



Planning Inspectorate

East Midlands Gateway phase 2 – BC0410001

SEGRO Properties Limited/SEGRO (EMG) Limited

Section 51 advice regarding draft application documents

Issued on 01 April 2025

On 18 February 2025 SEGRO Properties Limited/SEGRO (EMG) Limited submitted the draft documents listed in the tables below for review by the Planning Inspectorate as part of its [Pre-application Service](#).

The advice recorded in the tables below relates solely to matters raised from the Planning Inspectorate's review of the draft application documents. The advice is limited by the maturity of the documentation provided by the applicant and the time available for consideration and is raised without prejudice to the acceptance decision, the decision about admission to the Fast Track procedure (where relevant) or the final decision about whether development consent should be granted. The applicant has been given the opportunity to comment on the Inspectorate's draft record of advice before it was published.

General	
Ref No.	Comment or question
1.	Applicant's identity is inconsistent across documents. E.g. Statement of Reasons (SoR) 1.1 states SEGRO Properties Ltd; Consultation Report (CR) 1.1.1 states SEGRO Properties Ltd and SEGRO (EMG) Ltd. The Applicant should ensure consistency across all application documents upon submissions and/or ensure the "Applicant" identity is consistent with the proposed application being made i.e. Development Consent Order (DCO) and/or Material Change Order (MCO). The Inspectorates advice issued on 14 January 2025 has reference.
2.	East Midlands Gateway Logistics Park (EMG1) Works are mentioned across documents (e.g. SoR 1.2) as one of the elements comprising the proposed development. Should this be the case, as they would MCO not the DCO process? Understand the Environmental Statement (ES) covers both.
3.	Advised to review formatting as there are inconsistencies within documents e.g. word spacing
4.	Individual sheets were submitted separately for both the Land Plans and Work Plans. At application submission, these documents should be submitted as a whole, rather than as separate sheets.
5.	There should be clarity as to how the Applicant envisages submitting the application for East Midlands Gateway Phase 2 (EMG2) and the Material Change application for the MCO relating to EMG1. Given the likely interrelated nature and effects of the two developments, examination by two separate/ independent ExA's, working with different statutory timetables could result in unintended/ disjointed outcomes and complexities for the stakeholders/ IPs trying to engage with both applications. It may prove over burdensome for a single ExA to examine both applications particularly given the need to accommodate the differing statutory timescales. The Applicant should consider whether it would be more appropriate, and procedurally straightforward, for the MCO application for EMG1 to form part of the application (and DCO) for EMG2. This would allow a single ExA to examine both schemes alongside each other, to the same timescale and allow for stakeholders/IPs to engage with a single examination and examination timetable. Seeking to run two concurrent examinations, even with the same members of the ExA (or a smaller subset of the EMG2 ExA for the MCO) could lead to unintended complications.

General	
Ref No.	Comment or question
6.	Currently it appears that there would be an application for EMG2 and a separate application for the MCO for EMG1. There should be clarity as to the Applicant's/application identity between the two separate applications. For example, the Explanatory Memorandum for the MCO for EMG1 is labelled (in the top left of the front page of the Explanatory Memorandum) as being a document related to EMG2. The separation between documents for both applications should be clear.

Draft Development Consent Order (DCO)		
Ref No.	Article / Schedule / Requirement	Comment or question
1.	Part 1, 2. (Interpretation)	<i>"the undertaker"</i> means then lists SEGRO Properties Ltd and SEGRO (EMG) Ltd (and any other person who has benefit of this order). We draw the applicant's attention to advice issued at meeting held on 14 January 2025 , regarding this matter. See <u>General Ref no. 1</u>
2.	Schedule 1, Part 1	Consider providing greater clarity/precision as to the type of uses that could be accommodated as part of the "commercial and business development". The parameters/design principles in the ES refer to use classes B2 and B8 (relating to the Town and Country Planning (Use Classes) Order), but this is not carried forward to the DCO, and there does not appear to be a firm definition of the nature of the works proposed. Also see <u>Draft Environmental Statement comment 7</u> below.
3.	n/a	Ensure Schedules cross-refer to the correct Articles e.g. Schedule 15 has no cross-reference
4.	"Schedule 2a	This Schedule is missing from the Contents page

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
5.	Schedule 13	This Schedule is titled as Schedule 3

Draft DCO Explanatory Memorandum

Ref No.		Comment or question
1.	1.3	See <u>General Ref no. 1</u>
2.	2.3	'The Scheme' includes EMG1 works which will be part of the MCO application. 2.3 says The Scheme is described in Schedule 1 of the draft Development Consent Order (dDCO) however the EMG1 works are not described in the dDCO so this statement is partially incorrect.
3.	Title page	See General Ref no. 5

Draft sample Works Plans and Land Plans

Ref No.	Plan Name and Ref	Comment or question
1.	General	The Applicant is reminded that it is a requirement to submit a Land Plans and Works Plans for the proposed DCO and MCO application. With reference to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) regulations 2011, in particular Regulation 16 (2)(i) .

Draft sample Works Plans and Land Plans

Ref No.	Plan Name and Ref	Comment or question
		If the document is intended to support both the material change application and the DCO this should be set out in the structure.
2.	General	The Applicant has not provided a Key Land or Works Plans. The Applicant is advised to review The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in particular regulation 5 of the APFP. Applications for orders granting development consent must be accompanied by a Land Plan (Reg 5. (2)(i)), Works Plan (Reg 5. (2)(j)) and a Key Plan (Reg 5. (4)). The latter is required where a plan comprises three or more sheets.
3.	Works Plans	The legend for works plan depicts the “Works” number, however this does not provide a description of the “works” as defined in Schedule 1 of the draft DCO. It is advised that the applicant provide a short description of the “works” within the legend as per Schedule 1 e.g. Works 1 – construction of warehousing; Works 2 – construction of road infrastructure Upon review of Schedule 1 of the draft DCO the applicant has defined Works No. 1 “<i>Within the area of land shown on the works plans for Works No. 1 the construction of warehousing including</i>” It is therefore suggested that an appropriated short description to apply on the Works Plan when depicting this works could be: <i>Works 1: Construction of Warehousing</i>, similarly with <i>Works 2: Construction of Road Infrastructure</i>.
4.	Work/Land Plans	In reference to Ref no. 2 above, any Key Plan submitted should have cut lines that demonstrate the overlap and/or relationship between the sheets.
5.	Work Plans	The legend on each sheet of the Works Plan reflects all Works associated to the DCO Application, it is recommended that each sheet of the Works Plan only reflects within the legend the Works applicable to the respective sheet.

Draft sample Works Plans and Land Plans

Ref No.	Plan Name and Ref	Comment or question
6.	Land Plans	Sheet 1 has a different orientation to Sheets 2 and 3. Even though a northing arrow is present on each sheet, pursuant to APFP 5(3), consider orienting all sheets in the same direction to aid accessibility and readability.
	Land Plans	A number of plots included in the BoR appear to be missing from the plans, for example plots 10 and 13. The plans must adhere to the requirements in APFP 5(i).
	Land Plans	The Legend shows <i>Order Limits</i> and <i>Order Land – Land required for highway works only etc</i> with the same colour coding (white box with a red outline). Each item in the Legend should be distinctive.

Draft Consultation Report (CR), including section 42 consultee list

Ref No.	Paragraph / Section	Comment or question
1.	General	Appendices were not included with the draft CR so the Inspectorate is unable to verify whether the CR is of a “satisfactory standard” as per the requirements of the s55 checklist.
2.	General	It appears on review of the CR, that the Applicant intends to submit a single CR to cover both the Statutory Consultation undertaken for the DCO and MCO application. It is a requirement to provide a CR as part of an application for a DCO (Section 37(3) of the PA2008) and/or application for a MCO (CRDCO Regulations 2011, Reg 16 (2)(l)). Upon review of the consolidated CR, it is unclear whether this CR will be broken up further to illustrate the consultation undertaken solely for the DCO and/or solely for the MCO or whether a completely separate CR will be submitted for the MCO.

Draft Consultation Report (CR), including section 42 consultee list

Ref No.	Paragraph / Section	Comment or question
		If the Applicant intends to submit a single CR, then this will need to be drafted well enough for parties to understand the Applicant's statutory duties when consulting on these applications and how regard was had for the DCO and/or MCO application. If the document is intended to support both the material change application and the DCO this should be set out in the structure.

Draft Habitats Regulations Assessment (HRA) Report

Ref No.	Paragraph / Section	Comment or question
1.	Planning Inspectorate guidance	The applicant is directed to guidance from the Planning Inspectorate on HRA matters, Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessment. Where Natural England and/ or Environment Agency guidance has been used in the preparation of the report, this could also be listed.
2.	N/A	The HRA document does not contain a description of the proposed development. This needs to be addressed prior to submission of any application, as it is not clear whether the assessment is consistent with the development that consent is being sought for. If the document is intended to support both the material change application and the DCO this should be set out in the structure.
3.	Figure 1	With reference to ID 2 above, Figure 1 is not consistent with the plans supplied as draft works plans and draft land plans in that it appears to show work associated with the material change / DCO application as well as the dDCO but this is not set out in the way the document is structured. The HRA report should therefore be clear whether it is intended to support both applications and if so, the plans amended to demonstrate this.
4.	N/A	The document should also contain or refer to a baseline position.

Draft Habitats Regulations Assessment (HRA) Report

Ref No.	Paragraph / Section	Comment or question
5.	N/A	Has the report been prepared with reference to Natural England or the Environment Agency? Where feedback has been sought or received from either party on the approach or conclusions, this should be included.
6.	N/A	The references to footnotes are not showing in the current document, these need to be available in the final version, or expanded within the text.
7.	Paragraph 1.4	Refers to the competent authority as North West Leicestershire District Council. This should be the relevant secretary of state (s).
8.	Paragraph 3.6	We suggest additional evidence/ references could be provided where 2010 is the most recent recorded condition status
9.	Paragraph 4.2	The report should explain, with reference to the nature of the proposed development and any relevant external guidance, the reasons for the choice of the 15km search area
10.	Potential impacts (no section reference, pages 6 and 7)	It is not clear how the impact-pathways were selected and how they relate to the proposed development, although as above, this would be helped by including a project description. Section 3.0 of the HRA report also sets out the qualifying features of the River Mease SAC but does not pull this information through when discussing potential Likely Significant Effects. The assessment should also clarify how the conclusions have been reached with reference to the qualifying features.
11.	Paragraph 4.10	Suggest this needs to set out the evidence that has been used to determine that there is no hydrological connectivity with the proposed development to support the conclusions
12.	Conclusions of no LSE (section 5.0)	The conclusions are not entirely clear. It concludes both that there is no pathway that could lead to effects on European sites, but also concludes that the proposed development 'poses no risk of adverse effects on the integrity of the River Mease SAC'. Suggest review the wording to clarify the conclusions.

Draft Habitats Regulations Assessment (HRA) Report

Ref No.	Paragraph / Section	Comment or question
13.	In-combination assessment	The conclusions states there are no routes to an LSE 'both alone or in-combination with other projects or plans' but without presenting a separate in-combination assessment. This should be addressed prior to submission of any application, to demonstrate how in-combination conclusions have been reached.

Draft Environmental Statement (ES) project description chapter(s)

Ref No.	Paragraph / Section	Comment or question
1.	N/A	Comments raised on the project description in the Planning Inspectorate's scoping opinion (2024) do not appear to have been addressed in this draft chapter. As the ES should be based on 'the most recent scoping opinion', the applicant should be sure that the ES provides comment, such as in the form of a table, on each of the matters raised in the Planning Inspectorate's scoping opinion, and how the document addresses these points.
2.	dDCO and comparison with ES project description	The dDCO currently includes works that are not covered in the draft project description, such as watercourse diversions and reference to a possible energy centre. Equally, the draft ES project description refers to 'general industrial uses' as being a component of the proposed development but this description does not appear in the dDCO. The draft ES chapter notes that no existing structures require demolition, whereas this is listed as a possible work in the dDCO (Works no.5). The ES should provide an assessment of the works for which consent is being sought and this should be reflected in the ES. For ease of reference, there should also be consistency in the terminology used. The applicant should be aware that failure to address these points could lead to a risk in the Inspectorate accepting the application.
3.	General comments	The project description provides some information on the proposed development description but many elements are not fully explained such that it is difficult to understand what information could be used to inform

Draft Environmental Statement (ES) project description chapter(s)

Ref No.	Paragraph / Section	Comment or question
		an assessment. For example, the proposed 'general industrial uses' are not defined further, there is no information on the extent or operation of possible solar voltaics. Where these details are addressed in other parts of the ES, we would recommend that the applicant considers how easy it is for the reader to access the information and ensure that appropriate cross references are provided, noting that the ES should be a standalone document and not rely on multiple references out to other application documents.
4.	N/A	For ease of reference, it would be useful for the relevant works plans to be referred to when discussing different elements of the proposed development. Alternatively, separate figures could be provided to support the description provided for ease of understanding.
5.	N/A	The chapter approach is to describe what the proposed development would comprise during construction and operation, but largely it does not describe how it would be built and operated nor where many of the elements would be sited. Where details are yet to be decided, for example the exact locations of construction activities, a set of assumptions should be included such that a worst-case assessment can be completed.
6.	Paragraph 3.2.6	The parameters/ design principles include use classes B2 and B8 to describe elements of the proposed development, which do not directly relate to developments seeking consent under the Planning Act 2008. It would be encouraged to not rely on descriptions from The Town and Country Planning (Use Classes) Order 1987, and instead provide a more detailed description regarding these elements of the proposed development.
7.	Paragraph 3.2.10	This paragraph indicates that individual buildings will come forward for approval at various times but under the same DCO. How will this be accounted for within the ES? The DCO cannot account for any subsequent permissions required for additional buildings/ works.
8.	Paragraph 3.2.12	The project description refers to wide ranging energy efficiency measures without many details. How will these measures be defined such that an impact assessment could be completed?

Draft Environmental Statement (ES) project description chapter(s)

Ref No.	Paragraph / Section	Comment or question
9.	Paragraph 3.2.15	As above – what parameters are assumed for the drainage works such that relevant impact assessments can be completed?
10.	Paragraph 3.2.17	This paragraph indicates that the limits of deviation for the highway works are set out in a separate chapter. It would be preferable if the project description contained all of the information that the assessment has been based on for ease of reference and to avoid different aspect chapters assessing different levels of information.
11.	Paragraph 3.2.16a	The applicant identifies two options for the principal access location. Details of the alternative access location do not seem to be set out in the project description? While effort should be made to resolve possible options prior to submission of an application, where this is not possible the description should be sufficient to understand the environmental impacts of each possible option.
12.	Paragraph 3.2.21e	An upgrade to the existing substation is proposed and a new switch room and switchgear. No parameters for these upgrades are provided, this should be included in the ES or confirmed that no additional external works are required to accommodate this change.
13.	Paragraph 3.2.13	‘Substantial’ landscape bunds and modifications to the levels within the site are proposed but no details are provided in the project description of how or when these will be built and no parameters for the bunds appear to be provided (unless these are provided within the parameters plans, and if so, this should be made clear). Consideration should also be given to types of vehicles, plant and machinery required, whether offsite vehicle movements would occur, or what methods would be used in the construction of these earthworks. Equally matters such as any soil treatment measures, where soil would be stored until needed, the finished levels in each plateau. If details are yet to be confirmed, assumptions should be made in order to inform the assessment of effects. Appropriate figures would also aid understanding.
14.	Paragraph 3.3.2	While it is noted that the cut fill balance indicates no need for offsite disposal, the ES could equally set out whether all on-site materials are suitable for the end purpose as landscape materials or if materials may need

Draft Environmental Statement (ES) project description chapter(s)

Ref No.	Paragraph / Section	Comment or question
		to be imported. The ES should provide details where imported materials may be required, or confirm if they are not required.
15.	Paragraph 3.3.3	The description indicates that piled foundations for bridge works may be required. The ES should include either details of the methods and numbers of piles that could be required, or provide a set of assumptions in order to support the assessment of effects. We also note that below ground works to install services will be carried out, but no parameters are provided for these works.
16.	Paragraph 3.3.7	The description indicates a closure of Hyam's Lane may be required. The details of the alternative routes that would be followed should be included.
17.	Paragraph 3.4.2	It would be helpful for more detail to be provided on the phases of development, particularly to understand whether there is potential for activities to overlap.
18.	Section 3.5.3 – operational phase	This section sets out the vision for the operation of the proposed development, but not necessarily how the proposed development would then operate – matters such as numbers of likely operational vehicle movements and whether vehicle movements would occur 24/7 for example. It also does not set out any maintenance activities, such as may be required for the solar voltaics.

Draft Planning Statement

Ref No.	Paragraph / Section	Comment or question
1.	3.22	EMG1 Works (MCO application) <i>An upgrade of the EMG1 substation to accommodate a 3rd circuit and increase capacity to 33kV in order to accommodate the power requirements at EMG1 and EMG2 Main Site. This will require a new switch room and switchgear.</i> If the MCO is not granted, this reads as though the DCO application for EMG2 would be affected. If EMG2 is not granted, would this be necessary for EMG1?

Draft Statement of Reasons (SoR)

Ref No.	Paragraph / Section	Comment or question
1.	1.1	Paragraph 1.1 refers to ' <i>second phase of EMG1 which is a SRFI</i> '. As the SoR is for the proposed NSIP EMG2, which may in the applicants mind be the second phase of EMG1, this introduction should focus on EMG2 (the project name is not mentioned).
2.	1.2	The proposed project name should be consistent throughout all documents, for example the SoR is titled East Midlands Gateway Phase 2 (EMG2) however in paragraph 1.2 ' <i>the proposed development is referred to as East Midlands Gateway 2</i> '.
3.	3.3.4	Payment of contributions is Paragraph 36 not Paragraph 4. The applicant is advised to ensure all references throughout the document are correct.
4.	3.5	Appendix 4 is titled Status of Negotiation and showing the purposes for acquiring land appears to be outside of its scope.

Draft Statement of Reasons (SoR)

Ref No.	Paragraph / Section	Comment or question
5.	4.13	'where were' – the word 'were' seems to be erroneous
6.	Appendix 2	<i>Land to be temporarily</i> [appears to be missing the word 'used'?] <i>and new rights to be acquired permanently</i>
7.	Appendix 3	Other documents refer to the temporary possession of land, rather than the temporary use. Consider the accuracy of the title and terminology across documents.

Draft Funding Statement (FS)

Ref No.	Paragraph / Section	Comment or question
1.	2.1	<i>The applicant is SEGRO Properties Limited</i> <u>See General Ref no. 1</u>
2.	4.5	As Section 2 is incomplete, this sentence is incorrect
3.	1.8	DLCG 2013 guidance quoted. Only place in the FS where 'timing' or 'availability' are explicitly mentioned.