



# Planning Inspectorate

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All interested parties, statutory parties

Your Ref:

Our Refs: DCO: BC0410001  
MCO: TR0510002

Date: 10 February 2026

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Dear Sir/ Madam

## **Planning Act 2008 – sections 88 and 89**

### **The Infrastructure Planning (Examination Procedure) Rules 2010 – rules 4, 5, 6, 9 and 13**

**Application by SEGRO Properties Limited, for an order granting development consent for a scheme comprising the East Midlands Gateway Phase 2 (EMG2)**

### **The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 – regulations 22, 27, 28, 29, 36 and 69**

**Application by SEGRO (EMG) Limited, for an order making material changes to the previously approved East Midlands Gateway Rail Freight Interchange and Highway Order 2016**

## **Appointment of the Examining Panel, and invitation to the preliminary meeting and notification of hearings**

In their letter of 22 December 2025 [[PD-007D](#)], the Secretary of State for Transport and the Secretary of State for Housing, Communities and Local Government confirmed that the two above applications would be assessed through a co-joined examination process.

Normally those appointed to examine an application for a development consent order (DCO) are known as the Examining Authority and those for a material change order (MCO) are known as the Examining Body. To avoid having to refer to one, the other or both, a decision has been taken to unify the naming convention and call those appointed to examine both applications the 'Examining Panel' (ExP).

Following my appointments by the Secretary of State as the lead member of the ExP to carry out an examination of the above applications I am writing to introduce myself and the other members of the ExP. My name is Robert Jackson and the other members of the ExP are Liam Page and Gaurav Joshi. This letter is to introduce us, explain the processes that

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will be followed, provide information about the Preliminary Meeting and other hearings and to provide other information.

There are two websites associated with the applications:

- for the DCO: [East Midlands Gateway Phase 2 - Project information](#)
- for the MCO at [East Midlands Gateway Rail Freight Interchange Material Change - Project information](#).

To seek to simplify matters, however, we will be using a single examination library across the two applications. This can be found under the documents tab of both webpages, and includes copies of the appointment notices.

We would like to thank those of you who submitted relevant representations. These representations have assisted us when considering how we will examine both applications.

### Invitation to the preliminary meeting

As a recipient of this letter you are invited to the preliminary meeting to discuss **the procedure** for the examination of the above application.

Date	Start time	Venue and joining details
10 March 2026	<b>Registration and seating available at venue from:</b> <b>9.30 a.m.</b> <b>Virtual registration process from:</b> <b>9.30 a.m.</b> <b>Preliminary meeting starts:</b> <b>10.00 a.m.</b>	Hilton East Midlands Airport Derby Road Castle Donington Derby DE74 2YZ and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

**You must register by completing the [Event Participation Form](#) by 24 February 2026 if you intend to participate in the preliminary meeting and provide all the information requested (see below).**

If you simply wish to observe the preliminary meeting, then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **24 February 2026** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **24 February 2026**.

## Purpose of the preliminary meeting

The purpose of the preliminary meeting is to enable views to be put to us about how the applications should be examined. The ExP will therefore limit the scope of the preliminary meeting to consideration of **how the applications will be examined**. See **annex B** to this letter and The Planning Inspectorate's [Advice for members of the public: The stages of the NSIP process and how you can have your say](#) for more information.

The preliminary meeting is **not** an opportunity for you to give your views about what you like or don't like about the applications. The merits or disadvantages of the applications will only be considered once the examination starts, which is after the preliminary meeting has closed. All relevant and important matters will be taken into account when we make recommendations to the Secretary of State for Transport, who will take the final decision in these cases.

The agenda for the meeting is at **annex A** to this letter. This has been set following our initial assessment of principal issues arising from our reading of the applications documents and the relevant representations received. The initial assessment of principal issues is set out in **annex C** to this letter. For reasons explained elsewhere these are the same for both examinations.

## Written submissions about how the application should be examined

The Planning Act 2008 establishes a principally written process for the examination of applications for development consent orders and changes to development consent orders and **representations made in writing carry equal weight to oral representations at all stages of the process**.

We are now requesting written submissions from recipients of this letter about how the application should be examined. We particularly wish to hear from you if either:

1. consider changes need to be made to the draft examination timetable set out at **annex D** to this letter
2. wish to comment about the arrangements for future examination hearings, including the use of virtual methods

You are invited to make a written submission about how the application is to be examined by **procedural deadline A** (Tuesday 24 February 2026) (see **annex D** to this letter).

We request that all submissions are made using the 'Have your say' pages on the relevant project webpages on or before **procedural deadline A. Annex H** to this letter provides further information about using the 'Have your say' pages.

### Requests to participate at the preliminary meeting

Please note that **you are not required to attend, or make written submissions to, the preliminary meeting in order to participate in the examination.** If you are an interested party, you can make a written representation and comment on the written representations made by other interested parties during the examination. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the preliminary meeting, you are required to notify the ExP in writing on or before **24 February 2026** (see **procedural deadline A**).

Any request to participate in the preliminary meeting **must include** the following information:

- Name and unique reference number (found at the top your letter or email from The Planning Inspectorate)
- Email address (if available) and contact telephone number
- Name and unique reference number of any person/ organisation that you are representing (if applicable)
- Confirmation of whether you will participate virtually or in-person
- The agenda item on which you wish to speak and a list of the points you wish to make

Requests to participate should be made using the on or before **procedural deadline A**.

**Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend the preliminary meeting, either virtually or in person.**

### Format of examination events – preliminary meeting and hearings

The examination of the application will principally be a written process supplemented where necessary by various types of hearings. See The Planning Inspectorate's [Advice for members of the public: The stages of the NSIP process and how you can have your say](#) for more information.

Both blended (part in-person and part virtual) and fully virtual events form part of The Planning Inspectorate's operating model. We remain flexible and will confirm the format of any hearings to be held during the examination stage when we provide formal notification of each hearing in advance of it taking place.

We are providing formal notification that the **preliminary meeting will be a blended event** and that the **Compulsory Acquisition Hearing (CAH) and Issue Specific Hearings (ISH)** referred to in annex E to this letter **will also be blended events**.

### **After the preliminary meeting**

After the preliminary meeting we will issue a letter (known as the Rule 8 Letter) setting out the finalised examination timetable. A note of the meeting will also be published on the project webpages.

### **Notification of initial hearings**

We have made a procedural decision to hold the following initial hearings:

- Compulsory acquisition hearing (CAH1) on Tuesday 10 March at 2.00 pm. (Blended event)
- Issue specific hearing (ISH1) on Wednesday 11 March at 10.00 am. (Blended event)
- Issue specific hearing (ISH2) on Thursday 12 March at 10.00 am. (Blended event)

Important information about these hearings is contained in **annex E** to this letter, including high level agendas, what details need to be provided with a request to be heard at a hearing and the procedure that will be followed.

### **Other procedural decisions made by the Examining Panel**

We have made some further procedural decisions which are set out in detail at **annex F** to this letter. They are summarised as follows:

- Alignment of examination and reporting periods
- Statements of common ground
- Accompanied site inspection – suggested locations
- Submissions
- Revisions to status of the applicants' examination documents
- Land Rights Tracker
- Examination Issues Tracker
- Summary and signposting documents
- Additional submissions

### **Changes to land interests**

When the applicants become aware that there has been a change in ownership, or a new interest, in relevant land the applicants are requested to make the relevant person aware that they can make a request to the ExP to become an interested party under section 102A of the PA2008. They should inform them that information about how to do this can be found in the Planning Inspectorate's advice for members of the public: [Nationally Significant Infrastructure Projects and the people and organisations involved in the process. The examination timetable includes various deadlines for the](#) submission of an updated book of reference and schedule of changes to the book of reference, which

should include confirmation that relevant persons have been informed of their rights under section 102A.

## Managing examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to interested parties during an examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the project webpages:

- for the DCO at [East Midlands Gateway Phase 2 - Project information](#)
- for the MCO at [East Midlands Gateway Rail Freight Interchange Material Change - Project information](#)

'Have your say' pages are available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the examination. Further information about the 'Have your say' pages is provided at **annex H** to this letter.

Where submissions relate to one project and not the other, then please use the relevant 'Have your say' page. This will aid categorising and publishing the documents as expeditiously and efficiently as possible. For documents relating to both projects they should be submitted via the DCO application website at [East Midlands Gateway Phase 2 - Project information](#) marked as such. **There is no need to submit such documents twice, once on each project.** This is confirmed in one of our procedural decisions set out in **annex F**.

You can also use the 'Get updates' button on the project webpages to register to receive automatic e-mail updates at key stages during the examination. Information on this is available in **annex G**.

## Your status in the examination

You have received this letter because you are a person or organisation who is involved in the NSIP process. See The Planning Inspectorate's [Advice for members of the public: National Infrastructure Projects and the people and organisations involved in the process](#) for further details.

If, having read the advice, you are still unsure about how you are involved in the process please contact the Case Team using the details at the top of this letter.

## Awards of costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the examination. You

should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#). The law on this is due to change on 18 February 2026, see section 96B of the Planning Act 2008 as inserted by the Planning and Infrastructure Act 2025, and will apply to these examinations.

## Management of information

Information, including representations, submitted in respect of this examination (if accepted by the ExP) and a record of any advice which has been provided by the Planning Inspectorate is published on the project webpages.

Please note that in the interest of facilitating an effective and fair examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

We look forward to working with all parties in the examination of this application.

Yours faithfully

*Robert Jackson*

## Lead Member of the Examining Panel

### Annexes

- A** Agenda for the preliminary meeting
- B** Introduction to the preliminary meeting
- C** Initial assessment of principal issues
- D** Draft examination timetable
- E** Notification of agendas for initial hearings
- F** Other procedural decisions made by the Examining Panel
- G** Examination documents
- H** Information about the 'Have your say' page

This communication does not constitute legal advice.

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**Agenda for the preliminary meeting**

**You must register by completing the [Event Participation Form - East Midlands Gateway Phase 2 and East Midlands Gateway RFI MC](#) by procedural deadline A, 24 February 2026 if you intend to participate in the preliminary meeting and provide all the information requested (see below).**

If you simply wish to observe the preliminary meeting then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the project webpages shortly before the event is scheduled to begin
2. watch the recording of the event which will be published on the project webpages shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **24 February 2026** using the [Event Participation Form - East Midlands Gateway Phase 2 and East Midlands Gateway RFI MC](#)

. Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **24 February 2026**.

Please note that by attending the event either in person or online you are agreeing to be filmed for the purposes of the online livestream of the event and the recording of the event which will be published on the project page. A limited number of seats will be available for observers who wish not to be filmed at the venue. Please contact the Case Team to notify them if you prefer not to be filmed at the event. A transcript of the event will also be published on the project page of our website after the event.

**Date:** **Tuesday 10 March 2026**

**Venue:** **Blended event at Hilton East Midlands Airport, Derby Road, Castle Donington, Derby DE74 2YZ and by virtual means using Microsoft Teams**  
 Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

**Attendees:** **Invited parties who have pre-registered**

<b>Agenda for the preliminary meeting</b>	
<b>9.30am</b>	Registration and seating available at venue for in-person attendees
<b>9:30am</b>	<b>Virtual registration process</b>

	<p>Please arrive at TIME 9:30am to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The registration process will commence at 9:30am. This will be hosted by the Case Team and cover the housekeeping arrangements for the preliminary meeting and allow for any questions to be asked about how to take part.</p>
<b>10.00am</b>	<b>Preliminary meeting</b>
<b>Item 1</b>	The preliminary meeting will formally open at <b>10.00am</b> . The Examining Panel will join, welcome participants and lead introductions.
<b>Item 2</b>	The Examining Panel’s remarks about the examination process
<b>Item 3</b>	Initial assessment of principal issues – <b>annex C</b> to Rule 6 Letter
<b>Item 4</b>	Draft examination timetable – <b>annex D</b> to Rule 6 Letter
<b>Item 5</b>	Procedural decisions – <b>annex F</b> to the Rule 6 Letter
<b>Item 6</b>	Any other matters
<b>Close of the preliminary meeting</b>	

If you are participating using Microsoft Teams please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the preliminary meeting is subject to change at the discretion of the Examining Panel, although in making changes the Examining Panel will be mindful of the need to provide opportunities for fair involvement to all invited parties.

Any request to participate in the preliminary meeting **must include** the following information and be made on the

- Name and unique reference number (found at the top your letter or email from The Planning Inspectorate)
- Email address (if available) and contact telephone number
- Name and unique reference number of any person/ organisation that you are representing (if applicable)
- For blended events, confirmation of whether you will participate virtually or in-person
- The agenda item on which you wish to speak and a list of the points you wish to make

## **Introduction to the preliminary meeting**

### **Background**

The preliminary meeting (PM) will be a blended event with some participants attending in person and some taking part virtually using Microsoft Teams

The Examining Panel (ExP) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExP's introductory remarks. Please read this carefully. The ExP will only present a summary of the key points set out here in order to ensure that the time available for participants to speak is maximised.

### **The Examining Panel and the Case Team**

The ExP will introduce themselves at the start of the PM.

The ExP will be supported by the Planning Inspectorate Case Team. During the registration process a member of the Case Team will welcome and admit participants from the virtual lobby, and will be available to answer questions by email before and after the PM. The contact email addresses are:

- for the DCO: [emgateway2@planninginspectorate.gov.uk](mailto:emgateway2@planninginspectorate.gov.uk)
- for the MCO: [EMG1MaterialChange@planninginspectorate.gov.uk](mailto:EMG1MaterialChange@planninginspectorate.gov.uk)

For general queries about the process over the two examinations, please use the DCO [emgateway2@planninginspectorate.gov.uk](mailto:emgateway2@planninginspectorate.gov.uk) email address.

### **The purpose of the preliminary meeting**

The PM is being held to discuss the arrangements for the examination of the applications for:

- a development consent order (DCO) for the East Midlands Gateway Phase 2 and Highway Order (EMG2) made by SEGRO Properties Limited, and
- an order making material changes to the previously approved East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (the original DCO) made by SEGRO (EMG) Limited.

The works will generally be referred to in the PM and examination as 'the proposed development'. Where necessary, the application for the DCO will be referred to as the 'DCO application' and that for the material change as the 'MCO application'.

Similarly, for simplicity, unless necessary for some reason, SEGRO Properties Limited and SEGRO (EMG) Limited will be referred to jointly as 'the applicants'. Where necessary, SEGRO Properties Limited will be referred to as 'the DCO applicant' and SEGRO (EMG) Limited as 'the MCO applicant'.

You will find information about the applications and, in due course, documents produced for the examination on the project webpages of the Find National Infrastructure Project website. For the DCO applicant this is [East Midlands Gateway](#)

[Phase 2 - Project information](#) and that for the MCO at [East Midlands Gateway Rail Freight Interchange Material Change - Project information](#).

As noted in the main Rule 6 letter, to seek to simplify matters, we will be using a single examination library across the two projects. This can be found under the documents tabs of both webpages.

The project webpages have links to the examination timetable, relevant representations and examination documents and examination procedure.

You are encouraged to look at the projects' webpage if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the examination.

The main purpose of the PM is to discuss the arrangements for the examination of the applications. It focuses on the process only, and it will not be looking at the substance of the proposals: Questions, discussions and representations about the merits or disadvantages of the proposed development are for the examination itself which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that the ExP intends to follow. The agenda for the PM is attached to this Rule 6 Letter at **annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the course of the PM. You may wish to print these in advance of the PM for reference.

In the letter of 22 December 2025 [\[PD-007D\]](#) the Secretary of State for Transport (SoST) and Secretary of State for Housing, Communities and Local Government (SoSHCLG) indicated that they "are content to use available powers to align the examination, reporting and determination periods of the MC Scheme with those of the DCO and recognise the benefits this approach would bring in terms of clarity and efficiency for stakeholders and interested parties". We have made a procedural decision about this, which can be found in **annex F**.

### **Legislation, government guidance and policy**

Under the Planning Act 2008 (PA2008) there are two different routes as to the determination of applications. This depends on whether a National Policy Statement (NPS) has effect in relation to the description to which the application relates.

Where a NPS has effect, under section (s) 104 of the PA2008, the relevant SoS "must decide the application in accordance with any relevant NPS", subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the proposed development would not outweigh its benefits.

However, where a NPS does not have effect, under s105 of the PA2008, in deciding the application the SoS must have regard to:

- (a) any local impact report submitted within the appropriate timetable
- (b) any matters prescribed – see The Infrastructure Planning (Decisions) Regulations 2010 (the Decision Regulations)

- (c) any other matters which the SoS thinks are both important and relevant to the SoS's decision.

In March 2024 the government brought the National Network National Policy Statement (NNNPS) into effect. As paragraph 1.1 of that document states:

“The National Networks National Policy Statement ... sets out the need for, and government's policies to deliver, development of Nationally Significant Infrastructure Projects ... on the national road and rail networks in England. For the purposes of this NPS these developments are referred to as national road, rail, and strategic rail freight interchange (SRFI) developments.”

Section 115(1)(b) of the PA2008 provides that a DCO can include consent for “associated development” which is development that is not part of but is associated with the NSIP.

The Courts have held that a proposed development has been directed into the development consent regime under s35 of the PA2008 does not mean that has the effect of bringing it within the scope of the decision-making framework pursuant to section 104. In any event, there is currently no NPS for business and commercial development.

#### The DCO application

The DCO application is made up of three parts:

- commercial and business development on the land to the south of the A453 west of the Finger Farm roundabout, the details being set out in part 1 of schedule 1 of the draft Development Consent Order (dDCO) [[APP-012D](#)]
- alterations of the existing highway, predominantly around junction 24 of the M1 (M1J24), the details being set out in part 2 of schedule 1 of the dDCO
- associated development to the above the details being set out in part 3 of schedule 1 of the dDCO

Through a direction letter of 21 February 2024 [[APP-068](#)] the then SoS for Levelling Up, Housing and Communities directed that the business and commercial development the subject of the DCO application is to be treated as development for which development consent is required under s35(1) of the PA2008. The SoS further directed, in accordance with s35ZA(3)(b) of the PA2008, that an application for a consent or authorisation mentioned in s33(1) or (2) of the PA2008 is to be treated as a proposed application for which development consent is required.

The alterations to the highway include works that of themselves represent a nationally significant infrastructure project (NSIP) under the PA2008. Sections 14 and 22 of the PA2008 include alteration of a highway entirely within England, provided that National Highways (NH) is the highway authority for the highway and the area of development relating to a motorway is greater than 15ha or if the area of development relating to an all-purpose trunk road with an expected speed limit greater than or equal to 50mph is greater than 12.5ha or if the area of development relating to other all-purpose trunk road is greater than 7.5ha. On its face, therefore, the highway works would appear to be development for which the NNNPS has effect.

As part of the examination, we will be seeking to explore whether an application which has parts where an NPS has effect and parts where it does not, should be considered under s104, s105 or 'split' between its constituent parts depending on the facts of the particular application.

To this end we have put agenda items in issue specific hearing 1 (ISH1) (see **annex E**) to explore this.

### The MCO application

Turning to the material change order (MCO) application, under regulation 47 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the Changes Regulations) in determining the application the SoS must have regard to:

- (a) any NPS which has effect in relation to the subject matter of the original DCO
- (b) any prescribed matters – see the Decision Regulations
- (c) any other matters which the SoS thinks are both important and relevant to the SoS's decision

As the original DCO was for a SRFI (see sections 14 and 26 of the PA2008), the NPS which has effect for the MCO application is the NNNPS.

### Decision taking

In a joint letter of 22 December 2025 [[PD-007D](#)], the SoST and SoSHCLG confirmed that the SoST would be the decision maker on both applications with appropriate consultation undertaken as necessary within government.

### National Planning Policy Framework

We feel it would be appropriate to make comment on the National Planning Policy Framework (the Framework). This will be important and relevant in considering all aspects of the applications. The weight that will be given to it will depend on the circumstances, particularly where an NPS has effect.

In December 2025 the government published a draft revised Framework. This is currently out for consultation until 10 March 2026. We appreciate that this includes changes to the current version of the Framework which may affect the consideration of the applications. However, as the document is in draft it is subject to change. At this stage, therefore, we are not inviting representations on the draft Framework and, assuming that the final version is published during the examination, we will do so at that point.

If, when we are approaching the end of the examination, a final version has not been published, then we will at that point invite representations, allowing sufficient time for comments in response to be made.

## Conclusion

In summary, the PM will establish the procedures and timetable for the examination of the proposed development. It will set a framework for the ExP to enable the SoS to consider and decide the applications. In doing so, the ExP will have regard to:

- the positions and representations of all interested parties (IP)
- any local impact reports (LIR) prepared and provided by relevant local authorities
- other prescribed matters, including where appropriate the NNNPS
- any other matters that appear to be both relevant and important to the relevant SoS's decision

## **Preliminary meeting invitees**

The applicants are invited to the PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid relevant representation has been registered as an IP and has been invited to the PM. All IPs are entitled to involvement in the examination.

Each person or organisation with an interest in land or rights that are affected by a compulsory acquisition request in this application is an affected person (AP) and has been invited to the PM. In addition to a general entitlement to involvement in the examination, APs have a right to be heard in relation to any objection about the effects of compulsory acquisition on their interests in land, and a right to be notified of any compulsory acquisition hearing. All APs are IPs, whether or not they have made a valid relevant representation.

Certain bodies are statutory parties and they have been invited to the PM. Statutory parties can elect to become IPs without having made a valid relevant representation by notifying the ExP in writing.

The ExP has the power to involve people who are not IPs in the examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

At this stage, the ExP has not invited any other persons to the PM.

## **Conduct of the preliminary meeting**

The ExP estimates that the PM will take around 2 to 3 hours to complete.

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExP will provide breaks during the PM as appropriate.

A digital recording of the PM will be made available on the project webpages as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the examination to find out what has been discussed at the PM. The making and publication of these recordings are a means by which the ExP meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

As the recordings are retained and published, they form a public record that can contain personal information to which The UK General Data Protection Regulation applies. Participants must do their best to avoid providing any information which should otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of 5 years from the SoS's decisions. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExP's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExP will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

### **The examination process**

The examination of applications under the PA2008 follows different processes to those, for example, of a public inquiry into a planning appeal following the refusal of planning permission. The main differences are that the examinations are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExP will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the applicants or to witnesses will come from the ExP. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft examination timetable makes provision for the following written processes:

- local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExP, the SoS and their residents

- IPs can make written representations (WR) and comment on WRs made by other parties
- IPs can respond to the ExP's written questions (ExQs) and comment on responses to these written questions provided by others
- IPs may be asked to contribute to the making of statements of common ground (SoCG) if it appears that there are matters on which they and the applicants agree, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding

The draft examination timetable includes a series of numbered deadlines for receipt of written submissions. Timely submissions received by the relevant deadline and that address its purpose will be accepted. **Documents received after the relevant deadline are only accepted at the discretion of the ExP and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour and lead to awards of costs being made against the party concerned.

These written processes will be the principal means used by the ExP to gather information, evidence and views about the application. However, the examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted or unnecessary expenditure could lead to an award of costs against the offending party.

The ExP has discretion to make amendments to the examination timetable for the wider benefit of the examination. If possible, events will be arranged for times when all relevant parties are available, but the ExP is under a duty to complete the examinations by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExP will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft examination timetable.

There are also various statutory lead-in times for hearings which apply to the MCO application under the Changes Regulations. It is our intention to use these lead-in times for the DCO application as well, but should we require additional hearings in relation to the DCO application only then we may use the additional flexibility in The Infrastructure Planning (Examination Procedure) Rules 2010.

The statutory time limit for the examination means that where there are matters that still need to be discussed and agreed between the applicants and IPs, it will be very helpful to the ExP if these could be progressed as early as possible.

## **Hearings**

The draft examination timetable includes provision for hearings, at which the ExP takes oral evidence from the various parties.

Any registered IP may request an **open floor hearing** (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExP. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all examination events, OFHs are subject to the powers of control of the ExP, as set out in the PA2008 and supporting legislation. Participants must register in advance by the deadline shown in the examination timetable and in accordance with the instructions. It is common practice for the ExP to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The applicants' dDCO provides for the compulsory acquisition (CA) of land and rights, and the temporary possession (TP) of land. APs (meaning those whose land or rights over land are affected) have a right to request and be heard at a **compulsory acquisition hearing** (CAH). If one or more APs request to be heard then a CAH must be held. We have already received such a request. Provisional dates for CAHs are included in the draft examination timetable along with deadlines by which requests to be heard must be submitted.

We are intending to hold a CAH after the close of the PM to discuss the applicants' general case for CA including funding, with the opportunity to consider the effect on specific land plots later in the examination. Having said that, due to the nature of the compulsory acquisition request, it is likely there will be some more specific discussion about the request relating to the northern part of the main EMG2 site.

The ExP has the discretion to hold **issue specific hearings** (ISH) if it would aid in the examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExP is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft examination timetable includes a number of dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

The ExP is intending to hold an ISH on the dDCO and the draft Material Change Order (dMCO) and it may be necessary to hold one or more later ISHs. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the dDCO and dMCO provided by the applicants with the applications, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExP has reached any judgements on the merits of the application. Whatever the ultimate recommendations are, the ExP must make sure that the dDCO and dMCO are fit for purpose if the SoS decides to grant consent, as any consent will be subject to requirements (similar to planning conditions) set out in the dDCO or dMCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require, for example, PowerPoint presentations. Any supporting detail/ information can be provided in writing following the event by the relevant deadline.

The draft examination timetable include deadlines (**24 February and 7 April 2026**) for participants to notify the ExP that they wish to speak at an OFH or a CAH.

### **Site inspections**

As part of the examination process the ExP may undertake site inspections. These can be either unaccompanied or accompanied.

The purpose of these is for the ExP to see features of the proposals within the context of the evidence put forward. Notes of unaccompanied site inspections (USI) are published on the project webpages respectively at [East Midlands Gateway Phase 2 - Project information](#) and at [East Midlands Gateway Rail Freight Interchange Material Change - Project information](#).

Accompanied site inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the proposed development will be entertained during an ASI.

The ExP may decide to hold USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExP may also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis (ARSI).

As can be seen from the examination library, we have already undertaken a USI in connection with the DCO application. A note setting out where we have been can be found at [\[EV1-001D\]](#). We would not anticipate needing to revisit locations which we saw unless there are truly exceptional circumstances which any request would need to explain.

The draft examination timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExP should visit. These will be used to inform further USIs, ARSIs as well as possible ASIs.

## **Initial assessment of principal issues**

This is the initial assessment of principal issues prepared as required under section (s) 88(1) of the Planning Act 2008 (PA2008) and regulation 27 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the Changes Regulations). It has been prepared by the Examining Panel (ExP) following its reading of:

- the application documents
- the relevant representations received in respect of the application
- its consideration of any other important and relevant matters

Due to the way that the applications have been structured, with a single environmental statement, the principal issues are the same for both examinations.

This initial assessment has guided the ExP in forming a provisional view as to how the applications are to be examined. It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExP will have regard to all important and relevant matters during the examination and when it writes its recommendations to the Secretary of State for Transport (SoST) after the examination has concluded.

The policy and consenting requirements and documents associated with the PA2008 and Changes Regulations are an integral part of the examination and are therefore not listed as principal issues. It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as principal issues, the ExP will conduct all aspects of the examination with these in mind.

However, the application is considered in relation to ss104 and 105 of the PA2008 (see **annex B**) the issues contained within the National Networks National Policy Statement will be an integral part of the examination.

Whilst matters relating to compulsory acquisition and the draft Development Consent Order (dDCO) and draft Material Change Order (MCO) are not listed as principal issues, they too will form an integral part of the examination.

Consideration will be given to all relevant matters during the construction, operation and decommissioning activities associated with the proposed development, and cumulatively with other plans and projects, as necessary.

The order of the issues listed is alphabetical and does not imply any order of prioritisation or importance. The bulleted items under each issue are indicative and do not preclude other sub-items being considered.

### **1. Cultural Heritage**

Including issues relating to:

- effects on the settings of scheduled monuments, listed buildings, conservation areas and non-designated heritage assets
- effects on existing and potential archaeology on the application sites

## **2. Ecology and Biodiversity (including Habitats Regulations Assessment)**

Including issues relating to:

- effects on designated habitats, including those with international designations
- effects on protected species
- effects on ancient/ veteran trees
- biodiversity net gain

## **3. Energy and Climate Change**

Including issues relating to:

- consideration of effects of the proposed development on climate change, and the resilience of the proposed development to the effect of climate change
- effects of local energy production

## **4. Flood Risk and Drainage (including Water Framework Directive matters)**

Including issues relating to:

- effects on main rivers and ordinary watercourses
- effects on the local sewerage system
- effects on and offsite relating to changes to the surface water regime and flood risk
- the potential for PFAS contamination

## **5. Landscape and Visual (including Lighting)**

Including issues relating to:

- effects on landscape character
- visual effects, including from public rights of way
- design of all elements of the proposed developments
- effects on hedgerows and trees

## **6. Need, Funding, and Socio-economics**

Including issues relating to:

- whether there is an identified need for the proposed development and what economic impacts it would bring locally, regionally and nationally in terms of employment, among other things.
- whether the proposed development would have social impacts in relation to health, wellbeing and residential amenity
- the consideration and clarification of alternatives
- whether the appropriate and required funding is in place

## **7. Pollution from Noise, Vibration and Other Emissions**

Including issues relating to:

- effects on local communities during the construction and operation of the proposed development
- effects on workers constructing and operating the proposed development

## **8. Safeguarding Aerodromes**

Including issues relating to:

- effects of the proposed development on aerodrome safeguarding and whether it complies with the latest safety standards
- policy relating to development in proximity to aerodromes

## **9. Soils and Agricultural Land**

Including issues relating to:

- effects on best and most versatile agricultural land and agricultural land holdings
- effects on soil as a resource and soil management as part of the proposed development

## **10. Traffic and Transport**

Including issues relating to:

- operation of the strategic road network
- operation of the local road network
- local access arrangements
- road safety
- non-motorised users
- sustainable transport initiatives.

### Draft examination timetable

The Examining Panel (ExP) is under a duty to **complete** the examination of the applications by the end of the period of 6 months beginning with the day after the close of the preliminary meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExP will also consider any oral representations made at hearings.

Item	Matters	Date
1.	<p><b>Procedural deadline A</b></p> <p>Deadline for receipt by the ExP of:</p> <ul style="list-style-type: none"> <li>• requests to be heard orally at the preliminary meeting on Tuesday 10 March 2026, including on which part of the agenda, as set out in annex A of the Rule 6 Letter, that IP's wish to be heard</li> <li>• written submissions on the examination procedure and information set out in the Rule 6 Letter, including any submissions about the use of virtual methods</li> <li>• submission of additional information as requested by the ExP's procedural decisions in annex F of the Rule 6 Letter</li> <li>• requests to be heard orally at compulsory acquisition hearing 1 (CAH1) on Tuesday 10 March 2026</li> <li>• notification of intention to attend issue specific hearing 1 (ISH1) on Wednesday 11 March 2026</li> <li>• notification of intention to attend issue specific hearing 2 (ISH2) on Thursday 12 March 2026</li> <li>• suggested locations for site inspections (accompanied or unaccompanied), including justification, for consideration by the ExP</li> <li>• notification by statutory parties and relevant local authorities of their wish to be considered as an IP by the ExP</li> <li>• requests from any IPs wishing to receive communications by email</li> </ul>	<p><b>Tuesday 24 February 2026</b></p>
2.	<p><b>Preliminary meeting</b></p>	<p><b>Tuesday 10 March 2026 10.00am</b></p>

3.	<b>CAH1</b> on high level compulsory acquisition matters, including alternatives	<b>Tuesday 10 March 2026 2.00pm</b>
4.	<b>ISH1</b> on the legal basis for determination, interoperability, the relationship between the two applications, need and alternatives and traffic and transport	<b>Wednesday 11 March 2026 10.00am</b>
5.	<b>ISH2</b> on the draft Development Consent Order (dDCO) and draft Material Change Order (dMCO)	<b>Thursday 12 March 2026 10.00am</b>
6.	<b>Publication by the ExP of:</b> <ul style="list-style-type: none"> <li>• the examination timetable</li> <li>• the ExP's first written questions (ExQ1)</li> </ul>	<b>As soon as practicable after the preliminary meeting</b>
7.	<b>Deadline 1</b> For receipt by the ExP of: <ul style="list-style-type: none"> <li>• local impact reports (LIRs)</li> <li>• written representations (WRs), including summaries if exceeding 1500 words</li> <li>• comments on relevant representations (RRs)</li> <li>• summaries of all RRs exceeding 1500 words</li> <li>• responses to ExQ1</li> <li>• post hearing submissions for CAH1, including written summaries of oral cases</li> <li>• post hearing submissions for ISH1, including written summaries of oral cases</li> <li>• post hearing submissions for ISH2, including written summaries of oral cases</li> <li>• applicants' draft itinerary for an accompanied site inspection (ASI)</li> <li>• applicants' draft statements of common ground (SoCG)</li> <li>• applicants' draft Statement of Commonality of SoCGs</li> <li>• applicants' draft Examination Issues Tracker</li> <li>• requests to be heard orally at an open floor hearing (OFH) or subsequent compulsory acquisition hearing (CAH) on the dates reserved</li> </ul>	<b>Tuesday 7 April 2026</b>

	<p>for such hearings within the examination timetable</p> <ul style="list-style-type: none"> <li>• comments on any additional submissions accepted by the ExP</li> <li>• comments on any submissions made at procedural deadline A</li> <li>• any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011</li> <li>• any further information submitted by the applicants</li> </ul>	
<b>8.</b>	<p><b>Deadline 2</b></p> <p>For receipt by the ExP of:</p> <ul style="list-style-type: none"> <li>• comments on any submissions received by deadline 1</li> <li>• applicants' updated SoCGs</li> <li>• applicants' updated Statement of Commonality of SoCGs</li> <li>• applicants' updated Examination Issues Tracker</li> <li>• applicants' updated dDCO and dMCO and schedule of changes to dDCO and dMCO</li> <li>• applicants' updated Land and Rights Negotiations Tracker</li> <li>• comments on any additional submissions accepted by the ExP</li> <li>• any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011</li> <li>• any further information submitted by the applicants</li> </ul>	<p><b>Tuesday 21 April 2026</b></p>
<b>9.</b>	<p><b>Hearings</b></p> <p>Dates reserved for:</p> <ul style="list-style-type: none"> <li>• <b>OFH</b> (if required)</li> </ul>	<p><b>Week commencing 11 May 2026</b></p>

	<ul style="list-style-type: none"> <li>• <b>ISHs</b> (if required)</li> <li>• <b>CAH</b> (if required)</li> </ul>	
<b>10.</b>	<b>Publication by the ExP of:</b> <ul style="list-style-type: none"> <li>• the ExP's second written questions (ExQ2) (if required)</li> </ul>	<b>Tuesday 2 June 2026</b>
<b>11.</b>	<b>Deadline 3</b> For receipt by the ExP of: <ul style="list-style-type: none"> <li>• responses to ExQ2 (if required)</li> <li>• post hearing submissions, including written summaries of oral cases (if required)</li> <li>• comments on any submissions received by deadline 2</li> <li>• comments on any additional submissions accepted by the ExP</li> <li>• any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011</li> <li>• any further information submitted by the applicants</li> </ul>	<b>Tuesday 16 June 2026</b>
<b>12.</b>	<b>ASI (if required)</b>	<b>Wednesday 17 June 2026</b> and/ or <b>Thursday 18 June 2026</b>
<b>13.</b>	<b>Deadline 4</b> For receipt by the ExP of: <ul style="list-style-type: none"> <li>• comments on any submissions received by deadline 3</li> <li>• applicants' updated SoCG</li> <li>• applicants' updated Statement of Commonality of SoCGs</li> <li>• applicants' updated Examination Issues Tracker</li> <li>• applicants' updated dDCO and dMCO and schedule of changes to dDCO and dMCO</li> </ul>	<b>Tuesday 30 June 2026</b>

	<ul style="list-style-type: none"> <li>• applicants' updated Land and Rights Negotiations Tracker</li> <li>• comments on any additional submissions accepted by the ExP</li> <li>• any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011</li> <li>• any further information submitted by the applicants</li> </ul>	
<b>14.</b>	<p><b>Publication by the ExP of (if required):</b></p> <ul style="list-style-type: none"> <li>• the ExP's third written questions (ExQ3)</li> <li>• the Report on the Implications for European Sites (RIES) and any associated questions (if required)</li> <li>• the ExP's commentary on, or schedule of changes to, the dDCO and dMCO</li> </ul>	<p><b>Tuesday 14 July 2026</b></p>
<b>15.</b>	<p><b>Deadline 5</b></p> <p>For receipt by the ExP of:</p> <ul style="list-style-type: none"> <li>• responses to ExQ3 (if required)</li> <li>• responses to ExP's commentary on, or schedule of changes to, the dDCO/dMCO (if required)</li> <li>• responses to the RIES and any associated questions (if required)</li> <li>• comments on any submissions received by deadline 4</li> <li>• comments on any additional submissions accepted by the ExP</li> <li>• any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011</li> <li>• any further information submitted by the applicants</li> </ul>	<p><b>Tuesday 28 July 2026</b></p>
<b>16.</b>	<p><b>Hearings</b></p> <p>Dates reserved for:</p>	<p><b>Week commencing 17 August 2026</b></p>

	<ul style="list-style-type: none"> <li>• <b>OFH</b> (if required)</li> <li>• <b>ISHs</b> (if required)</li> <li>• <b>CAH</b> (if required)</li> </ul>	
<p><b>17. Deadline 6</b></p>	<p>For receipt by the ExP, from any IP, of:</p> <ul style="list-style-type: none"> <li>• post hearing submissions, including written summaries of oral cases (if required)</li> <li>• comments on any submissions received by deadline 5</li> <li>• comments on any additional submissions accepted by the ExP</li> <li>• 'summary and signposting' document setting out areas of disagreement and noting cross-referencing within examination</li> <li>• any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011</li> </ul> <p>For receipt by the ExP, from the applicants, of:</p> <ul style="list-style-type: none"> <li>• final dDCO and final dMCO to be submitted by the applicants in the SI template with the SI template validation report. The applicants are to provide the email notification from <a href="https://publishing.legislation.gov.uk/validation">https://publishing.legislation.gov.uk/validation</a> confirming the document has successfully passed validation, and the PDF version of the SI validation report obtained from the link in the notification email. The applicants should also provide a clean (all tracking removed) standalone MS Word version of the dDCO and dMCO, with no header or cover page</li> <li>• final BoR and schedule of changes to BoR</li> <li>• final Land and Rights Negotiations Tracker</li> <li>• final SoCGs including list of matters not agreed where SoCGs could not be finalised</li> <li>• final Statement of Commonality of SoCGs</li> <li>• final Examination Issues Tracker</li> <li>• final Guide to the Application</li> </ul>	<p><b>Tuesday 1 September 2026</b></p>

	<ul style="list-style-type: none"> <li>• final NPS Tracker</li> </ul>	
<b>18. Deadline 7</b>	<p>For receipt by the ExP of:</p> <ul style="list-style-type: none"> <li>• comments on any submissions received by deadline 6</li> <li>• comments on any additional submissions accepted by the ExP</li> <li>• any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011</li> </ul>	<b>Wednesday 9 September 2026</b>
<b>19. Close of examination</b>	<p>The ExP intends to close the examination on this date. See 'note about the close of examination date'.</p>	<b>Thursday 10 September 2026</b>

#### **Note about the close of examination date**

The ExP is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the preliminary meeting. The ExP may however decide to close the examination earlier if it considers that the application and relevant matters have been examined adequately.

#### **Submission times for deadlines**

The time for submission of documents at any deadline in the timetable is **23:59 hours** on the relevant deadline date, unless instructed otherwise by the ExP.

#### **Publication dates**

All information received will be published on the project webpage as soon as practicable after the deadlines for submissions.

- for the DCO: [East Midlands Gateway Phase 2 - Project information](#)
- for the MCO at [East Midlands Gateway Rail Freight Interchange Material Change - Project information](#).

#### **Hearing agendas**

Please note that for ISHs and CAHs the ExP will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to **participate**. A detailed draft agenda will be made available on the project webpage at least 5 working days in advance of the hearing date. Where possible the ExP will endeavour to include documents that it would want to have displayed. However, the actual agenda on the day of each hearing may be subject to

change at the discretion of the ExP and consequently additional documents may need to be displayed. For OFHs agendas may not be published.

### **Report on the Implications for European Sites (RIES)**

As the applicants have provided a Shadow Habitats Regulations Assessment (HRA) assessment [[APP-115](#)] with the application, the ExP may decide to issue a RIES **during** the examination. The RIES is a factual account of the information and evidence provided to the ExP on HRA matters during the examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExP's opinion on HRA matters. Comments on the RIES will be invited by the ExP and any received will be taken into account as part of the ExP's recommendations to the Secretary of State. The ExP may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under regulation 63(3) of The Conservation of Habitats and Species Regulations 2017 and/ or regulation 28 of The Conservation of Offshore Marine Habitats and Species Regulations 2017.

## Notification of and Agendas for initial hearings

The Examining Panel (ExP) provides notice of the following initial hearings:

<b>Date</b>	<b>Hearing</b>	<b>Start time</b>	<b>Venue and Joining details</b>
<b>Tuesday 10 March 2026</b>	<b>Compulsory Acquisition Hearing 1</b>	<b>Registration and seating available at venue from: 1.30pm Virtual registration process from: 1.30pm Hearing starts: 2.00pm</b>	Hilton East Midlands Airport Derby Road Castle Donington Derby DE74 2YZ and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre- registered
<b>Wednesday 11 March 2026</b>	<b>Issue Specific Hearing 1</b>	<b>Registration and seating available at venue from: 9.30am Virtual registration process from: 9.30am Hearing starts: 10.00am</b>	Hilton East Midlands Airport Derby Road Castle Donington Derby DE74 2YZ and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre- registered
<b>Thursday 12 March 2026</b>	<b>Issue Specific Hearing 2</b>	<b>Registration and seating available at venue from: 9.30am Virtual registration process from:</b>	Hilton East Midlands Airport Derby Road Castle Donington Derby DE74 2YZ and

Date	Hearing	Start time	Venue and Joining details
		<b>9.30am</b> <b>Hearing starts:</b> <b>10.00 am.</b>	By virtual means using Microsoft Teams  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>NOTE:</b> If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the project webpage, providing reasonable notice to interested parties of the decision to cancel them.</p>			

**You must register by completing the [event participation form](#) by 24 February 2026 if you intend to participate in any of the hearings and provide all the information requested (see below).**

If you simply wish to observe any of the hearings then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the project webpages shortly before the event is scheduled to begin
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical hearing at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **24 February 2026** using the [event participation form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **24 February 2026**.

Any request to participate in a hearing **must include** the following information:

- Name and unique reference number (found at the top of any letter or email from The Planning Inspectorate)
- Email address (if available) and contact telephone number
- Name and unique reference number of any person/ organisation that you are representing (if applicable)
- For blended events, confirmation of whether you will participate virtually or in-person
- Confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/ or brief details of the topic(s) that you would like to raise

- For compulsory acquisition hearings, the plot number(s) of the relevant land provided in the Book of Reference [[APP-021D](#)] and the Land Plans [[APP-026D](#) to [APP-030D](#)]
- The [Examination Library](#) reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to

Requests to participate should be made using the [event participation form](#) on or before **procedural deadline A**.

**Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend any of the hearings, either virtually or in person.**

### **Hearing agendas**

High-level agendas for these hearings are published below to help inform your decision about whether to register to participate.

For issue specific hearings and compulsory acquisition hearings the ExP will publish a detailed draft agenda on the project webpages at least 5 working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExP.

### **Procedure at hearings**

The examination of the application will principally be a written process supplemented where necessary by various types of hearings. See The Planning Inspectorate's [Advice for members of the public: The stages of the NSIP process and how you can have your say](#) for more information.

The Planning Inspectorate's Advice for members of the public provides important information about hearing procedures:

- [What to expect at a Nationally Significant Infrastructure Project event](#)
- [Registering to speak at, or attend, a Nationally Significant Infrastructure Project event](#)

The procedure to be followed at hearings is set out in rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010 and regulations 37 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011. The ExP is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

### **Hearing livestream and recording**

A link to a livestream for each hearing will be made available on the project webpages shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the project webpages as soon as practicable after the close of the hearing. The recordings allow

any member of the public who is interested in the application and the examination to find out what has been discussed.

## Compulsory Acquisition Hearing 1 – Tuesday 10 March 2026 at 2.00pm

The ExP would particularly ask the following parties to attend the hearing:

- the applicants
- National Highways
- Leicestershire County Council
- Prologis UK Limited
- Prologis UK 121 Limited
- East Midlands International Airport Limited
- East Midlands Airport Property Investments (Industrial) Limited

This hearing is to allow the applicants to set out their general case for the interference in land rights and for this to be considered by the ExP. However, as the northern part of the EMG2 site forms an integral part of the applicants' case we will want to consider this, at least at a high level.

Affected parties (APs) are welcome to attend and to raise matters of general application. However, it is the ExP's intention to hold a second CAH later in the examination to deal with any site-specific matters raised by APs.

<b>Agenda for the Compulsory Acquisition Hearing 1</b>	
<b>1:30pm</b>	Registration and seating available at venue for in-person attendees
<b>1:30pm</b>	<p><b>Virtual registration process</b></p> <p>Please arrive at <b>1:30pm</b> to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The registration process will commence at <b>1:30pm</b>. This will be hosted by the Case Team and cover the housekeeping arrangements for the preliminary meeting and allow for any questions to be asked about how to take part.</p>
<b>2.00pm</b> <b>Item 1</b>	<p><b>Compulsory acquisition hearing</b></p> <p>The compulsory acquisition hearing will formally open at <b>2.00pm</b>. The ExP will join, welcome participants and lead introductions.</p>
<b>Item 2</b>	<p><b>General case</b></p> <p>The ExP will ask the applicants to present and justify its case for Compulsory Acquisition (CA) and Temporary Possession (TP) and will wish to address the following matters:</p> <ol style="list-style-type: none"> <li>a) to review the statutory and policy tests relevant to CA and/ or TP under the Planning Act 2008 (PA2008) and DCLG Guidance.</li> <li>b) to review human rights and equality considerations.</li> <li>c) to consider the structure and content of the Book of Reference.</li> <li>d) to consider the structure, content and up-to-date position of the Funding Statement.</li> </ol>

	<p>e) to consider the structure and content of the Statement of Reasons.</p> <p>f) to consider any impending legislative changes.</p> <p>The ExP will invite submissions from Affected Parties (APs) who wish to raise matters of general application in relation to items a) to f) listed above.</p> <p>However, any site-specific submissions should be reserved to the specific CAH later in the examination that will be allocated to individual APs to have their cases heard.</p>
<b>Item 3</b>	<p><b>Statutory undertakers</b></p> <p>The ExP will ask the applicants to update it as to the latest position in respect of operational land of statutory undertakers, as to whether it has obtained agreement for the land to be acquired and whether there are, and if so what, any outstanding matters to be resolved.</p> <p>The ExP will seek to differentiate, where appropriate, between operational land held by statutory undertakers and non-operational land held by statutory undertakers.</p>
<b>Item 4</b>	<p><b>Special category land</b></p> <p>The ExP will ask the applicant to set out its position as respects open space land taking into account sections 131 and 132 of the Planning Act 2008.</p>
<b>Item 5</b>	<p><b>Any other matters</b></p>
<b>Close of the compulsory acquisition hearing</b>	

**Issue Specific Hearing 1 – Wednesday 11 March 2026 at 10.00am**

The ExP would particularly ask the following parties to attend the hearing:

- the applicants
- North West Leicestershire District Council
- National Highways
- Leicestershire County Council
- Prologis UK Limited
- Prologis UK 121 Limited
- East Midlands International Airport Limited
- East Midlands Airport Property Investments (Industrial) Limited

<b>Agenda for the Issue Specific Hearing 1</b>	
<b>9.30am</b>	Registration and seating available at venue for in-person attendees
<b>9.30am</b>	<p><b>Virtual registration process</b></p> <p>Please arrive at <b>9.30am</b> to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The registration process will commence at <b>9.30am</b>. This will be hosted by the Case Team and cover the housekeeping arrangements for the preliminary meeting and allow for any questions to be asked about how to take part.</p>
<b>10.00am</b>	<p><b>Issue specific hearing</b></p> <p>The issue specific hearing will formally open at <b>10.00am</b>. The ExP will join, welcome participants and lead introductions.</p>
<b>Item 1</b>	
<b>Item 2</b>	<b>Purpose of the issue specific hearing</b>
<b>Item 3</b>	<p><b>Legal basis of determination of applications</b></p> <p>The ExP will ask the applicants and other interested parties as to their understandings as to the operation of sections 104 and 105 of the Planning Act 2008 in respect of the legal basis of determination of the applications. This will also include the relationship between Parts 1, 2 and 3 of schedule 1 of the dDCO.</p>
<b>Item 4</b>	<p><b>Interoperability between the Planning Act 2008 and the Town and Country Planning Act 1990</b></p> <p>The ExP will ask the applicants and North West Leicestershire District Council questions about the interoperability and interconnectedness of the two planning regimes. It will also seek the parties legal positions in respect of the granted planning permission relating to height of the container stacks and the original DCO.</p>

<b>Item 5</b>	<p><b>Relationship between the application for the DCO and that for the MCO</b></p> <p>The ExP will ask the applicants questions about the relationship between the two applications as well as with the originally granted DCO for EMG1.</p> <p>The ExP will ask the applicants about those parcels of land that lie within both application sites and the implementation of any consents.</p>
<b>Item 6</b>	<p><b>Need and alternatives</b></p> <p>The ExP will ask the applicants to outline its case as to the need for the proposed development and the alternatives considered.</p> <p>The ExP will then ask questions of the applicants and interested parties present.</p> <p>The ExP will ask the applicants to set out further its justification for Work No. 19 in Schedule 1 of the dDCO.</p>
<b>Item 7</b>	<p><b>Traffic and Transport</b></p> <p>The ExP will ask the applicants and IPs matters relating to:</p> <ul style="list-style-type: none"> <li>• traffic modelling</li> <li>• the relationship between Parts 1 and 2 of schedule 1 of the dDCO and with other proposed developments in the vicinity</li> <li>• departures from highway standards</li> <li>• road safety audits</li> <li>• the Sustainable Transport Strategy</li> <li>• Framework Travel Plan</li> </ul>
<b>Item 8</b>	<b>Next steps</b>
<b>Item 9</b>	<b>Closing</b>
<b>Close of the issue specific hearing</b>	

## Issue Specific Hearing 2 – Thursday 12 March 2026 at 10.00am

The ExP would particularly ask the following parties to attend the hearing:

- the applicants
- North West Leicestershire District Council
- National Highways
- Leicestershire County Council
- any party who would benefit from, or who would wish to benefit from the protective provisions set out in schedule 13 of the draft Development Consent Order (dDCO)

The purpose of this ISH is to inquire into the (dDCO) and draft Material Change Order (dMCO), providing the applicants with an initial opportunity to explain the structure, content and drafting approach (agenda items 3 and 5) and for the ExP to explore initial questions about the drafting approach taken with the applicants and with bodies who are proposed or who might hold powers or duties under the dDCO or dMCO (agenda items 4 and 6).

This ISH into the dDCO will be conducted without prejudice to the in-principle positions taken by Interested Parties (IPs) in relevant or written representations. This means for example that IPs are at liberty to seek improvements to provisions in the dDCO or dMCO without conceding an in-principle position that there should be no such provisions or that the dDCO or dMCO itself should not be made. It is held in the interests of ensuring that the dDCO and dMCO becomes the best drafts that can be obtained in the circumstances and is also without prejudice to the ExP's future deliberations on its recommendation to the Secretary of State about whether or not the dDCO and dMCO should be made.

Attached at **annex E(i)** and **E(ii)** are the ExA's initial observations on the drafting of the dDCO and dMCO respectively. As will be seen, some of these are typographic and others of more fundamental nature. The hearing will concentrate on those matters which are of a more fundamental nature. Should the applicants wish to submit revised versions of the dDCO and dMCO and the associated explanatory memoranda at **procedural deadline A** to deal with the matters of a typographic nature this would be welcomed. If so, they should comply with the procedural decision set out in **annex F** relating to revisions to documents. A separate schedule of changes should also be submitted for each proposed order.

<b>Agenda for the Issue Specific Hearing 2</b>	
<b>9.30am</b>	Registration and seating available at venue for in-person attendees
<b>9.30am</b>	<p><b>Virtual registration process</b></p> <p>Please arrive at <b>9.30am</b> to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The registration process will commence at <b>9.30am</b>. This will be hosted by the Case Team and cover the housekeeping</p>

	arrangements for the preliminary meeting and allow for any questions to be asked about how to take part.
<b>10.00am</b> <b>Item 1</b>	<b>Issue specific hearing</b> The issue specific hearing will formally open at <b>10.00am</b> . The ExP will join, welcome participants and lead introductions.
<b>Item 2</b>	<b>Purpose of the issue specific hearing</b>
<b>Item 3</b>	<b>Overall structure of the dDCO</b> The applicants will be asked to explain its overall approach to the drafting of the dDCO and clarify what matters are to be secured by alternative methods, such as Planning Obligations and other forms of agreement.
<b>Item 4</b>	<b>ExP's questions on the dDCO</b> The ExP will ask questions about the dDCO and seek observations from IPs present. Noting that this hearing is in the earliest stages of the examination, the primary purpose of this Agenda item will be for the ExP to raise its own initial questions. Other IPs will be welcome to participate but will not be expected to frame their own detailed positions until the submission of their Written Representations, Local Impact Reports and participation in a DCO ISH later in the Examination.
<b>Item 5</b>	<b>Overall structure of the dMCO</b> The applicants will be asked to explain its overall approach to the drafting of the dMCO and clarify what matters are to be secured by alternative methods, such as Planning Obligations and other forms of agreement.
<b>Item 6</b>	<b>ExP's questions on the dMCO</b> The ExP will ask questions about the dMCO and seek observations from IPs present. Noting that this hearing is in the earliest stages of the examination, the primary purpose of this Agenda item will be for the ExP to raise its own initial questions. Other IPs will be welcome to participate but will not be expected to frame their own detailed positions until the submission of their Written Representations, Local Impact Reports and participation in a MCO ISH later in the Examination.
<b>Item 7</b>	<b>Next steps</b>
<b>Item 8</b>	<b>Closing</b>
<b>Close of the issue specific hearing</b>	

## ExP's Initial Observations on Drafting of the dDCO

## Abbreviations:

dDCO	Draft Development Consent Order [ <a href="#">APP-012D</a> ]
EM	Explanatory Memorandum [ <a href="#">APP-013D</a> ]
EV	Electric vehicle
ExP	Examining Panel
Framework	National Planning Policy Framework
HGV	Heavy goods vehicle
LCC	Leicestershire County Council
LHN	Local highway network

NWLDC	North West Leicestershire District Council
NE	Natural England
NH	National Highways
NNNPS	National Networks National Policy Statement
m	metre
RR	Relevant representation
SoS	Secretary of State
TCPA	Town and Country Planning Act 1990

Ref	Issue	Query
	<b>General queries</b>	
R6D1.	Drafting	<p><b>Definitions</b></p> <p>Definitions should only be set out in article 2 or paragraph 1 of schedule 2, as appropriate, if used in more than one provision. If not, then either should be defined within the relevant provision, or set out in full if used as an abbreviation.</p> <p>In article 2:</p> <p>“the 2010 Regulations”      Only used in article 41.</p> <p>“relocation works”          Only used in article 34.</p>

Ref	Issue	Query
		<p>“traffic officer” Not used in dDCO.</p> <p>“tribunal” This term is only used as an abbreviation in article 45, in Schedule 12 it is used in full. Use in full in article 45 and delete from article 2.</p> <p>“tree preservation order” Only used in article 38.</p> <p>“trunk road” Of itself is only used in article 15 (although used as a descriptor in schedules 8 and 13, and as part of the definition of ‘strategic road network’). In any event, if defined in article 2, it does not then need be defined in schedule 13. These collectively should be reconciled.</p> <p>“water authority” Not used in dDCO.</p> <p>In schedule 2:</p> <p>“construction and environment management plan” Is also defined in article 2 and thus should not be defined in schedule 2 unless different (and explicitly so).</p> <p>“CTMP” Only used in requirement 11.</p> <p>“the design approach document” Other than schedule 16 is only used in requirement 7.</p> <p>“employment scheme” Only used in requirement 25.</p> <p>“HGV park” Only used in requirement 29.</p> <p>“highway works” Is also defined in article 2 and thus should not be defined in schedule 2 unless different (and explicitly so).</p>

Ref	Issue	Query
		<p>“illustrative landscape masterplan” Only used in requirement 9.</p> <p>“lighting strategy” Only used in requirement 14.</p> <p>“relevant highway authorities” Not used in dDCO.</p> <p>“sustainable drainage statement” Other than defining ‘sustainable drainage strategy’ ‘sustainable drainage statement’ is only used in requirement 17 and therefore these should be rationalised and defined in requirement 17.</p> <p>“sustainable transport strategy” Term is only used in requirement 4 and thus should be defined there - this definition would not apply in schedule 15, unless relocated to article 2.</p> <p>“sustainable transport working group” Term is only used in requirement 4 and thus should be defined there - this definition would not apply in schedule 15, unless relocated to article 2.</p> <p>Please also check the schedule 13, protective provisions. If the same definition is used in article 2, there is no need for repetition.</p>

Ref	Issue	Query
R6D2.	Drafting	<p><b>Approvals</b></p> <p>Should all approvals be ‘in writing’, which could include electronic transmission? Would it make easier drafting if a single, new, provision was made within the order to this effect, and the dDCO amended as necessary?</p>
R6D3.	Drafting	<p><b>Deemed approvals</b></p> <p>Recent practice on transport DCOs is that where a provision includes a deemed approval if a discharging authority fails to respond within a relevant timeframe, such a notice must be included within the application.</p> <p>For example, in article 16 of The A46 Newark Bypass Development Consent Order 2025 includes:</p> <p style="padding-left: 40px;">“(5) Any application to which this article applies must include a statement that the provisions of paragraph (4) apply to that application.”</p> <p>The applicants are asked to review the dDCO generally and the following provisions specifically:</p> <ul style="list-style-type: none"> <li>• articles 9, 11, 13, 17, 19, 20.</li> <li>• schedule 13, part 1, paragraph 2</li> <li>• schedule 13, part 2, paragraphs 4, 13</li> </ul>
R6D4.	Drafting	<p><b>Use of “and/ or”</b></p> <p>Under the guidance for the drafting of statutory instruments the term “and/or” should not be used.</p> <p>The applicants are asked to review the dDCO generally and the following provisions specifically:</p> <ul style="list-style-type: none"> <li>• articles 18</li> <li>• schedule 1, Work Nos. 5, 21</li> </ul>

Ref	Issue	Query
		<ul style="list-style-type: none"> <li>• schedule 2, paragraph 1, definition of “employment scheme” (see also Ref No. 1)</li> </ul> <p>It is also used in the protective provisions in numerous occasions.</p>
R6D5.	Drafting	<p><b>Potential typographic errors</b></p> <p>The ExP has identified the following potential typographic errors. The applicants are asked to review the dDCO generally and the following provisions specifically:</p> <ul style="list-style-type: none"> <li>• article and paragraph numbers should be set out in bold text.</li> <li>• article 2, the definition of “the environmental statement”, when referred to in schedule 16 as “environmental statement”.</li> <li>• article 24, paragraph (7) line after secondary list in (a) is too far to left.</li> <li>• article 28, paragraph (2) replace “compulsory purchase order), the three year period mentioned in section 4” substitute” with “compulsory purchase order)”, the three year period mentioned in section 4 substitute” (the quotation marks are possibly incorrect).</li> <li>• article 38 on three occasions “free” has been used instead of “tree”.</li> <li>• schedule 2, requirement 11 in the list, each item should start with a lower case “a”.</li> <li>• schedule 2, requirement 20 replace “reliant” with “relevant”.</li> <li>• schedule 2, requirement 22(2) replace “lain” with “land”.</li> <li>• schedule 2, requirement 27 replace “sqm” with “square metres”.</li> <li>• schedule 2, part 2, paragraph 4, replace “(c)” with “2(c)”.</li> <li>• schedule 9, second entry, column (2) requires a verb.</li> <li>• schedule 12, paragraph 4(4), in sub-paragraph (d), there should be a new line after “(common land),”.</li> <li>• schedule 12, paragraph 4(5), replace “HA” with “11A”.</li> <li>• schedule 14, paragraph 3, the sub-paragraph numbering is incorrect.</li> <li>• schedule 14, paragraph 3(2) replace “rest—riktion” with “restriction”.</li> <li>• schedule 15, paraph 1 replace “stablished” with “established”.</li> </ul>

Ref	Issue	Query
		Please note Schedule 13 has not been checked.
R6D6.	Drafting	<p><b>Tailpiece provisions and amendments</b></p> <p>Tailpiece provisions should not be included within requirements as they lead to uncertainty (see <i>Midcounties Co-operative Ltd v Wyre Forest DC</i> [2009] EWHC 964).</p> <p>The applicants are asked to review the dDCO generally and the following provisions specifically:</p> <ul style="list-style-type: none"> <li>• schedule 2, requirements 3(1) and (2), 4(1) (there are 2 within this provision) and (7), 6, 7(2)(e), 8, 10, 16, 19(1), 22(3), 24, 26(4), 29(2).</li> </ul> <p>The applicants may wish to consider a provision dealing with amendments generally (see, for example, requirement 20 of The A46 Newark Bypass Development Consent Order 2025). This may consequently involve redrafting of various provisions within the dDCO.</p> <p>Furthermore, the applicants have used “alter” and “vary” (and their derivatives) when “amend” (and its derivatives) may be a better term. In some contexts, “alter” and “vary” could mean “omit” or “exceed the terms assessed”.</p>
R6D7.	Drafting	<p><b>Consistency of drafting</b></p> <p>The ExP has identified various areas where there is a lack of consistency of drafting of provisions.</p> <p>(i) Various requirements start in different forms, for example:</p> <ul style="list-style-type: none"> <li>• “Prior to the commencement of each component of the authorised development ...”,</li> <li>• “No part of the authorised development shall commence ...”</li> <li>• “None of the authorised development ...”</li> </ul>

Ref	Issue	Query
		<p>Please could the applicants ensure consistency across drafting as this would result in greater clarity. It is appreciated that different triggers may be required for different provisions.</p> <p>(ii) There are various different formulations relating to “working days”. Some refer to public holidays, others to bank holidays and some to both and some are not defined. The use of a single, consistent, definition appropriately located would clarify matters.</p> <p>The applicants are asked to review the dDCO generally and the following provisions specifically:</p> <ul style="list-style-type: none"> <li>• schedule 2, all requirements.</li> <li>• schedule 2, part 2, paragraphs 1, 2, 4, 5</li> <li>• schedule 13.</li> </ul>
R6D8.	Drafting	<p><b>Future proofing</b></p> <p>Could the applicants fully justify the phrase ‘successor in function’ or similar, since upon any re-organisation in function this will automatically apply. Alternative drafting could be considered to future proof any anticipated changes, perhaps using references to the relevant legislation, for example, for local planning authority reference to schedule 1 of the TCPA.</p> <p>The applicants are asked to review the dDCO generally and the following provisions specifically:</p> <ul style="list-style-type: none"> <li>• article 2 definitions of “chief officer of police”, “lead local flood authority”, “local highway authority”, “local planning authority” (which is incorrect as Leicestershire County Council is also a local planning authority for the area), “National Highways”, “water authority”.</li> <li>• schedule 2 definition of “employment scheme”.</li> <li>• schedule 13 definitions of “Severn Trent” and “Cadent”.</li> </ul>

Ref	Issue	Query
R6D9.	Drafting	<p><b>Generic drafting</b></p> <p>The applicants are requested to review drafting of the dDCO to ensure it applies to the proposed development. Specific examples of potentially generic drafting which may not be correct include:</p> <ul style="list-style-type: none"> <li>• article 31(3).</li> <li>• schedule 12, paragraph (8) in the insertion, paragraph 1, with the reference to “the whole or part of a house, building or factory”.</li> </ul>
<b>Specific queries</b>		
R6D10.	Preamble	<p><b>Drafting</b></p> <p>(i) As the applicants will be aware, the panel consists of three members and should be amended as appropriate.</p> <p>(ii) In the last paragraph, there is a section in square brackets. The applicants are asked to seek to conclude on this as appropriate.</p>
R6D11.	Article 2 - Interpretation	<p><b>Definition of “maintain”</b></p> <p>In article 2 of the dDCO in the definition of “maintain” includes the term “improve”. Given one person’s improvement is another’s making worse this is too subjective a term and equally could lead to development taking place that is outside the terms assessed in the environmental statement.</p> <p>Could the applicants please reconsider this or fully justify this definition.</p>

Ref	Issue	Query
R6D12.	Article 5 – Authorisation of use	<p><b>Definitions of use</b></p> <p>The applicants are asked to comment on the following:</p> <ul style="list-style-type: none"> <li>(i) “Logistics” is not a term normally used in planning legislation, rather ‘warehouse’ or ‘storage or distribution centre’ (see class B8 of the Town and Country Planning Use Classes Order 1987). It is noted that ‘warehouse’ is used in Works No. 1, requirements 10, 15, 21 and 25 and schedule 15. Is there any ambiguity in the term “logistics”?</li> <li>(ii) Should the authorised use be restricted to remove permitted development rights to allow a change of use? Perhaps add “only” after “manufacturing uses”?</li> <li>(iii) Could the applicants please explain what, in strict planning terms, the difference is between “manufacturing” and “advanced manufacturing”?</li> </ul>
R6D13.	Article 7 – Benefit of Order	<p><b>Transfer of Benefit</b></p> <p>Could the applicants please set out those elements of the proposed development that it considers likely would be undertaken by those with the benefit of article 7(4) of the dDCO?</p>
R6D14.	Article 8 – Street works and Article 9 – Power to alter layout, etc., of streets	<p><b>Ensuring elements post works are fit for purpose</b></p> <p>The ExP notes that article 8(1)(f) and (g) and article 9(1)(c) would allow the applicants to reduce the width of various elements within the street. Given that each element is likely to be needed to be retained for its use, could the applicants explain how the provision would ensure that any remaining element is still fit for purpose?</p>
R6D15.	Article 9 – Power to alter layout, etc., of streets	<p><b>Effect on SRN</b></p> <p>In its RR [<a href="#">RR-022</a>] NH refers to an alleged quote from the EM. However, the ExP has not been able to find this quote. Could the applicants please confirm those streets which the article is to apply to, and whether this should be set out in an individual schedule?</p>

Ref	Issue	Query
R6D16.	Article 10 – Permanent stopping up of streets	<p><b>Clarification</b></p> <p>In article 10(3) when a street is stopped up under the article, under (b), where the undertaker owns land on both it may appropriate and use that street for the proposed development. Could the applicants please clarify the situation where the undertaker only owns land on one side?</p>
R6D17.	Article 13 - Accesses	<p><b>Accesses</b></p> <p>The ExP's reading of this provision would allow new accesses to the SRN. In its RR <a href="#">[RR-022]</a> NH states that it understands that these are not being proposed. Could the applicants please respond to this point, and, if appropriate, reword the provision to exclude the SRN.</p>
R6D18.	Article 15 – Classification of highways	<p><b>Classification of local highways</b></p> <p>As set out, article 15(2) would only relate to highways falling within the SRN. Should there be an equivalent provision relating to highways within the LHN?</p>
R6D19.	Article 18 – Agreements with highway authorities	<p><b>Signage</b></p> <p>The ExP notes that article 18 does not include the erection of signage in connection with the approved development. Given that some of the signage on the network is to be amended, should this also be included?</p>
R6D20.	Article 19 – Discharge of water	<p><b>Discharge of water</b></p> <p>(i) Could the applicants explain how article 19(1) is compatible with the implementation of sustainable drainage systems?</p> <p>(ii) Could the applicants comment on whether this provision should prevent the discharging of surface water into any foul or combined sewer or drainage system?</p>

Ref	Issue	Query
R6D21.	Article 20 – Authority to survey and investigate land	<p><b>Nature of survey</b></p> <p>In The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026 the SoS amended the equivalent provision to add include a new paragraph (3), which requires any notice under paragraph (2) to indicate the nature of the survey or investigation intended and paragraph (1) was also been amended as the reference to land “which may be affected” was considered too imprecise.</p> <p>Should this provision be similarly amended, and if not this, should be explained both in response to this question and in the EM.</p>
R6D22.	Article 21 - Guarantees in respect of payment of compensation	<p><b>Drafting</b></p> <p>In article 21(4) to ensure that the compensation is payable, could the applicants confirm whether the provision should mandate, that is use “must be”, against the guarantor or provider of security?</p>
R6D23.	Article 24 – Private rights	<p><b>Private rights</b></p> <p>(i) Under article 24(1) third party rights are extinguished from the dates set out in sub-paragraphs (a) and (b). Could the applicants please explain how this provision would extinguish rights of third parties on land which is owned by the undertaker, given that neither sub-paragraphs (a) and (b) would apply?</p> <p>(ii) Should a revised provision result in additional rights sought, could the applicants please consider how this would be appropriately considered within the examination?</p>
R6D24.	Article 26 – Compulsory acquisition of land – incorporation of the minerals code	<p><b>Drafting</b></p> <p>The ExP wonders whether there should be explicit reference to a replacement of “compulsory purchase order” within the relevant provisions of the Acquisition of Land Act with “The East</p>

Ref	Issue	Query
		Midlands Gateway Phase 2 and Highway Order 20[ ]". The ExP appreciates that article 29 does make some provision, but is not necessarily sure it covers the incorporation of the minerals code.
R6D25.	Articles 32 and 33 – Temporary use of land	<p><b>Drafting</b></p> <p>The ExP wonders whether there should be provision within articles 32 and 33:</p> <ul style="list-style-type: none"> <li>(i) to deal with any disputes over the condition of the land when it is returned to the owner following the period of any temporary possession</li> <li>(ii) to make it explicit that land could be temporarily possessed on more than one occasion.</li> <li>(iii) Should the provision explicitly make clear that it would not allow the compulsory acquisition of land or rights?</li> <li>(iv) Should a revised provision result in additional rights sought, could the applicants please consider how this would be appropriately considered within the examination?</li> </ul>
R6D26.	Article 35 – No double recovery	<p><b>Justification of provision</b></p> <p>The ExP notes that the SoS has removed this provision in several recently made DCOs. The applicants are therefore asked to explicitly explain why this is required both in response to this question and in the EM.</p>
R6D27.	Article 38 - Felling or lopping or trees and removal of hedgerows	<p><b>Justification of provision</b></p> <ul style="list-style-type: none"> <li>(i) Could the applicants please comment on the distance from the Order limits of 25 metres (m) set out to allow works to trees and hedgerows. The ExP notes that general advice from NE is that 15m is sufficient buffer to ensure ancient woodland is not affected. Given there is no such resource here, any distance outside the application site will need to be fully justified both in response to this question and in the EM.</li> </ul>

Ref	Issue	Query
		<p>(ii) If any distance outside the Order limits were to be approved, how would those who might be affected by these works be aware that this were to happen? The ExP is concerned about the Human Rights aspects of this.</p> <p>(iii) Should a revised provision result in additional rights sought, could the applicants please consider how this would be appropriately considered within the examination?</p> <p>(iv) Are the applicants aware of any hedgerow within 25m of the Order limits which would be defined as “important” for the purposes of The Hedgerows Regulations 1997 or an “important hedgerow” for the purposes of The Management of Hedgerows (England) Regulations 2024? If so, could this please be identified on a plan, along with the reasoning behind why the applicants hold that view.</p>
R6D28.	Article 38 - Felling or lopping or trees and removal of hedgerows	<p><b>Drafting</b></p> <p>In The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026 the SoS amended the draft DCO to require the undertaker to take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981. Should a similar provision be provided for within this dDCO?</p>
R6D29.	Article 43 - Certification of plans and documents	<p><b>Local planning register</b></p> <p>Given, as evidenced by the change to the EMG1 scheme, it is proposed that changes may be sought under the TCPA on land the subject to this application, should copies of the certified plans and documents and any approvals under requirements be included within the local planning register? If so, could the dDCO be amended to this effect.</p>
R6D30.	Article 43 - Certification of plans and documents	<p><b>Amended plans</b></p> <p>Should this provision include for the situation where the SoS’s decision requires that a plan or document is amended? See for example, article 50(2) of The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026.</p>

Ref	Issue	Query
R6D31.	Article 45 - Arbitration	<p><b>Justification of provision</b></p> <p>Given the ExP considers that it is highly unlikely that the SoS would allow arbitration on a matter for which they are the decision maker, should article 45 be amended to exclude any matters for which the SoS is the decision maker?</p>
R6D32.	Drafting of definitions	<p><b>Schedule 1 – Work No. 1, Schedule 2 – requirements 4, 15, 28, and 29</b></p> <p>Could the applicants please reconsider the terminology “ancillary buildings” or ensure that it is fully defined. At present it could be considered that this lacks precision. The applicants may wish to distinguish between ‘ancillary’ buildings or uses and ‘incidental’ buildings or uses.</p>
R6D33.	Drafting of definitions	<p><b>Schedule 1 – Work Nos. 2, 6 and 10</b></p> <p>The ExP notes that there is no definition of:</p> <ul style="list-style-type: none"> <li>• “toucan crossing”</li> <li>• “lane drop”</li> </ul> <p>within this schedule and is concerned whether these terms are sufficiently clear.</p>
R6D34.	Drafting	<p><b>Schedule 1 – Work No. 18(b)</b></p> <p>This work uniquely has the phrase within it “maintained by the local highway authority”. Could the applicants please explain why this is necessary within a description of works?</p>
R6D35.	Schedule 2 – requirement 6	<p><b>Definition</b></p> <p>The ExP considers that the term “relevant body” is not clear. Is it supposed to refer to both highway authorities or the Secretary of State, or any combination of these?</p>

Ref	Issue	Query
R6D36.	Schedule 2 – requirement 7	<p><b>EV charging points and fence adjacent to A453</b></p> <p>(i) The ExP wonders whether the details of the location and quantum of electric charging points for vehicles should be included in the list in sub-paragraph (2), or whether the requirements of the Building Regulations would provide sufficient reassurance?. It is noted that currently the Sustainable Transport Strategy is not a certified document, nor is it secured in the dDCO. Should the EV chargers have a specified minimum capacity?</p> <p>(ii) When it first read sub-paragraph (2)(o) the ExP read this as meaning that fences had to be a minimum of 3 metres high. Would this be better set out as “which must not exceed 3 metres in height above ground level”?</p>
R6D37.	Schedule 2 – requirement 10	<p><b>Replanting of failed landscaping</b></p> <p>Could the applicants explain why requirement 10(4) is required given its obligations should be covered within the landscape and management plan?</p>
R6D38.	Schedule 2 – requirement 11	<p><b>Drafting</b></p> <p>Could the applicants please look at the drafting of this requirement. The length of the first sentence in sub-paragraph (1) means that the meaning becomes unclear. This will also apply to elements of sub-paragraph (2).</p>
R6D39.	Schedule 2 – requirement 12	<p><b>Drafting</b></p> <p>Could the applicants please explain why the phrase “in advance and” is required.</p>
R6D40.	Schedule 2 – requirement 14	<p><b>Lighting restrictions</b></p> <p>(i) Could the applicants please consider re-drafting requirement 14(1) to ensure that the details to be approved include means of operation (whether manually switched, or on proximity switching) and the hours of operation?</p>

Ref	Issue	Query
		(ii) Could the applicants please explain why requirement 14(3) is necessary given the proposed development does not involve any gantry cranes?
R6D41.	Schedule 2 – requirement 18	<p><b>Drafting</b></p> <p>The applicants are asked to comment as to whether the term “foul water strategy” should be defined as regards its purpose. This term is only used in this requirement. However, it is noted that ‘a foul water management plan” is also referred to in requirement 11.</p>
R6D42.	Schedule 2 – requirement 19	<p><b>Out-of-hours working and Drafting</b></p> <p>Could the applicants please comment on the following:</p> <p>(i) In requirement 19(a) it is noted that any ‘out-of-hours’ highways works are only to be notified to the local planning authority. Should these be approved?</p> <p>(ii) Given “adverse impact” is a subjective term and therefore lacks precision, should another term be used in requirement 19(1)(c)?</p>
R6D43.	Schedule 2 – requirement 20	<p><b>Drafting</b></p> <p>Could the applicants please justify the need for the provision in the second sentence of this requirement, and, if necessary amend the drafting for precision; “if required” is not precise and leaves room for interpretation.</p>
R6D44.	Schedule 2 – requirement 21	<p><b>Drafting and ‘hook-ups’ for HGVs with chiller units</b></p> <p>(i) Could the applicants please explain how HGV chiller units are to be used “on” any of the warehouses or other buildings? Could the applicants please consider revised drafting to differentiate noise producing plant on buildings and that otherwise on site.</p>

Ref	Issue	Query
		<p>(ii) Could the applicants justify the drafting of the following as they would appear to lack precision:</p> <ul style="list-style-type: none"> <li>• “The assessment will consider noise from the proposed plant and machinery to demonstrate compliance with government and local policy on noise”.</li> <li>• “subject to health and safety requirements”.</li> </ul> <p>(iii) Should “broadband” be defined. Different terminology (white noise) is used in the construction environmental management plan [<a href="#">APP-074</a>, paragraph 6.7].</p> <p>(iv) NWLDC in its RR [<a href="#">RR-003</a>] notes that it would seek ‘hook-ups’ for HGV chiller units to minimise noise. Could the applicants please respond to this request? Equally, should this be co-ordinated with EV charging as set out through requirement 7? Should any hook-ups be referred to in the relevant works in schedule 1 and requirement 7?</p>
R6D45.	Schedule 2 – requirement 22	<p><b>Drafting</b></p> <p>(i) Could the applicants please look at the drafting of this requirement. The length of the first sentence in sub-paragraph (1) results in the meaning becoming unclear.</p> <p>(ii) Should reference be made to any successor document to the LCRM?</p> <p>(iii) Could the applicants explain why the words “prepared and” are necessary in sub-paragraph (2)?</p> <p>(iv) In sub-paragraph (3) is the phrase “on that localised area of land within the Order limits” necessary the second time it occurs?</p>

Ref	Issue	Query
R6D46.	Schedule 2 – requirements 23 and 24	<p><b>Drafting and definitions</b></p> <p>(i) Could the applicants please justify the use of the phrase “or their approved agent” both times it occurs in requirement 23. Those working on behalf of the undertaker are normally assumed to be working as if they are the undertaker.</p> <p>(ii) Could the applicants please look at requirement 23(1)(b) as it appears rather long. Could this be subdivided for clarity?</p> <p>(iii) The reference to the “site waste management plan” is the only time it occurs in the dDCO. Should this be defined? Could a draft please be submitted into the examination and included as a certified document.</p> <p>(iv) Is the reference to “a scheme for waste management” in requirement 24 the same as the “site waste management plan” referred to in requirement 23? If so, can the drafting be amended as appropriate.</p>
R6D47.	Schedule 2 – requirement 26	<p><b>Approvals</b></p> <p>Should approval of the operation of the community liaison group be in writing like other provisions within this schedule?</p>
R6D48.	Schedule 2 – requirement 27	<p><b>Justification, definitions and drafting</b></p> <p>(i) Should mezzanines be specifically defined as to what they are and how they would be used?</p> <p>(ii) In planning terms, a main use also allows ancillary and incidental uses. Should the use be further defined and clarified, noting the definition of Class B8 in The Town and Country Planning (Use Classes) Order 1987 and associated case law relating to restrictions of use?</p> <p>(iii) Should the quantum of mezzanines be distributed proportionately with the main floorspace across the units around the main site?</p>

Ref	Issue	Query
		(iv) NH in is RR <a href="#">[RR-022]</a> has set out an alternative wording for this requirement. Taking into account the queries set out above, do the applicants have any comments to make on this? If they does not agree, they should set out its detailed explanation.
R6D49.	Schedule 2 – requirement 28	<p><b>Maintenance of community park</b></p> <p>Could the applicants please justify the phrase “or procure the management and maintenance of the community park”? Complying with this could mean that although procured, the actual management and maintenance does not need to take place.</p>
R6D50.	<p>Schedule 4 – Streets to be permanently stopped up for which a substitute is to be provided</p> <p>Schedule 5 – Public Rights of Way</p> <p>Schedule 6 – Private Means of Access</p>	<p><b>Access and Rights of Way plans</b></p> <p>In line with the s51 advice issued when the application was accepted the applicants have submitted revised access and rights of way plans. Could the applicants please ensure that the relevant references in schedules 4, 5 and 6 of the dDCO are updated as necessary to ensure consistency.</p>

Ref	Issue	Query
R6D51.	Schedule 8 – Speed limits	<p><b>Potential drafting errors</b></p> <p>In the reference to the change of The M1 Motorway (Junctions 23A to 25) (Variable Speed Limits) Regulations 2018 as amended, insert “in the Schedule, ” before “in paragraph 5(b)”, and in and replace the last insert with:</p> <p>“and</p> <p>(iv) the carriageway from the northbound carriageway of the M1 to the westbound carriageway of the A50 beginning at the diverge from the northbound carriageway and ending at a point 255 metres north of the tip of the nose at the diverge.”</p> <p>This effectively is to add an “and” at the end of entry (iii).</p>
R6D52.	Schedule 9 – New Traffic Regulation Orders	<p><b>Drafting and justification</b></p> <p>Could the applicants explain why, in the first row, there is reference to “waiting” only and not “waiting and parking” or just “parking”?</p>
R6D53.	Schedule 12 – Modification of compensation enactments	<p><b>Drafting</b></p> <p>Could the applicants please justify the drafting of the “acquiring authority” in the insertion provided in paragraph 2(2)? Under article 26, “acquiring authority” is replaced by “the undertaker”. While schedule 12 relates to article 23, it may be that this needs to be looked at in the round.</p>
R6D54.	Schedule 15 – Sustainable Transport Working Group	<p><b>Drafting</b></p> <p>(i) In paragraph 1, given there is only one district planning authority within administrative area the Order limits; should this be redrafted?</p> <p>(ii) In paragraph 3(8) is “election” the correct term, or should it be “request”?</p>

Ref	Issue	Query
		(iii) In paragraph 5(3) is there a need for both serving notice by email and recorded delivery post?
R6D55.	Clarity	<p><b>Explanatory Memorandum</b></p> <p>The applicants are asked to review the EM to explain <u>why</u> each provision within each proposed Order, including articles and requirements, is required in the particular circumstances of the proposed development. For requirements this should concentrate on the six tests set out in paragraph 4.11 of the NNNPS and paragraph 57 of the Framework. The EM at present concentrates on <u>what</u> each provision would achieve. Where the applicants are relying on specific precedent provisions, then precise details of that precedent should be set out, that is citing the relevant individual provision reference.</p>

## ExP's Initial Observations on Drafting of the dMCO

## Abbreviations:

dMCO	Draft Material Change Order [ <a href="#">APP-015M</a> ]
EMG1 DCO	East Midlands Gateway Rail Freight Interchange and Highway Order 2016
EM	Explanatory Memorandum [ <a href="#">APP-016M</a> ]
ExP	Examining Panel

Ref	Issue	Query
	<b>General queries</b>	
R6M1.	Drafting	<p><b>Potential Typographic errors</b></p> <p>The ExP has identified the following potential typographic errors. The applicants are asked to review the dMCO generally and the following provisions specifically:</p> <ul style="list-style-type: none"> <li>In article 2(4), at the end of the definition of “additional environmental statement” there appears to be an unnecessary end of quotation mark.</li> <li>In article 2(7) potentially amend as follows: <ul style="list-style-type: none"> <li>“;</li> <li>(e) divert each of the public rights of way specified in columns (1) and (2) of Part 4 of Schedule 5 (public rights of way to be created) to the extent specified in columns (3) and (4) of that Part of that Schedule”</li> </ul> <p>In other words, the insert starts earlier, with a semi colon, then the main insert, and finally delete the full stop, as it remains.</p> </li> <li>In article 2(10) replace from “replace Works No. 2(a)(iii)” to the end of the insert with, “after “gantry cranes and reach stackers” insert “up to a height of 24 metres as shown on the additional parameters plan”, as the initial words are in the EMG1 DCO.</li> </ul>

Ref	Issue	Query
		<ul style="list-style-type: none"> <li>• In article 2(25), the reference to ‘appendix 13L’. Either this reference is incorrect, or it relates to a document submitted into the EMG1 examination. Please either amend or submit that document into this examination.</li> <li>• In article 2(28) the final quotation mark is in the incorrect place (it is appreciated there is a difficulty in setting this out due to how Word works).</li> </ul> <p>The applicants are asked to undertake a comprehensive check of the cross-referencing with the draft MCO both internally and the external documents. For example, article 2(11) references an “additional works plan”, which is defined in article 2(1) and certified in article 2(9) as the additional works plan (Document MCO 2.2). However, the document reference is actually MCO 2.3.</p>
R6M2.	Article 2(11)	<p><b>Work 3B</b></p> <p>In article 2(11) for Work No. 3B there is reference to the “extension of the management offices”. However, there is no reference to “management offices” in the EMG1 DCO. Could the applicants please clarify this since it is not possible to extend a building that does not lawfully exist. (See also agenda item 3 for ISH1).</p>
R6M3.	Article 2(11), (12), (13) and (14)	<p><b>Definition of Works No. 3A, 3B, 5A, 5B, 5C, 6A and 8A</b></p> <p>(i) Some of the matters in the lists of Works 3A, 3B, 5A, 5B and 5C are set out in the further works (1) in Part 4 of the EMG1 DCO. Could the applicants explain why some elements are duplicated, or should they be rationalised, so they only appear once.</p> <p>(ii) Additionally, some of the definitions appear somewhat tautologous. For example, could the applicants explain why the phrase “rail served warehousing” is used in both the opening phrase and item (b) in Work No. 3A, and why there is both “integrating and enhancing green infrastructure” and “incorporating biodiversity enhancements” in Work 6A?</p>

Ref	Issue	Query
		(iii) In the EMG1 DCO the provision of photovoltaics is termed “solar energy provision”, while in the dMCO it is term “roof mounted photovoltaics”. Could the applicants explain why different terminology has been used?
R6M4.	Article 2(13)	<b>Work 6A</b> Could the applicants explain how point (f) in Work 6A “the stopping up of existing and creation of new public rights of way as shown on the access and rights of way plan” interplays with Work 3A and the new Part 4 of Schedule 5?
R6M5.	Article 2(14)	<b>Work 8A</b> Could the applicants please explain how the “EMG1 exit road” would be defined within the amended Order, particularly in light of proposed Work No.13 in the EMG2 dDCO?
R6M6.	Article 2(18), (19), (20) and (24)	<b>Drafting</b> (i) The phrase “such alternative trigger” could be considered to be a ‘tailpiece’ (see point R6D6. in annex E(i) and therefore not be precise. (ii) In order to avoid ambiguity, could the applicants consider whether agreements should be in writing, and if so, could the drafting be amended to provide for this. (iii) Given that the applicants indicates that the development authorised by the EMG1 DCO was completed in October 2024 [ <a href="#">APP-010M</a> ], could the applicants explain why the phrase “Save for that phase comprising plot 16” is necessary in article 2(19) and (24)? Would alternative drafting be more appropriate?

Ref	Issue	Query
R6M7.	Article 2(26)	<p><b>Travel plan</b></p> <p>Could the applicants explain why any occupier should only comply with the travel plan for five years rather than in perpetuity, given the traffic generation figures are based on an effective travel plan for the life of the development?</p>
R6M8.	Article 2(27)	<p><b>Justification</b></p> <p>The EM explains that this provision is to resolve a typographic error in the EMG1 DCO. In order for the ExP to be satisfied on this point, could the applicants please provide a copy of the original access and rights of way plan (document 2.3A) showing this matter.</p>
R6M9.	Article 2(29) and (30)	<p><b>Drafting</b></p> <p>Amendments to statutory instruments are not normally set out in this form. Could the changes proposed please be amended to meet conventional drafting.</p>
R6M10.	Clarity	<p><b>Explanatory Memorandum</b></p> <p>The applicants are asked to review the EM to explain <u>why</u> each provision within each proposed Order, including articles and requirements, is required in the particular circumstances of the proposed development. For requirements this should concentrate on the six tests set out in paragraph 4.11 of the NNNPS and paragraph 57 of the Framework. The EM at present concentrates on <u>what</u> each provision would achieve. Where the applicants are relying on specific precedent provisions, then precise details of that precedent should be set out, that is citing the relevant individual provision reference.</p>

## Other procedural decisions made by the Examining Panel

The Examining Panel (ExP) has made the following procedural decisions:

### 1. Alignment of examination and reporting periods

Under section 98 of the Planning Act 2008 (PA2008) examinations of applications for development consent orders must be completed within 6 months of the day after the Preliminary Meeting (PM) closes and the Examining Authority is under a duty to make its report to the Secretary of State (SoS) within a further period of 3 months.

Under regulation 42 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the Change Regulations) an Examining Body must complete an examination into an application for a material change to an existing Development Consent Order (DCO) within 4 months of the day after the PM closes and, under regulation 43 of the Changes Regulations submit the report to the SoS within a further period of 2 months.

In their letter of 22 December 2025 [[PD-007D](#)], the SoSs for Transport and Housing, Communities and Local Government confirmed that the two above applications would be considered through a co-joined examination process, using available powers to align the “examination, reporting and determination periods of the [material change] Scheme with those of the [development consent order] and recognise the benefits this approach would bring in terms of clarity and efficiency for stakeholders and interested parties”.

Under regulation 69 of the Changes Regulations the SoS may allow further time for the taking of any step of any matter covered by those regulations.

Due to the way the applications have been presented by the applicants, for example within a single environmental statement, and in order to ensure that any changes to or consideration of one scheme does not materially affect the other without proper consideration of any cumulative and in-combination effects, we have concluded that the two examination periods and timetables should be the same, that is six months, and the two reporting periods should be the same, that is three months.

### 2. Statements of common ground (SoCG)

In relation to some of the principal issues identified in **annex C** to this letter, the ExP would be assisted by the preparation of SoCGs between the applicants and certain interested parties. The draft examination timetable at **annex D** to this letter therefore establishes **deadline 1** for submission of draft SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExP and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the applicants and the other relevant interested party or parties, and submitted **by the applicants**.

SoCGs are requested to be prepared between the applicants and:

**A. North West Leicestershire Council, to include:**

- principle of development
- economic and social effects, including any implications for the local plan strategy and of transport effects on local communities
- environmental impact assessment, including cumulative effects
- landscape and visual effects, including lighting and visual effects of trees
- any other potential effects, including on heritage assets, biodiversity, noise and vibration, air quality, emissions, contamination and emergency planning
- good design
- various environment management plans, both during construction and operation
- the dDCO and dMCO, including requirements and discharge mechanisms

**B. Leicestershire County Council, to include:**

- principle of development
- traffic and transport, including traffic modelling and assessment of alternatives
- effects on the public rights of way network and on non-motorised users
- economic and social effects
- environmental impact assessment, including cumulative effects
- water environment and flood risk
- good design
- any other potential effects, including on heritage assets, biodiversity, air quality, emissions and contamination
- various environment management plans, both during construction and operation
- the dDCO and dMCO, including requirements and protective provisions

**C. National Highways, to include:**

- principle of development
- good design
- the dDCO and dMCO, including protective provisions
- land rights issues

**D. Environment Agency, to include:**

- EIA methodology
- water environment and flood risk, including ground and surface water protection, drainage, geology, soils and the Water Framework Directive
- climate change effects
- various environment management plans, both during construction and operation
- 'shadow' licence applications
- the dDCO and dMCO

**E. Natural England, to include:**

- EIA methodology
- biodiversity, habitats and nature conservation including issues relating to:
  - the effects on protected species and habitats
  - mitigation measures, including the likely effectiveness of mitigation, monitoring procedures and their being secured

- water environment, water protection, drainage and impact on habitats and species
- various environment management plans, both during construction and operation
- ‘shadow’ licence applications
- the dDCO and dMCO

**F. Historic England**, to include:

- the effects on heritage assets and their settings and consideration of cumulative effects
- archaeological considerations
- various environment management plans, both during construction and operation
- the dDCO and dMCO

**G. Prologis UK Limited/ Prologis UK 121 Limited**, to include:

- land rights issues

**H. East Midlands International Airport Limited/ East Midlands Airport Property Investments (Industrial) Limited**, to include:

- airport safety issues
- emergency access issues
- land rights issues

For any areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Examination. This should be done on a “Low” (Green), “Medium” (Amber) and “High” (Red) traffic light model.

**All of the SoCGs listed above should cover the articles and requirements in the draft Development Consent Order.** Any interested party seeking that a provision is reworded should provide the form of words which are being sought, explaining why their drafting is to be preferred.

Under the draft examination timetable, the ExP has requested draft SoCGs by **deadline 1**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the applicants to deadline 2**. The position of the relevant interested parties should then be confirmed in the course of the examination. The draft examination timetable makes provision for updated SoCGs to be submitted at various deadlines with final versions by **deadline 6**.

The content of SoCGs will help to inform the ExP about the need to hold any issue specific hearings during the examination, and to enable the ExP and the applicants to give notice of such hearings in advance of them taking place.

### **3. Accompanied site inspection – suggested locations**

The draft examination timetable at **annex D** to this letter includes a date reserved for an accompanied site inspection (ASI) on 17 June 2026 and/ or 18 June 2026.

The ExP requests that interested parties submit suggested locations for the ExP to visit as part of an ASI by **procedural deadline A** (24 February 2026). The request must include:

- sufficient information to identify the location
- the issues to be observed at the location
- information on whether the site can be accessed via public land
- the reason why the location has been suggested.

**Interested parties should be aware that ASIs are not an opportunity to make any oral representations to the ExP about the proposed development.** However, participants may be invited by the ExP to indicate specific features or sites of interest.

The applicants are requested to prepare a draft itinerary for the ASI to be submitted by **deadline 1**. This should include:

- relevant locations referred to in the relevant representations received
- any other locations at which the applicants have predicted likely significant environmental effects
- the locations suggested by interested parties submitted by **procedural deadline A**

Comments by interested parties on the applicants' draft itinerary must be submitted by **deadline 2**.

The ExP will consider each suggested site location, including those provided in the applicants' draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExP will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an unaccompanied site inspection on an access required basis.

The ExP will publish its final itinerary at least 5 working days before the date of the ASI.

#### 4. Submissions

The ExP has made a procedural decision to aid the submission of documents into the examinations to aid the effective and efficient publication and referencing of those documents.

Where a submission relates to one application only, then it should be submitted in relation to that application alone, using the 'Have your say' feature explained in **annex H**.

Where a submission relates to both applications, it should be submitted via the EMG2 website and the associated 'Have your say' feature.

While this should ensure that the correct document is allocated to the correct application, interested and affected parties should mark on their submission whether it applies to DCO application, the MCO application or both.

Where parties, including the applicants, are submitting multiple documents at a deadline, it would assist all parties if a 'covering letter' or equivalent was submitted setting out:

- the documents that have been submitted
- the application(s) the document relates to

The covering letters should also, briefly and at a high level, set out what the document updates are seeking to address.

## **5. Revisions to and status of the applicants' examination documents**

The ExP has made a procedural decision that the applicants should provide all revised documents in both 'clean' and 'tracked change' versions, with the latter being from the last submitted version. This applies to all documents, whether the ES, its appendices or other associated documents supporting the applications. This is to allow all interested parties to quickly reference and understand each and all changes since the document was last submitted.

The only exception to this would be updated versions of the 'Tracked change version of the East Midlands Gateway Rail Freight Interchange and Highway Order 2016 SI 2016 17' [[APP-018M](#)]. In this case, updates should be from and to the original DCO.

The ExP also requests that the applicants provide, at each deadline, an updated 'Status of the applicants' examination documents' document which provides a list of the most up-to-date status of the documents submitted, including which copies have been superseded in whole or in part. Documents being partially superseded should be an exception as this can lead to confusion and should generally be restricted to standalone documents which form part of a suite, for example where only one of the Works Plans is to be amended. A final version must be submitted before the close of the examination. All examination documents submitted should include a version number and date.

## **6. Land Rights Tracker**

The ExP notes that the applicants have submitted a 'Pre-application Land and Rights Negotiations Tracker' [[APP-022D](#)].

The ExP has made a procedural decision to ask the applicants to ensure that this is updated. Annex F(i) is a slightly revised layout, particularly to include examination library references to representations made to allow for ease of cross-referencing. This should be updated and submitted at the various deadlines set out in the examination timetable.

As set out it would also aid the examination for the applicants to set out a list of plots where no rights are being sought.

## **7. Examination Issues Tracker**

The ExP notes that the applicants have submitted a document titled Potential Main Issues for Examination (PMIE) [[APP-225](#)] and that, in accordance with [pre-application guidance](#), the PMIE is the culmination of a pre-application issues tracker. We also note that the guidance sets out that the issues tracker may be sustained into post-submission stages subject to the discretion of the appointed Examining Authority, which is the ExP in this particular case.

In this context, the ExP has made a procedural decision to ask the applicants to maintain an examination issues tracker throughout the course of the examination and has included such provision within the draft examination timetable.

The Examination Issues Tracker should be in the form of a table, reporting on issues that have emerged from interested party relevant representations during the pre-examination, and may subsequently emerge from written representations and hearings during the examination.

In terms of avoiding duplication, SoCGs would track issues associated with interested parties involved in those documents and this information would not need to be duplicated in the Examination Issues Tracker.

Furthermore, the Examination Issues Tracker would not need to include compulsory acquisition or temporary possession issues, as these would be contained in the Land Rights Tracker.

It is envisaged that the format of the Examination Issues Tracker would comprise:

- a column identifying the issue ID
- a column identifying the interested party who raised the issue
- a column identifying the examination library reference linking to the document where the full details of the interested party's issue can be found (an RR or WR etc.)
- a column containing the applicants' summary of the issue
- a column identifying the examination library reference linking to the document where the full details of the applicants' response can be found (deadline 1 response to RR etc.)
- a column containing a summary of the applicants' response
- RAG rating of each issue to indicate status and significance

Where necessary, the applicants should add additional columns to account for instances where an issue has evolved throughout the examination and where there have been subsequent submissions and responses in relation to it.

In accordance with the draft examination timetable, the Examination Issues Tracker would be updated at regular intervals. Furthermore, every interested party would have an opportunity to comment on how the applicants have logged and characterised each issue in the tracker.

This process would ensure that the ExP could rely on the Examination Issues Tracker, in conjunction with any comments from interested parties, as a fair and impartial record of issues arising during the examination, to aid our recommendation to the SoS.

## **8. Summary and signposting documents**

At deadline 6 the ExP has provided for the submission of 'summary and signposting' documents. This is not the opportunity to further the party's position or make 'closing submissions' as with a public inquiry, but rather to highlight the key points already made and provide referencing within the examination library as to where the points can be found, with the aim of aiding the ExP in its reporting and the SoS in decision taking. As with all other documents, if the submission exceeds 1,500 words then a summary should be provided.

## 9. Additional submissions

The ExP has exercised its discretion and made a procedural decision to accept the following additional submissions:

- Late relevant representation submitted by National Grid Electricity Distribution (East Midlands) plc.
- Correspondence, revised and additional documents made in response to the s51 advice [[PD-003D](#) and [PD-005M](#)] issued upon acceptance of the applications submitted by the applicants.

**Annex F(i) – Template for Land Rights Tracker**

A. Affected Party		B. Examination Library Refs:				C. Status of objection		D. Draft DCO Information					E. Voluntary agreements	
AP Ref	Affected party <sup>1</sup>	RR ref	WR ref	Any other document ref:	Applicant's response ref:	Status of objection	Summary of objection	BoR Category <sup>2</sup>	Interest	Land Plot no(s). <sup>3</sup>	Rights sought <sup>4</sup>	Work Nos. <sup>5</sup>	Status of negotiation <sup>6</sup>	Summary of negotiation

Negotiation Status Colour	Comment
	Option agreement signed
	Heads of Terms agreed and option agreement in negotiation
	Heads of Terms negotiation on going
	Heads of Terms negotiation not commenced
	Heads of Terms agreement unlikely before close of examination
	Heads of Terms negotiations unsuccessful
	No landowner response to correspondence from applicant
	No voluntary agreement being sought

<sup>1</sup> The name/ organisation of the interest of the land, where applicable including any land agent's name

<sup>2</sup> The category of the interest, with section 43 of the PA2008

<sup>3</sup> The reference of the plots affected on the draft Land Plans and draft Book of Reference

<sup>4</sup> The type of power(s) sought in the DCO, including one or more from: compulsory acquisition of land (CAL), compulsory acquisition of rights (CAR), compulsory acquisition of subsoil (CAS), temporary possession (TP)

<sup>5</sup> As set out in Schedule 1 of the DCO

<sup>6</sup> As per table

## Examination documents

There are two websites associated with the applications,

- for the DCO at [East Midlands Gateway Phase 2 - Project information](#)
- for the MCO at [East Midlands Gateway Rail Freight Interchange Material Change - Project information](#)

where the application documents and relevant representations can be inspected

## How to stay up to date

All further documents submitted in the course of the examination will also be published under the documents tabs of the relevant webpages.

You can also sign up to get email updates via at the following pages:

- for the DCO: [Get updates | East Midlands Gateway Phase 2](#)
- for the MCO: [Get updates | East Midlands Gateway Rail Freight Interchange Material Change](#)

If you have any questions about the process, examination events or how to access the documents, you can email:

- for the DCO: [emgateway2@planninginspectorate.gov.uk](mailto:emgateway2@planninginspectorate.gov.uk)
- for the MCO: [EMG1MaterialChange@planninginspectorate.gov.uk](mailto:EMG1MaterialChange@planninginspectorate.gov.uk)

or contact us on 0303 444 5000.

## The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the hyperlink above the search box under the documents tab on each project. The EL is updated regularly throughout the examination. We are intending to have a single examination library for the two projects to simplify referencing.

The EL records and provides a hyperlink to:

- each application document
- each representation made to the examination
- each procedural decision made by the Examining Panel

Each document is given a unique reference which will be fixed for the duration of the examination. **Please quote the unique reference number from the EL when referring to any examination documents in any future submissions that you make.**

## Information about the 'Have your say' page

The 'Have your say' page is available via each project webpage.

- for the DCO: [East Midlands Gateway Phase 2 - Have your say](#)
- for the MCO: [East Midlands Gateway Rail Freight Interchange Material Change - Have your say](#)

Where submissions relate to one project and not the other, then please use the relevant 'Have your say' page. This will aid categorising and publishing the documents as expeditiously and efficiently as possible. For documents relating to both projects they should be submitted via the DCO application website at [East Midlands Gateway Phase 2 - Project information](#) marked as such. **There is no need to submit such documents twice, once on each project.**

You will need to enter your unique reference number ('Your ref' found at the top your letter or email from The Planning Inspectorate). If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered interested party then it is at the discretion of the Examining Panel whether or not your submission is accepted.

Submissions will be published on the project webpages as soon as practicable following the close of the relevant deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/ evidence hosted on a third party website (for example technical reports, media articles and so on). See The Planning Inspectorate's [Advice for members of the public: Advice for submitting representations or comments](#) for important information about making written submissions. All submissions must be made in a format that can be viewed in full on the Find a National Infrastructure Project website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant deadline for your submission and then, on the next webpage, select the appropriate submission item as described in the examination timetable at **annex D** to this letter. Please ensure you make a separate submission for each submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the submission items then please select the submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the 'Have your say' pages please contact the Case Team using the contact details at the top of this letter and they will assist.