (MCO) and DCO	The Applicant advised the Secretary of State has the powers to align the DCO application and MCO timelines, so that they were examined together and a decision reached simultaneously. The Inspectorate advised the two could not be examined as one application from a practical standpoint, even if the Applicant felt there was no legal barrier, that the procedures were distinct, and separate Examining Authorities would likely be assigned to each. The Inspectorate advised the Applicant to contact the relevant Secretaries of State directly regarding alignment to explain their intentions.
Environmental Statement	The Applicant advised it intended to submit one Environmental Statement (ES) for the two applications. The Inspectorate advised that, while it is possible to prepare one ES for both applications, it could lead to risks during acceptance and potential examination of any application(s). The Inspectorate advised that a draft of the project description chapter could be reviewed as part of the draft document review, under the Standard tier of service.
Program Update	The Applicant advised that it intended to submit its draft documents at the beginning of February and would coincide with their statutory consultation. The Inspectorate queried whether this would allow for sufficient review of feedback gathered from the draft document review or statutory consultation. The Applicant confirmed it had factored in the Inspectorate's stipulated response times for considering draft documents as well as statutory consultation responses prior to submission of its proposed applications.
Any other Business	The Inspectorate advised that DEFRA had recently released guidance on the assessment of air quality.