

Your Reference  
BC0410001 and TR0510002



Our Reference  
2774998/TAW1

FAO Examining Panel  
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30 June 2026

## DEADLINE 5

Dear Examining Panel (ExP)

**East Midlands Gateway Phase 2 – BC0410001 (the DCO Application)  
Application by SEGRO Properties Limited in respect of a Business and Commercial development comprising a second phase of the SEGRO Logistics Park East Midlands Gateway and highway related development (EMG2)**

**East Midlands Gateway Phase 1 Material Change Order – TR0510002 (the MCO Application)  
Application by SEGRO (EMG) Limited for a material change to the East Midlands Gateway Rail Freight Interchange and Highways Order 2016 (SI 2016/17)**

This letter is the response of SEGRO Properties Limited (DCO Applicant) and SEGRO (EMG) Limited (the MCO Applicant), together "the Applicants", to Deadline 5.

### Comments on any submissions received by Deadline 4

The Applicants' response to the submissions received at Deadline 4 is enclosed (Document DCO 7.17 / MCO 7.17).

### Applicants' Updated Statements of Common Ground (SoCG)

The Applicants enclose final signed SoCGs with the following parties:

- Nottinghamshire County Council (Document DCO 8.6 / MCO 8.6 and [REP1-077]);
- Historic England (Document DCO 8.8 / MCO 8.8 and [REP4-055]); and
- Forestry Commission (Document DCO 8.9 / MCO 8.9 and [REP1-080]).

The Applicants also enclose updated draft SoCGs as follows:

- North West Leicestershire District Council (clean) (Document DCO 8.3F / MCO 8.3F and [REP4-044]);
- Leicestershire County Council (clean) (Documents DCO 8.4B – 8.4G / MCO 8.4B – 8.4G and [REP4-047 to REP4-052]); and
- Prologis UK Limited / Prologis UK 121 Limited / East Midlands Airport (clean and tracked) (Document DCO 8.12 / MCO 8.12 and [REP4-058]).

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The Applicants received an amended SoCG from East Midlands International Airport Limited (clean) (Document DCO 8.11 / MCO 8.11 and [REP4-057]) on 29 June 2026 – enclosed - but have not yet had chance to consider the same.

An updated Statement of Commonality (clean and tracked) (Document DCO 8.2 / MCO 8.2 and [REP4-037]) is also enclosed. The Applicants confirm, for the avoidance of doubt, that SoCGs have only been submitted at Deadline 5 where updates have been raised / agreed since Deadline 4.

### **Applicants' Updated Examination Issues Tracker**

An updated Examination Issues Tracker (clean and tracked) (Document DCO 7.6 / MCO 7.6 and [REP2-028]) is enclosed. This has been expanded and updated as requested by the ExP in ExQ2 1.0.3.

### **Applicants' Updated dDCO and dMCO, and Schedule of Changes dDCO and dMCO**

An updated dDCO (clean and tracked) (Document DCO 3.1 / [REP2-008D]) and updated dMCO (clean and tracked) (Document MCO 3.1 / [REP2-010M]) are enclosed. Also enclosed are:

- Schedule of changes to the dDCO (clean and tracked) (Document DCO 3.4 / [REP2-016D]);
- Schedule of changes to the dMCO (clean and tracked) (Document MCO 3.5 / [REP2-019M]);
- Tracked change version of the East Midlands Gateway Rail Freight Interchange and Highways Order 2016 (Document MCO 3.4 / [REP2-018M]);
- Explanatory Memorandum to dDCO (clean and tracked) (Document DCO 3.2 / [REP2-012D]); and
- Explanatory Memorandum to dMCO (clean and tracked) (Document MCO 3.2 / [REP2-014M]).

### **Applicants' Updated Land and Rights Negotiations Tracker**

An updated Land and Rights Negotiations Tracker (clean and tracked) is enclosed (Document DCO 4.7 and [REP2-021D]).

### **Any further information requested by the ExP**

#### Response to Rule 17 Letters dated 2 and 19 June 2026

Chapter 4 – Consideration of Alternatives - of the Environmental Statement (clean and tracked) [Document DCO 6.4 / MCO 6.4 and [AS-028]) has been updated to address the matters raised in the Rule 17 Letter and is enclosed. A new Appendix 6.4B and 6.4C to the Environmental Statement are also enclosed (Documents DCO 6.4B and 6.4C / MCO 6.4B and 6.4C). Appendices 6.4B and 6.4C have been prepared using the Joint Application Environmental Statement Chapters and copies of the chapters that have been utilised have been submitted separately into the examination as requested by the ExP.

The Applicants have further prepared a note in respect to the Rule 17 Letter on the disaggregation of the highways NSIP and the commercial and business development (Document DCO 7.19), which is enclosed. The plan showing the highways NSIP and the commercial and business development has been updated in respect of Works No. 16 and is appended to the note. The ExP should note that, following further consideration of the ExP's clarification provided in its letter dated 19 June 2026 [PD-024] the Applicants have not continued with the draft table appended to its letter dated 10 June 2026 [AS-004]. The disaggregation note provided at document DCO 7.19 sets out the Applicants' position in full and is provided to assist the ExP when reporting to the Secretary of State.

In the Rule 17 Letter, the ExP further requested that the Applicants review their case for compulsory acquisition in light of the updates to the Environmental Statement, particularly to consider any implications regarding the approach to the compelling case in the public interest test, updating the Statement of Reasons as appropriate (for example, the question of whether the non-delivery and delivery scenarios would change the public interest benefits or the balance of the compelling case in the public interest test is something that the applicants should explicitly address).

The Applicants have considered the ExP's request above and do not consider that any revisions are required to the Statement of Reasons. The Applicants do not consider that the Rule 17 request changes the position as set out in the Statement of Reasons. Nor do the Applicants consider it appropriate to blur lines between the environmental assessment of a project on the one hand, and the compelling case necessary to justify compulsory acquisition on the other. The compelling case for compulsory acquisition remains as per the Applicants' submissions at Deadline 4, namely that it is a question of:

1. Identifying the benefits ('planning gain') which will likely be delivered by the DCO Scheme were it to be consented (Scenario A);
2. Identifying also the benefits/planning gain that will likely be delivered in circumstances where the DCO Scheme is not consented (or else a DCO is granted, but without the requisite compulsory acquisition powers) (Scenario B); and
3. Comparing the two benefits in the two scenarios.

In Scenario A, the Applicants have shown that SEGRO is highly likely to implement and build out the DCO Scheme thus the benefits under that scenario can be given full weight. They include the full build out of the Freeport designation in this locality, with the quantum of floorspace that entails; all the on-site benefits of the DCO Scheme (community park, synergy and efficiency with EMG1, etc.); and delivery of the Green Package of highway works (which highways NSIP delivers benefits beyond the development, contributing to the wider highways improvements necessary at Junction 24 to facilitate development in this part of the East Midlands).

This is as compared to Scenario B, where there is possibility, but no more than a possibility, that the Joint Application will come forward. In this regard, the Joint Application does not yet have planning permission; and has not been shown to be viable. In this context, the fact that the ExP has determined that there is a reasonable prospect of the development coming forward in EIA terms does not mean that it should be assumed to come forward for the comparative purposes of the 'compelling case' exercise. These are different exercises.

Even if the Joint Application is regarded as viable / feasible, it will deliver less floorspace than the DCO Scheme and there is no material prospect / basis on which the ExP can assume that further development will come forward on the Southern Land (at least not within the Freeport window).

The benefits delivered as part of the Joint Application scheme are also less than the DCO Scheme. The Green Package will not be delivered and, such highways improvements as the Joint Application scheme will deliver, are limited and in no way comparable to the wider benefit that the Green Package will deliver.

#### Change request

The Applicants note that, as set out in the Rule 17 Letter dated 19 June 2026, the ExP has not decided whether to accept the changes to the DCO Scheme in relation to public rights of way, Works No. 14 (Active Travel Link) and Works No. 15 (A453 EMA junction crossing). Further details of the proposed changes are set out in the enclosed note (Document DCO 7.18).

The Applicants have further had regard to the guidance, 'Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination', and this is set out in the Appendix to this letter.

The Applicants indicated at Deadline 4 that they would submit an updated draft DCO, land plan, book of reference, statement of reasons and associated documents to reflect the proposed changes at Deadline 5. However, given that the ExP has not yet accepted the changes, only the draft DCO and Explanatory Memorandum to the draft DCO have been updated at this deadline. The land plan and book of reference will be updated following acceptance of the changes. The Applicants confirm that no change is required to the statement of reasons.

#### **Any further information submitted by the Applicants**

The following other application documents have been updated and are enclosed:

Document Name	Doc. Ref.	Explanation
Environmental Statement Chapter 13 – Flood Risk and Drainage (Clean and Tracked)	Document DCO 6.13 / MCO 6.13 and [REP3-020]	Updated to reflect discussions / agreement with the Environment Agency.
Environmental Statement Appendix 13F Water Framework Directive WFD Screening (Clean and Tracked)	Document DCO 6.13F / MCO 6.13F and [APP-147]	Updated to reflect discussions / agreement with the Environment Agency.
Note – Transport Technical Note with further assessment of Plot 16 impact (Clean and Tracked)	Document MCO 7.10 and [REP1-283M]	Further technical information has been added to confirm why the works at this junction are not required as part of the MCO.

Please note that the Applicants indicated at Deadline 4 that they would submit an updated Transport Assessment at Deadline 5 in response to ExQ2 Q19.0.4 and Q19.0.17. However, the changes are relatively minor and, as further changes are likely to be required following further discussions with National Highways and Leicestershire County Council, the Applicants have decided to wait to resubmit at Deadline 6.

Finally, we enclose an application documents tracker (clean and tracked) for the DCO (Document DCO 1.8 and [REP4-004D]) and MCO (Document MCO 1.7 and [REP4-002M]).

If you have any queries or require anything further, please do not hesitate to contact us.

Yours sincerely

[Redacted signature]

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#### **Appendix: Change request**

#### **Enclosures (clean and tracked versions where appropriate):**

##### Documents relating to DCO and MCO:

1. Chapter 4 – Consideration of Alternatives - of the Environmental Statement (Document DCO 6.4 / MCO 6.4 and [AS-028])
2. Appendix 6.4B (Document DCO 6.4B / MCO 6.4B)
3. Appendix 6.4C (Document DCO 6.4C / MCO 6.4C)
4. Chapter 13 – Flood Risk and Drainage – of the Environmental Statement (Document DCO 6.13 / MCO 6.13 and [REP3-020])
5. Note – Transport Technical Note with further assessment of Plot 16 impact (Document DCO 6.13F / MCO 6.13F and [APP-147])
6. Examination Issues Tracker (Document DCO 7.6 / MCO 7.6 and [REP2-028])
7. Applicants' response to the submissions received at Deadline 4 (Document DCO 7.17 / MCO 7.17)
8. Statement of Commonality (DCO 8.2 / MCO 8.2 and [REP4-037])
9. Landscape Draft SoCG with North West Leicestershire District Council (Document DCO 8.3F / MCO 8.3F and [REP4-044])
10. Highways Draft SoCG with Leicestershire County Council (Document 8.4B / MCO 8.4B and [REP4-047])
11. Archaeology Draft SoCG with Leicestershire County Council (Document 8.4C / MCO 8.4C and [REP4-048])
12. Ecology Draft SoCG with Leicestershire County Council (Document 8.4D / MCO 8.4D and [REP4-049])

13. Population and Human Health Draft SoCG with Leicestershire County Council (Document 8.4E / MCO 8.4E and [REP4-050])
14. Materials and Waste Draft SoCG with Leicestershire County Council (Document 8.4F / MCO 8.4F and [REP4-051])
15. Drainage Draft SoCG with Leicestershire County Council (Document 8.4G / MCO 8.4G and [REP4-052])
16. Final Signed SoCG with Nottinghamshire County Council (Document DCO 8.6 / MCO 8.6 and [REP1-077])
17. Final Signed SoCG with Historic England (Document DCO 8.8 / MCO 8.8 and [REP4-055])
18. Final Signed SoCG with Forestry Commission (Document DCO 8.9 / MCO 8.9 and [REP1-080])
19. Draft SocG with East Midlands Airport (Document DCO 8.11 / MCO 8.11 and [REP4-057])
20. Draft SoCG with Prologis and East Midlands Airport (Document DCO 8.12 / MCO 8.12 and [REP4-058])

Documents relating to DCO only:

21. DCO Application Documents Tracker (Document DCO 1.8 and [REP4-004D])
22. dDCO (clean and tracked) (Document DCO 3.1 / [REP2-008D])
23. Explanatory Memorandum to dDCO (Document DCO 3.2 / [REP2-012D])
24. Schedule of changes to the dDCO (Document DCO 3.4 / [REP2-016D])
25. Land and Rights Negotiations Tracker (clean and tracked) (Document DCO 4.7 and [REP2-021D])
26. Note on changes to public rights of way, Works No. 14 (Active Travel Link) and Works No. 15 (A453 EMA junction crossing) (Document DCO 7.18)
27. Note on the disaggregation of the highways NSIP and the commercial business development (Document DCO 7.19)

Documents relating to MCO only:

28. MCO Application Documents Tracker (Document MCO 1.7 and REP4-002M)
29. dMCO (clean and tracked) (Document MCO 3.1 / [REP2-010M])
30. Explanatory Memorandum to dMCO (clean and tracked) (Document MCO 3.2 / [REP2-014M])
31. Tracked change version of the East Midlands Gateway Rail Freight Interchange and Highways Order 2016 (Document MCO 3.4 / [REP2-018M])
32. Schedule of changes to the dMCO (clean and tracked) (Document MCO 3.5 / [REP2-019M])
33. Note – Transport Technical Note with further assessment of Plot 16 impact (clean and tracked) (Document MCO 7.10 and [REP1-283M])

**Other enclosures:**

34. Joint Application Updated ES Chapter 7 Socio Economics
35. Joint Application Addendum ES Chapter 8 Transport and Access
36. Joint Application Updated ES Chapter 13 Built Heritage and Archaeology
37. Joint Application Addendum ES Chapter 16 Summary of Mitigation Residual Effects
38. Joint Application Updated ES Landscape and Visual Impact Assessment
39. Joint Application Updated ES Landscape and Visual Impact Assessment Appendices

## Appendix

### Response to Rule 17 Letter dated 19 June 2026

#### Change request

##### Introduction

In their covering letter at Deadline 4 [REP4-001], the Applicants proposed making three changes to the DCO Scheme, namely:

- Changes to public rights of way;
- Change to Works No. 14 (Active Travel Link); and
- Change to Works No. 15 (A453 EMA junction crossing).

Further details of the proposed changes, reasons for them, effect on the DCO Scheme and consultation undertaken on them, are set out in the enclosed note (Document DCO 7.18).

The ExP, in their Rule 17 letter of 19 June 2026 [PD-024], indicated that they had not decided whether to accept the changes. The Applicants were requested to follow the process for making a change as set out in the guidance, 'Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination'.

##### Process

The guidance sets out a formal five-step process:

##### **Step 1 — Change Notification:**

The applicant informs the Examining Authority in writing of the proposed change. The notification must include:

- Information establishing how the change can be accommodated within the remaining statutory timescales.
- The timescale for the applicant's consultation about the proposed change, including its scope and justification.
- If consultation has already been carried out: details of how it was conducted, who was consulted, a summary of responses received and how the applicant has had regard to them, and copies of all consultation responses.
- The expected submission date for the formal change application.

##### **Step 2 — Advice from the Examining Authority:**

The examining authority provides advice on the procedural implications of the proposed change, including the need, scale, and nature of consultation the applicant should undertake before formally submitting the change application. The examining authority advises whether any consultation already carried out is adequate.

##### **Step 3 — Consultation:**

The applicant carries out appropriate consultation about the proposed change. The applicant should consult all persons prescribed under section 42(1)(a) to (d) of the Planning Act 2008 who would be affected by the proposed change, giving a minimum of 28 days from receipt of the information for responses.

##### **Step 4 — The Change Application:**

The applicant makes a formal request to the examining authority by providing the relevant information, including:

- A confirmed description of the proposed change (with any differences from the change notification clearly explained).
- A confirmed statement of the reasons and need for the change.
- A full schedule of all application documents and plans listing the revisions to each document.
- A statement identifying any impact on securing consents or licences for the project.
- Clean and track-changed versions of the draft DCO and explanatory memorandum showing the proposed changes.
- Where consultation has been carried out, a consultation report confirming who was consulted, how and why, how responses were considered, and copies of all responses received.

### **Step 5 — The Examining Authority's Decision:**

The examining authority will consider the change application, the consultation responses and any other representations made, and decide whether to accept and examine the changed application or reject the proposed change. If accepted, the examining authority will confirm how it will be examined.

If the proposed change would require additional compulsory acquisition powers, the applicant must seek to obtain consent for those additional powers from all persons with an interest in the additional land under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations). If the applicant is unable to obtain this consent before requesting the change, Regulations 5 to 19 of the CA Regulations would be engaged. The examining authority will consider whether there is sufficient time remaining in the examination process to accommodate the procedures set out in those Regulations, which involve statutory timescales that must be complied with.

### **Proposed Changes**

Drawing the above together, to obtain approval for a change to the DCO Application, the Applicants must demonstrate the following:

- The DCO Scheme, as changed, remains substantially the same project as that originally applied for (and the cumulative effect of any incremental changes does not result in a materially different project).
- The change can be accommodated within the remaining statutory timescales.
- Adequate and proportionate consultation has been (or will be) carried out with all affected prescribed persons.
- All interested parties will have a fair opportunity to submit representations on the changed application before the close of the examination.
- Where additional compulsory acquisition powers are required, consent from affected landowners has been obtained or there is sufficient time to comply with the CA Regulations.
- There is no adverse impact on securing other consents or licences needed for the project.
- The change notification is submitted at the earliest opportunity — requests made in the final few weeks of the examination are unlikely to be accepted.

Taking each point in turn:

### **The DCO Scheme, as changed, remains substantially the same project as that originally applied for (and the cumulative effect of any incremental changes does not result in a materially different project).**

As set out in the note on the proposed changes (Document DCO 7.18), the three changes are relatively minor in nature, comprising of adjustments to what was originally proposed i.e. a public right of way becoming a permissive route, an uncontrolled crossing becoming controlled and the alignment of the active travel route slightly changing with a corresponding reduction in land take.

When taken individually, the Applicants consider that the DCO Scheme, as changed, will remain substantially the same project as that originally applied for. The Applicants further consider that the cumulative effect of all three changes will not result in a materially different project.

**The change can be accommodated within the remaining statutory timescales.**

The Applicants proposed the changes at Deadline 4, around half way through the examination. It is therefore considered that there is more than sufficient time remaining during the examination for the changes to be accommodated and considered.

**Adequate and proportionate consultation has been (or will be) carried out with all affected prescribed persons.**

All three changes have been proposed in response to representations received by third parties during the examination period.

The first two, to the public right of way and to Works No. 15, were requested by Leicestershire County Council (LCC) as local highway authority. The changes primarily affect LCC and the Applicants have consulted with them. LCC has confirmed that it supports the changes. The Applicants consider this consultation to be adequate and proportionate given the scope of the changes. However, to the extent that the ExP considers that further consultation is necessary then there is sufficient time remaining within the examination for it to be undertaken.

The third change to Works No. 14 was requested by EMA in its capacity as both landowner and aerodrome safeguarding authority. The Applicants have engaged with EMA who have confirmed that it agrees with the change. As Works No. 14 comprises the active travel link, the Applicants also consulted LCC and National Highways in their capacity as highways authorities. Both confirmed their agreement to the change. Given the minor nature of the change, the Applicants do not consider that further consultation is necessary but, if the ExP requires further consultation, then there is sufficient time remaining within the examination for it to be undertaken.

**All interested parties will have a fair opportunity to submit representations on the changed application before the close of the examination.**

As indicated above, the Applicants have consulted with those interested parties who requested and are directly affected by the changes. There is sufficient time remaining within the examination for other interested parties to submit representations should they wish to do so.

**Where additional compulsory acquisition powers are required, consent from affected landowners has been obtained or there is sufficient time to comply with the CA Regulations.**

None of the three changes required additional compulsory acquisition powers.

**There is no adverse impact on securing other consents or licences needed for the project.**

With the exception of the public right of way, the same consents for the detailed design and construction of the works apply, principally the protective provisions for highway works and working near EMA. For the public right of way (which will no longer be a public footpath), the consenting requirement is reduced.

Overall, the Applicants consider that incorporation of these changes will make it simpler to obtain consents given that the consents are needed from the same authorities that have requested these changes to be made.

**The change notification is submitted at the earliest opportunity — requests made in the final few weeks of the examination are unlikely to be accepted.**

The change notification was made at Deadline 4 around halfway through the examination and the earliest opportunity following the changes being requested. This means that there is sufficient time remaining for the changes to be examined.

**Changes to the DCO Application documentation**

All the drawings necessary to effect the changes were updated and submitted at Deadline 4 as set out in the Applicants' Deadline 4 covering letter [REP4-001] and further documented in Document DCO 7.18.

If the proposed changes are accepted, then the following updates are required to the other application documents:

- Draft DCO – The necessary updates to the draft DCO to give effect to the changes have been made at Deadline 5 to facilitate acceptance of the same.
- Explanatory memorandum to the draft DCO – As above, the necessary updates to the explanatory memorandum have been made at Deadline 5.
- Land Plan Sheet 2 of 4 – Plot 2/6 will be reduced and split to reduce the extent of the compulsory acquisition. It is proposed to make this change at the earliest opportunity following acceptance of the change. A consequential update Land Plan Sheet 1 of 4 will also be made in the area where it overlaps with Sheet 2.
- Book of Reference – A minor change will be required to change the description of Plot 2/6 and to split the plot into three parts, part being subject to compulsory acquisition powers and the other parts not. It is proposed to make this change at the same time as the land plan.