

Your Reference
TR0510002 and BC0410001



Our Reference
2774998/TAW1

By Email

FAO Examining Panel
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Gowling WLG (UK) LLP
Two Snowhill
Birmingham
B4 6WR

DX 312501 Birmingham 86

22 June 2026

Dear Examining Panel,

Planning Act 2008 – sections 91, 92, 93 and 153
The Infrastructure Planning (Examination Procedure) Rules 2010 – rule 13
Application by SEGRO Properties Limited for an Order Granting Development Consent for the East Midlands Gateway Phase 2 (EMG2)
The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 – regulations 33, 35 and 36
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

Response to the Joint Letter of Prologis UK Limited, Prologis UK 121 Limited and East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited dated 16 June 2026

1. Introduction

1.1 We write on behalf of the Applicants in response to the joint letter dated 16 June 2026 from DLA Piper UK LLP (on behalf of Prologis UK Limited and Prologis UK 121 Limited ("**Prologis**")) and Pinsent Masons LLP (on behalf of East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited ("**EMA**")) (together, "**the APs**"). The APs' letter was submitted at Deadline 4 in response to the Exp's letter dated 2 June 2026 issued under rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 ("**the Rule 17 Letter**").

1.2 We refer also to our letter of 10 June 2026 in response to the Rule 17 Letter and the Applicants' post hearing submissions at Deadline 4 (Document DCO 7.15 / MCO 7.15) in which we set out our view that the additional assessments and disaggregation of effects is unnecessary to satisfy the requirements of regulation 14(2) and does not constitute a correct interpretation of the requirements under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("**EIA Regulations**").

1.3 This letter addresses four principal matters:

- The interaction between rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 ("**Examination Procedure Rules**") and regulation 20 of the EIA Regulations;
- The Applicants' position that the exercise requested by the Rule 17 Letter and the submission of further information are not necessary to satisfy the requirements of regulation 14(2) of the EIA Regulations;

GOWLING WLG (UK) LLP
Registered Office: 4 More London
Riverside, London, SE1 2AU

T: +44 (0)370 903 1000
F: +44 (0)370 904 1099
gowlingwlg.com

Gowling WLG (UK) LLP is registered in England and Wales as a Limited Liability Partnership (Registered number: OC304378). Gowling WLG (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 382961). A list of members of Gowling WLG (UK) LLP is open to inspection at the registered office.

Gowling WLG (UK) LLP is a member of Gowling WLG, an international law firm which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at gowlingwlg.com/legal.

- The prematurity of the Rule 17 Letter in so far as it was issued without the benefit of the Applicants' or AP's Deadline 4 submissions; and
- The Applicants' request that the ExP reconsider its Rule 17 request.

2. The interaction between Rule 17 of the Examination Procedure Rules and Regulation 20 of the EIA Regulations

2.1 Rule 17 of the Examination Procedure Rules provides that:

“(1) The Examining authority may at any time before the completion of its examination of an application...request further information or written comments from an interested party, who must supply such information by the date and in the manner specified by the Examining authority.

“(2) The Examining authority shall on receiving any further information or written comments within the specified period, consider whether or not a further opportunity to comment in writing should be given to all interested parties and, if so, the Examining authority shall specify a period of time for making any further written comments.”

2.2 Where a request is made for further information under Rule 17, there is no requirement in the Examination Procedure Rules to suspend consideration of the examination pending receipt or publicity of that further information.

2.3 There are separate provisions under the EIA Regulations where further information is considered necessary to reach a reasoned conclusion on the likely significant effects of a development on the environment.

2.4 Regulation 20 provides that where an application has submitted an environmental statement and the Examining authority is of the view that it is necessary for the statement to contain further information, it must (a) issue a written statement giving clearly and precisely the reasons for its conclusions; (b) send a copy of that written statement to the applicant; and (c) suspend consideration of the application until the further information has been provided, publicized and consulted upon.

2.5 “Further information” is defined in Regulation 3 of the EIA Regulations as follows:

“Further information” means additional information which, in the view of the Examining authority, the Secretary of State or the relevant authority, is directly relevant to reaching a reasoned conclusion on the significant effects of the development on the environment and which it is necessary to include in an environmental statement or updated environmental statement in order for it to satisfy the requirements of regulation 14(2)”

2.6 The ExP's letter of 2 June 2026 was expressly sent pursuant to Rule 17 of the Examination Procedure Rules and not regulation 20 of the EIA Regulations. The Applicants recognise that Rule 17 letter does suggest that the effects of the Proposed Development on the Joint Application should be assessed in the environmental statement, however, that view was reached on the basis of a misunderstanding of the case advanced by Prologis and EMA. The letter from Prologis and EMA, dated 16 June 2026, confirms that their case on the assessment of impacts to the Joint Application “*is not an EIA issue and is not therefore a matter that falls to be assessed and analysed through the lens of the EIA Regulations and guidance directed to that legislation and its specific requirements (as has been done in the Rule 17 letter).*” The Applicants agree that any assessment of the impacts of the Proposed Development on the Joint Application is not an EIA issue and that there is no basis on which to conclude that further information is required to satisfy the requirements of regulation 14(2).

2.7 The Applicants further submit that the second part of the Rule 17 letter, which requests a disaggregation of the effects arising from Parts 1 and 2 of the DCO, does not relate to the adequacy of the environmental statement. As explained in the Applicants' response to the Rule 17 letter and Deadline 4 submissions, the different consenting routes under s.104 and s.105 of the Planning Act 2008 do not affect the environmental impact assessment process, which requires all likely significant effects of the project as a *whole*, to be assessed.

3. The Exercise and Further Information Are Not Necessary

- 3.1 The Applicants disagree with the proposition that the further information and the exercise contemplated by the Rule 17 Letter are necessary to satisfy the requirements of regulation 14(2) of the EIA Regulations.
- 3.2 The ES as submitted complies with the requirements of Regulation 14 of the EIA Regulations, adequately assessing the likely significant effects of the proposed development on the environment.
- 3.3 The Applicants maintain that the development proposed in the Joint Application does not give rise to likely significant effects requiring further assessment within the ES. The ES has properly assessed the environmental effects of the DCO Scheme on a robust basis, and the speculative "displacement" effects relied upon by the APs do not warrant the additional assessment exercise that the Rule 17 Letter contemplates.
- 3.4 The APs themselves accept, in their letter of 16 June 2016, that their submissions on the Southern Land "*are not concerned with the EIA baseline*" and "*go solely to the weight to be given to the benefits the Applicant relies upon to justify compulsory acquisition*". The APs further contend that the ExP's analysis of this part of their case is "*directed to a different and distinct issue which Prologis has not raised*". If, as the APs assert, the Southern Land issue is not an EIA matter at all, it is difficult to see how it could properly form part of a Regulation 20 request for further environmental information. This further supports the Applicants' position that the information requested in the rule 17 letter is not directly relevant to reaching a reasoned conclusion on the likely significant effects of the development on the environment or necessary to satisfy the requirements of regulation 14(2) of the EIA Regulations.

4. The Rule 17 Letter Was Issued Prematurely

- 4.1 The Applicants respectfully submit that the Rule 17 Letter was issued prematurely, in advance of the Deadline 4 submissions, and without affording the ExP the opportunity to have regard to the material that the Applicants and other parties were due to submit at that deadline.
- 4.2 The Applicants' Deadline 4 submissions contain material that is directly relevant to the matters raised by the ExP in the Rule 17 Letter. The ExP did not have the benefit of those submissions when formulating the Rule 17 request, and the Applicants consider that, had those submissions been taken into account, the Rule 17 Letter may not have been issued or may have been issued in materially different terms.
- 4.3 It is a fundamental principle of procedural fairness that an examining authority should have regard to all relevant submissions before reaching conclusions or making procedural directions that may have significant consequences for the examination timetable and the Applicant. The Applicant therefore invites the ExP to reconsider the Rule 17 request, insofar as it suggests that further *environmental* information is required, in light of the Deadline 4 submissions and the letter from Prologis and EMA.

5. Consequences of the Rule 17 Request

- 5.1 The APs' letter draws attention to Regulation 20 of the EIA Regulations and contends that the revisions to the ES requested by the ExP constitute "*further information*" within the meaning of those Regulations. The APs further submit that consideration of the application must be suspended pending publication of, and consultation on, the further information, with a minimum 30-day period afforded to interested parties to review and respond. This is notwithstanding their position that the potential impacts of the proposed development on the Southern Land "*is not an EIA issue.*"
- 5.2 This serves to underscore the disproportionate consequences of the Rule 17 request. If the ExP proceeds with the Rule 17 request as currently formulated, the examination would be significantly disrupted, with consequential prejudice to the Applicants and to the timely determination of the application, in circumstances where neither the Applicants, nor Prologis nor EMA consider that the potential impacts of the proposed development the Joint Application is an EIA issue or a matter that falls to be assessed and analysed through the lens of the EIA Regulations.

5.3 Moreover, proceeding in such a manner would serve the interests of the APs, whose clear objective throughout has been to frustrate and delay determination of the DCO Application.

6. Conclusion

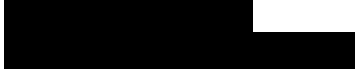
6.1 The Applicants urge the ExP to reconsider the Rule 17 request so as to clarify that the additional information is not necessary to satisfy the requirements of regulation 14(2) of the EIA Regulations. The request was issued prematurely, the further assessment exercise it contemplates is not necessary, and its consequences — including possible suspension of the examination — are disproportionate. The Applicants invite the ExP to confirm that it will withdraw or revise the Rule 17 request following its consideration of the Deadline 4 submissions, together with this letter and the letter from Prologis and EMA of 16 June 2026.

6.2 The Applicants reserve their position in respect of all matters raised by the APs' letter and will respond further as necessary in due course.

Yours faithfully

Gowling WLG (UK) LLP

📞 Enquiries please contact: Toni Weston, Partner



Gowling WLG (UK) LLP