

East Midlands Gateway Phase 2 – BC0410001

Segro (EMG) Limited

Section 51 Advice Log

Version: 04 June 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.

East Midlands Gateway Phase 2 s51 Advice Log - Index	
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
01 April 2025	Draft Document feedback
03 April 2025	Project Update Meeting
04 June 2025	Project Update Meeting

East Midlands Gateway - s51 Advice Library	
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

	(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.
Section 35	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> 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.
Strategic Highways Improvements	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.
Multiple Secretaries of State	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.

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.
Topic	Meeting date: 03 April 2025
Consenting Route	The Inspectorate advised that applying to the Secretary of State for an amendment to their s35 direction to include the EMG1 works would offer a simpler, streamlined consenting route. The applicant noted this option had been considered and confirmed they will be continuing with their preferred route; a DCO application, comprising two NSIPs, and Material Change application.
Statutory Consultation	The applicant informed the Inspectorate the proposed development had been consulted on as a cohesive whole (all three elements) and they would be submitting one Consultation Report. The Inspectorate advised the applicant draw out which responses applied to the s35 works (DCO application) versus the Material Change works to EMG1.
Published guidance and advice	The Inspectorate also suggested the applicant have regard to the published advice: Advice on good design, published 23 October 2024.

	The Inspectorate advised the applicant take note of the flood risk and surface water maps contained in the Environment Agency's guidance on new national flood and coastal erosion risk, recently updated on 25 March 2025, and consider whether it impacts their proposal.
Comments on draft documents	The Inspectorate advised the applicant take note of how East Anglia 1 North and East Anglia 2 offshore wind farm's application documents differentiate between the two schemes. The applicant noted that it had received feedback from Natural England in relation to habitats regulations matters. The Inspectorate advised that any feedback received could be included in the applicant's Habitats Regulations Report.
Programme	The Inspectorate advised the applicant's Material Change consultation should be reflected in their Adequacy of Consultation Milestone (AoCM) document. The Inspectorate advised that, in actively considering their programme, should the applicant's intended submission date change, they inform the Inspectorate at the earliest possible opportunity.
Topic	Meeting date: 04 June 2025
Programme	The Inspectorate advised the applicant that it is possible to stagger the relevant representation periods for the DCO and Material Change applications. The Inspectorate suggested this may help to mitigate comments on the individual applications being incorrectly submitted against the wrong project. The Inspectorate requested the applicant provide an illustrative post-submission programme to show how the DCO and Material Change applications could interact with each other during the acceptance and subsequent determination periods. The applicant confirmed it would write to the Secretaries of State to update on progress with both applications and request further clarity on the potential to co-join the DCO and Material Change applications. The Inspectorate advised that due to the DCO and Material Change applications being consulted on as one whole project, the applicant should clearly identify in its Consultation Report which consultation comments applied to each or both applications.
Consenting Route	The Inspectorate advised the applicant to clearly set out in their Material Change application how they are not affected by Schedule 6 (5)(2) of PA2008.

Preparation of application documents	The Inspectorate advised, where documents are relevant to both the DCO and Material Change applications, to submit duplicates so that each document receives a unique reference number that relates to each application. The Inspectorate advised the applicant that it can provide consent to publish Material Change application documents once they have been submitted, and to consider whether they wish the DCO documents to be published when received by the Inspectorate or at the end of the acceptance period if the application is accepted. The Inspectorate advised that the applicant may provide a draft statement, in the vein of Regulation 16(2)(i) of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 in advance of the Material Change application submission to aid understanding of resourcing requirements. The Inspectorate advised the applicant to submit separate GIS shapefiles for both the DCO and Material Change applications, a minimum of 10 working days in advance of the applications' submission.
Issues Tracker	The applicant confirmed it would provide an updated issues tracker to the Inspectorate.
Feedback on Adequacy of Consultation Milestone (AoCM) document	The Inspectorate advised the AoCM was tested against the s55 tests that would be employed at acceptance. The applicant is advised to include copies of all notices and letters issued to discharge their duties during pre-application in their Consultation Report; such as the letter used to notify s42 consultees of the deadline for receipt of consultation responses, and the s48 notice sent to EIA consultation bodies. The applicant is advised to clearly express, in their application, to what extent they have had regard to advice from the Inspectorate (as per PA2008 s50(3)). A table appended to the Consultation Report was suggested by the applicant recording how regard has been made to the Inspectorate's advice.
Pre-application guidance and use of PADSS and SoCGs	The Inspectorate advised that if Local Authorities were engaging with the SoCGs then there is no requirement for them to maintain PADSS if they consider them to be unnecessary.