

East Midlands Gateway Preliminary Meeting

Tue, Mar 10, 2026 9:58AM 11:38

SUMMARY KEYWORDS

East Midlands Gateway, preliminary meeting, highway works, Secretary of State, chartered town planner, case team, examination rules, industrial action, planning inspectorate, recording, transcript, publicity, agenda, hearing podium, Microsoft Teams.

SPEAKERS

Speaker 2, Speaker 3, Speaker 1

 00:46

None

 01:21

Good morning, everybody. It's now 10 o'clock and it's time for this meeting to begin. I would like to welcome all to this preliminary meeting, East Midlands gateway phase two and highway works, generally known to be as EMG two and an order making material changes to the previously approved East Midlands gateway ground freight interchange in highway order 2016 Can I just confirm that everybody can hear me clearly? Can I confirm with the case team that the live stream and recording event has commenced? I can confirm about the live stream and recording has come. Thank you. My name is Roberts Jackson, and I've been appointed by the Secretary of State for housing, communities and local government to the lead member of the panel to examine this application. I'm a chartered town planner and a member of the chartered Management Institute, and made declarations of my interests in respect of this project. I am now going to introduce ask my other panel members to introduce themselves.

 02:22

Good morning, everyone. My name is Liam page, and I've also been appointed by the Secretary of State for housing, communities and local government as a member of the panel. I'm also a chartered town planner, and in accordance with the plan inspectorates contradicted interest policy, I've also made the relevant declaration.

 02:39

Thank you. Good morning. My name is Gaurav Joshi and likewise, I have been appointed by the Secretary of State for Housing Communities and Local Government as a member of this panel. I'm a human geographer. And similarly, I have also made a declaration of my interest in respect of this exam.

 03:01

Thank you both. I would like to introduce the case team accompany me today, KJ Johnson and Steve Parker. Please approach them if you have any questions. For those in the room, they are at the back, located at the back. And for those online, you will need to email them at en.gateway@planninginspectorate.gov.uk, we with the EM gateway to being a single word, our case team deal with the managing the application, and if you have any questions as to processes or procedure, then they are your points of contact. Dr, hands is one of other things at the end of the month, and Caroline hope will even taking over as case manager. She's an experienced case manager, and some here may have dealt with him before on public projects. There are some other employees and family inspectors here and with an observation role as part of their training, neither the case study nor the observers are involved in assessing the merits of the application, which is to the three of us, as we noted the letter inviting you to this preliminary meeting. Normally, those appointed to examine an application for the development consent order, DCO are known as an examining authority, and those for a material change order are known as an examining body to avoid confirming to have to refer to one or the other or both. A decision has been taken to unify the naming convention and to call those appointed to examine both applications of the examining panel, which have been abbreviated to exp the candidate. Now deal with a few housekeeping matters for those in attendance in person. Who please everyone set all devices, including phones and watches, to silent the toilets from the ground floor outside of this side. I think it's gentle assigned, but later on, we'll find them. There is a fire test due at 11 o'clock this morning, so please don't be surprised if it goes off at 11, we're fired. If it goes off at any other time, that's another matter. And if there are if he goes off at any other time, then obviously you can see the exits on both sides of the rooms of the room. Please follow those exit through the signage to the hotel fire point, which is directly located directly opposite the main hotel entrance, trained fire marshals are also on hand to assist in the event of an unsimulated fire alarm. No requests have been made for any special measures or arrangements for they participated in the meeting, then I can check them That is correct. Thank you. And in case this involve is of use to anyone, the two rows immediately in front of the audio visual on my right hand on the left hand side are prime with an induction loop for hearing. So please move to that area and use that facility if you feel it would help, as participants will be, I am sure aware, it's been agreed that the examinations from two applications will be aligned with one another, and yes, but they are subject to the two different examination rules. During the examination, the effects of the rules is the same, but there are differences relating to publicity for hearings. Having said that we look into the applicant to ensure these differences are complied with, having said that we may use the shorthand for the main develop DCO examination rules. For example, the rule six letter or the rule eight letter for speed, please, when we do that, please read into this lamented picture relating to the quote of the other set of rules, like the changes regulations. Our aim is to keep the processes focused and as efficient as possible. To assist this, we shoot Annex B in an art letter which we invite, but invited you to this preliminary meeting. Sixth letter that appendix sets out an introduction to the preliminary meeting process. We trust that you're all with us in advance, as we will only provide in the summary. Now you'll find information about this applications on the planning inspectorates national infrastructure planning website. We strongly encourage you to familiarise yourselves with them, because the examining

panel will be using it to communicate with you and provide access to documents throughout the examination, today's meetings have been undertaken at length away, meaning some of you are present with us in the hearing podium, and some that are joining us virtually, using Microsoft Teams, we will make sure that however you decide to attend today, You will be given a fair opportunity to participate. A recording of today's meeting will be made available relevant pages of the national infrastructure planning website as soon as practical after the meeting is finished, there will also be an AI generated transcript with this in mind, please ensure that you speak clearly into a microphone stating your name and those who are representing each time before you speak, the microphones we revised. The two of us on this table have not got you have to hold the button down while you're speaking, so please note that, and then the red light will come on to indicate the microphones. Sorry about that.

 08:24

That is how this particular system works.

 08:30

Going back to the transcript, the AI transcript is not 100% accurate, and it's actually quite bad some things like names. So therefore, please enunciate your name and whom you represent as clearly as you can and should we need to refer to anything said today, we will use the recording as the authoritative record, a link to the planning inspector to privacy notice six letter. We assume that everyone here, whether physically or virtually, has familiarised themselves with this document, which establishes how the personal data of our customers is had in accordance with the principles set out in data protection laws. It's important to note that the planning Inspectorate practice is to retain and publish recordings for a period of five years from Secretary of State's decision on an application. Consequently, if you participate in today's meeting, it's important you understand that you will be recorded, and then we therefore consent to retention and publication of digital recording, to void out, to have to edit out digital recordings, you would therefore ask and try to submit or provide information do you wish to keep private or confidential? Please speak to the case team if you have any questions about that. As a national professional courtesy, I advise parties. Planning inspectors across the country are currently participating in industrial action in the form of action short of strike, which includes not working beyond conditioned hours, that is 37 hours a week, including travel time. This would also not include travelling outside a conventional Monday to Friday working week. The industrial action relates to the ongoing trade dispute over pay and job evaluation. This action affects the panel of the XP the period of industrial action starts in December and runs until the 23rd of May, therefore may have some impact on this examination. We would therefore like to urge all participants in today's preliminary meeting and in all this week's hearings to keep to the advertised agendas and timings, because the XP will not be able to extend the hearings, nor into shorter breaks, nor into the evenings. Regardless the international action, we all need to be mindful of the whilst insurer so we have heard what we need to hear to enable a rust robust consideration of the application. Therefore, we'd highlight if any participant in any of this week's hearings is affected by the efficient money event was taking too much time with this submission, they may be asked to shorten this submission device deadline. Reminded the written comments that have no less weight than those made verbally, each session will be closed on time. Thank you for your understanding and cooperation. This meeting will follow the agenda set out in Annex A of the rule six letter be useful if a copy of this could be is in front of you and could be displayed on the screen. Thank you

 00:00

The purpose of this meeting is to focus on the way which we, as examining panel, propose to examine these applications. On that basis, we will only be inviting discussion about procedural aspects of the examination. The purpose of the meeting is not to discuss either the merits or any comments that you may have regarding the application merits or concerns can only be considered once the examination of the applications begins, which happens following the close of this preliminary meeting. Any issues or points raised by parties today will be taken away and taken into consideration. We will then issue a letter referred to as the rule eight, letter which will contain the finalised timetable for the examination and the key dates on which we expect submissions and evidence to be provided. I'm now going to ask Dr Joshi to ask people to introduce themselves.

 06:42

Thank you. Mr. Jackson, first of all, the applicant can stop the sharing agenda on the screen. I'm not going. I am now going to ask those of you who are participating in today's meeting to introduce yourselves. I will begin by asking those persons that are here in the room today, and then I'll move on to those that are attending via Microsoft Teams. When introducing yourself, please, can you state your name clearly and who you represent and also which agenda item you wish to speak on if you are not representing an organisation, please confirm your name, summarise your interest in the application and confirm the agenda item upon which you wish to speak. Could you please also state the title that you wish to be addressed by, whether it is Mr. Mrs. Miss, Miss doctor or professor. So to start with, can we start with the applicant and their advisors?

 07:42

Please, Good morning, sir. My name is Alexander booth King's Council, and I appear on behalf of both the DCO applicant and the MCO applicant. That is SEGRO properties limited, and also SEGRO EMG limited. I am instructed by Ms Tony Weston of Gowling Wlg solicitors, and she is sat to my right and may assist during the course of this preliminary meeting. To my left is Mr. Richard thuring, who may also assist in the context of this preliminary meeting. And so I'm very happy to be addressed as Mr. Thank you.

 08:20

Thank you. That's perfect.

 08:23

Can we move on to the local authorities here first, can I ask the Leicestershire county council please

 08:34

Good morning, sir, Mrs. Rebecca Henson, head of the grave service. Leicestershire county council available to answer any questions as asked by the examining panel.

 08:44

Thank you. Did say thank you. Claire, so that's also from Leicester county council, solicitor and legal services like Mrs. Henson said, I'm also available to answer any questions asked by the panel.

 08:58

Harry hawsey, Team Manager, Highway Development management, supporting on transport matters, but able to answer any questions required. Thank you.

 09:10

Thank you. Can I now move on to North West Leicestershire District Council? Please.

 09:19

Good morning. Panel. So Jessica Allen, I'm instructed by North West Leicester District Council, and sitting to my left is Chris Elston, the head of Planning and Infrastructure at the District Council. And to my right is Charlotte Smith, who's a senior legal assistant, and we're able to assist with any matters that would assist the panel today.

 09:39

Thank you. The next

 09:45

statutory bodies, and we believe we have one organisation with us today, on national highways, please.

 09:55

Who I believe joining us? Yes, telephone. Yes.

 10:00

National Highways online. So thank you, sir. Jeremy bloom, I am the object lead for national highways, and I'm available to answer any questions that the panel has. I'm happy to be referred to as Mr. Thank you.

 10:18

Thank you. Moving on to the Paris councils, we have two Paris councils who have notified us that they are observing long Watson and dysworth Paris Council and Lockington cum hamington parish council. Unless you wish to speak, you don't need to introduce yourselves, but to acknowledge that you are observing here. Could I please confirm the correct pronunciation of the dice worth? Would the representative from long Watson and diceworth Paris Council clarify this for us? Is it pronounced like dice worth, or more like a dis worth with a double z sound?

 11:01

Dice worth? Thank you very much.

 11:07

Moving on from that,

 11:10

we are going to ask other peoples here today representing various organisations. We are going to start with both pro law this UK, limited and pro law this UK, one to one limited, who I believe are represented by the same person or a group of persons. Could you please introduce yourself?

 11:27

Good morning, sir. My name is Harry Wood, Philpot King's Council, and I represent both pro lodges, UK Limited and Prologis, UK, one to one limited. I'm instructed by Mr. Howard Basford. He sits to my right, who is a partner at DLA Piper, UK, LLP. I intend to speak on items three, four and five, and I'm content to be addressed as Mr. Thank you.

 12:02

Next, can I ask each Midland International Airport and East Midlands Airport property investment limited, please,

 12:12

good morning. My name is Mark Westman Smith King's Council, and as you've identified, I represent East Midlands International Airport limited, as well as East Midlands Airport property investments, industrial limited. I'm instructed by John Riley, who's a Partner at Pinson Mason's, and sits on my left, and I have here also Mr. Alistair Andrew, who's the head of planning at Manchester airports group, who's the owner of East Midlands Airport. We intend to speak to items three, four and five this morning, and I'm also content to be called mister. Thank you. Thank you.

 12:58

We have two more organisation who have advisers. They are observing. So again, unless any of you wish to say something now, I will not bring them in purchase just a reference. Protect iceworth and East Midland, Freeport and one member of the public are here observing. Is there anyone else in the room who I have not mentioned, who wish to speak today? No thank you. And similarly, is there anybody else joining us online today that I have not mentioned? No one. Thank you. If anybody else decides that they wish to speak during this morning's proceeding, for example, to make comments in response to the representations made by other parties. You may do so if you do wish to speak, please raise your hand, either physically or using the function within the Microsoft Teams and wait to be invited to speak. Are there any other comments anyone wishes to make under agenda item? One, I don't see any hands. Okay, in that case, that concludes matters in relation to agenda item one, thank you. So moving on to the agenda item two. On this item, I want to really just say a few things with regard to the examination process. In Annex B of our rule six letter, we provided some commentary which explained the purpose of this preliminary meeting and also the examination process. In this we explain how we intend to conduct the examination and how you can participate. I'm assuming that everybody has read this, and therefore I don't propose to spend time going through in detail here. However, it is important that you are clear in your understanding of the process, and that anyone who is not familiar with the process is not intimidated by it as such, if there are any points about the process you don't understand, or you require more clarity on, then please speak to the case team who is sitting behind in this room before I invite any contributions. There are a couple of points I would like to make at this stage. First, I would like to emphasise and stress that the examination of this application is primarily a written process. The submission of a written representation is the opportunity for an interested party to set out its case and expand upon views and comments provided previously in a relevant representation. There are also further opportunities to make and submit written representations and responses to submissions made by other once the examination formally commences, the deadlines and stages when this will be appropriate are set out in draft timetable within Annex D of our rule six later. If you have any specific point to make regarding the draft timetable, then can I ask that these are raised later in the agenda? Item four, can I also say that under the Planning Act 2008 it is for the examining panel to determine the issues to be discussed, while parties can bring like to support them at a hearing. However they will be heard will depend on the topics we wish to talk about, unless a planning inquiry under the town planning country act, it is not for the parties to decide who they wish to give evidence. Your cases should be put in writing, in line with the deadlines which will be set out in rule eight later, and subject to the right to be heard, we will determine what queries we wish to probe orally further. It is also important to note that the written evidence carries the same weight as any evidence given at hearings. Therefore, please be assured that if you are unable to attend or do not wish to participate at hearings, recordings of these hearings will be available for you to watch back, and if you submit your evidence in writing, this will be given the same consideration as if it had been presented orally. Any evidence that is presented at hearing is therefore supplementary to that which has been provided in writing. Secondly, I would like

to briefly mention that the submissions we received at procedural deadline, a which was on 24th February, 2026 this included those from the applicant North West Leicestershire District Council, two organisations relating to East Midland airport, Two organisations within the Prologis group and protect ticeworth. This covers everything from whether the party would be attending this week to some more substantial matters, in case parties are not already aware. These submissions can be viewed in the examination library on the project pages of the national infrastructure website, under references, PDA, Dash 001, to PDA 02, 1d if anyone has any comments to make on any of this submission, then we have requested that this can be made by deadline, one, which is currently scheduled for seventh, April, 2026, If you have any comments to make about this deadline, then we have indicated this can be made later under agenda item four. So on, on the basis of this information set out in Annex B, are there any questions about the way in which we propose to examine these applications at this stage, I can see no one has asked to speak specifically on this item of this agenda. So I will not ask anyone in the room who has any comments on this agenda item.

 18:54

Hello, sir. Harry wood, Philpot, KC, on behalf of I'll say pro Logis to cover both of the organisations, if I may, just to clarify so in our PDA submissions, you'll have picked up the query we've raised about the fate of our request in relation to whether the examination is deferred or not. And I just wanted to understand in the context of what you said about comments by deadline one on those submissions when you would like to deal with that item as part of the preliminary meeting, so that I don't either miss my opportunity or try and address it too soon. Thank you.

 19:36

It's good we get we're going to come up to it in a mixture of the next two items, I think is probably the best way we are, because it it does actually split into some of into some of both those elements. So hopefully we'll be covered in those two items. I don't think it's a point for now. It's my might be in five minutes, but not yet.

 19:56

Thank you, Mr. Jackson, is there anyone else who would like to raise any other matters on this agenda item, no. Is there anybody else virtually wishing to speak on this agenda item, no, okay, thank you. That concludes the agenda item two. So now move on to agenda item three. I will hand over to Mr.

 20:20

Jackson, thank you. Thank you, Dr Joshi, for agenda item three. Be useful to have Appendix C of the rule six letter on the screen, please.

 20:37

And if you work, scroll down a little bit so we get to the list, as it were,

 20:44

that will do, and then we might need to move down as we go through

 20:48

if your technology doesn't allow you to see the screen on what's on your screen, clearly, you may will find it as Appendix C to our rule six, letter of the 10th of February. The list provides a framework of issues for the examination. The principal issues have been compiled alphabetically and are not listed in any order of importance. This list is also not comprehensive or exclusive. Rather, it's an initial list of what we have considered to be some of the key and main issues that we'll be considering during the examination. It's based on the informations in the applicant's submission and the relevant representations we received to date when we drew it up. Therefore it does not preclude us from adding or removing items at a later stage in the process. It's also important to note that some issues may be related and overlap. We're aware of this and will be taken into account and reflected in our consideration and the examination of the application. Can I also point out that in our initial assessment, it is our initial assessment of principle. It is it's not a practice to issue a final version. We have requested items to speak on this, and we'll hear on those shortly, and I will reflect on any we will reflect on any suggestions for amendments. We may have questions. I will give the applicant the opportunity to respond at the end. I'll ask the applicant to go first. But there's one I think I do want to say, which is to short, hopefully short circuit, some of the points made in the representations up to date. Yes, the matters raised by Prologis and East Midlands airports would be covered under the overarching matters relation to compulsory acquisition powers and sort and yes, consideration of the principle issue six, on need funding and socio economics is considered broad enough to embrace the issues that pro logists and East Midlands Airport have raised in their representations. So I'm hopeful that that kick deals, deals with that, rather than have to go to and fro on it, I'll ask the applicants any comments first, and then goes around those who have asked to speak in the room.

 22:57

Thank you, sir. Alexander Booth on behalf of the applicant, sir, subject to the observations that you have just made regarding the concerns raised by Prologis and indeed, the airport, we don't have any substantive comment in relation to the list of principal issues as identified at Annex C, so we're content with those.

 23:18

Thank you.

 23:27

East Midlands Airport was probably the next on my list of the ones I've got.

 23:34

Thank you, sir. Mark Westman Smith Casey for East Midlands Airport. Very grateful for your indication, and that does short circuit some of the points that I wanted to raise, because most of the issues that we are interested in do fall under the broad head of compulsory acquisition, and the specific items you've already mentioned Under Item six need funding and socio economics, we do think there is room for explicit exploration of the topic of viability, given SEGRO is position on that, and we say lack of evidence in relation to that, And it's an important point, linking back to compulsory acquisition, and the same arises in the context of funding. And then in just the last point I would mention is in item 10, traffic and transport, we suggested a further item, which is the appropriateness of the highways mitigation packages, to what extent are they required, and how are they to be funded? Now it might be you have that in mind under the broad heading, but those are issues that we would like to explore, or at least, at the very least, better understand. Thank you.

 25:05

Thank you. Mr. Westman Smith,

 25:08

I think looking at looking at my list, you were the only one who wished to possibly speak on item three. But before I come back to the applicant, is there anybody else who wishes to speak on item three.

 25:20

Yes, Mr. Philpott, thank you, sir. Harry wood Philpot KC, on behalf of Prologis, so I did, I think, indicate that I wish to speak on item three. But fortunately, both the combination of your intervention in anticipation, we would say, and also what Mr. Westman Smith has just said, means that I can simply endorse what Mr. Westman Smith has just told you. And also to add that, having looked at the detailed agenda for issue specific hearing one, it does appear that you and your colleagues have, well in mind the points we've raised about principle issue 10, and so we take comfort from that. Thank you.

 26:03

Did anybody else wish to speak before I go back to the applicant? The applicant?

 26:13

Thank you, sir. Alexander booth on behalf of the applicant, sir, no further substantive comment. I know what Mr. Westman Smith says on behalf of the airport, and just to pick up what Mr. Philpott has just said. So those points do seem to be addressed in the context of the ish one agenda. In any event, we're content. Thank

 26:38

you. The one thing I would want to do is, obviously there were three major points. The one which is we haven't discussed this morning by default, is the issue of the prtm, whether it's because obviously the submission was based on the 2019 version, which the reason being, the national highways hadn't signed off 2023 version at that point in time with submission I am what I've read is The 2023 version has now been signed off, and there is a update sensitivity analysis being undertaken on that. That is correct, isn't it?

 27:19

Sir Alexander booth on behalf of the applicant, yes, sir, that's entirely correct. The 2023, prtm update and analysis has been undertaken, has been signed off by national highways, has been signed off by LCC and of course, so that's relevant to a number of matters. In particular, the application that millennial friend Mr. Philpott alluded to a moment ago about. Moment ago about a deferral of the examination, because that's that horse has already been put in the paddock, so to speak. Thanks,

 27:53

sir Leicestershire county council.

 27:56

Thanks Harry horsey Leicester county council. Just point of clarification, it hasn't been formally written signed off as yet. Prtm, 23 works positively ongoing, and we're engaging that process with the transport working group, but we aren't yet at the point of complete resolution on strategic matters.

 28:13

But you reason you think there's a reasonable prospect of it being included in six months of the exam period.

 28:20

We look forward to submissions imminently on that which we would be confident to get to a point of final advice on that. Yes, thank you.

 28:39

Yes, sir. Harry wood, Philpot, KC, on behalf of Prologis, I just want to make sure I've understood what is being said. I don't believe but I'll be corrected if I'm wrong that the output from the modelling and the assessment that flows from it has been put in to the examination documentation, because I'm anticipating and slightly puzzled by what Mr. Booth said on behalf of the applicants that that deals in some way with our concern, our relevant representations have been made without access to that material. We still don't have access to that material.

 29:18

My anticipation was that it was going to be submitted at deadline one. That's really it's predominantly discussion for Wednesday, tomorrow as part of ish one, assuming we assume we close this morning. And that was my anticipation that would be dealt with this afternoon.

 29:37

Alexander booth for the applicants. Yes, sir, that's correct. Thank you.

 29:41

So sorry to extend this deadline. One is the deadline for our written representations, so we will not have had sight of that material when we have the chance to put in our written representations, having not had the site for our relevant representations.

 29:57

We fully appreciate that. But there is a deadline too, with the opportunities respond to the submissions at deadline one, and that is how that is would should allow plenty of time to allow and the rest of the exam? Should that be necessary?

 30:14

I've got your point, and I think I need to take it any further. Thank you.

 30:20

Anybody else have any other points on the principal issues? No.

 30:25

So we now move on to Item four, the draft agenda after exam timetable. Sorry, which Mr. Page is going to

 30:38

do? Thank you, Mr. Jackson, so it'd be useful if the applicants could display Appendix D of the rule six letter on screen, please, which contains the draft examination timetable.

 30:51

Thank you. That's now on screen.

 30:55

So if your technology doesn't allow you to see the draft examination timetable on screen clearly, you can find it in the examination library under reference number PD, 010, the draft examination timetable sets out the key dates of when we propose to hold hearings and the deadlines for the submission of written documents. It also includes dates that we propose to issue documents for comment and to issue written questions. In the interests of brevity, I don't intend to read out the draft examination timetable in full, as we trust you have reviewed it prior to today's meeting. However, I do wish to highlight the following points. You will see that we are holding a compulsory acquisition hearing this afternoon, starting at 2pm this is to be a high level general discussion about the applicant's case for powers to compulsorily acquire both land and rights and take temporary possession of land. We have dates reserved for further compulsory acquisition hearings. The week commenced in the 11th of May, 2026

 32:03

and the 17th of August, 2026

 32:06

in this regard, due to the nature of the applicant's request for compulsory acquisition powers associated with the EMG two works, we are anticipating requests from affected persons to be heard at subsequent compulsory acquisition hearings so that we can have detailed discussions about the individual plots of land. Our first issue specific hearing is scheduled to take place tomorrow, starting at 10am this will focus on the legal basis for determining the applications, the interoperability between the two consenting regimes, including the legal status of the heights of the container stacks land, which is subject to both applications, needing alternatives and traffic and transport issues, we have dates reserved for further issues, specific hearings that we commence in, the 11th of May 2026,

 33:04

and 17th of August 2026,

 33:08

what we want to discuss at those hearings will largely depend on the written submissions received relevant deadlines and whether we need to seek clarity through oral submissions. As we stressed earlier, it is important to know that the examination is primarily a written process, and so not holding an issue specific hearing on an individual topic is not an indication of its importance. Also, there is no obligation for us to hold issue specific hearings on every subject set out in the initial assessment of principal issues. Please also note hearings are not an opportunity for parties to negotiate matters, and that this should be done outside of hearings. So our first written questions are programmed to be published as soon as possible after this week's hearings. You'll understand that we will need to reflect on what we are told this week to prepare them so there might be a short delay if required. Further rounds of written questions are scheduled for the second of June 2026, and July 2026, and finally, we have a statutory duty to complete the examination within six months, and so we plan to close on the 10th of September 2026, at the latest. However, please note, we may close the examination before the end of the six month period if we are satisfied that all relevant matters have been addressed in terms of making submissions in accordance with the timetable when submitting written documents to us, please note the cut off time is one minute to midnight. If submissions are not received by this time, then you should assume they will not be accepted. Where submissions relate solely to one application, then please submit via the relevant website for that application. This will facilitate the efficient publication of each document and the updating of the examination library where a document applies to both applications. Then please submit via the EMG two website. And if you need more information on this approach, please see procedural decision number four within annex F of our rule six letter. So moving on to potential scheduling conflicts, given when the preliminary meeting was scheduled, and in light of the statutory six month period for examination, the draft examination timetable unavoidably covers Easter summer half term and summer school holidays. We have considered all views and tried to ensure the deadlines do not conflict or coincide with that of other projects. We've also tried to ensure that the draft examination timetable has appropriate gaps between deadlines and events, and preserving those gaps is critical so that all interested parties have a fair opportunity to engage in the examination, including reviewing and responding to written submissions, is also important for the examining panel, the case team and other colleagues involved in the examination from the planning Inspectorate that we have sufficient gaps to carry out our own processes and procedures in an effective manner. So with this in mind, we do recognise that the draft timetable may not be perfect for everyone. And we have received some comments at procedural deadline a in this regard, and request to speak on this agenda item. So in terms of inviting comments, I will start with other interested parties, and then come to the applicants last so come into North West Leicestershire District Council. Do you have any comments to make on the draft examination timetable?

 37:08

Yes, thank you. Just two comments, one which was alluded to in the council's sorry, I should say. Jessica Allen, North West Leicester District Council. And then the first relates to the request that's been made by the applicant to potentially change the August hearing dates, and the panel will have seen that the council's lead officer is unavailable in in some of that time that's been proposed, so specifically, between the 29th of July and the fourth of August, that will that's not all of the alternative week that's been proposed, but it would affect also the time for reviewing responses to the deadline five submissions, and the council will also note what panel has just said about shortening time between deadlines and events as well, so that that's a comment in relation to that proposal for a change and a further non availability of the landscape consultant for the Week of the 10th of August, again, if that's considered as a potential alternative date or period of time. And the second comment is just to I've discussed this with my learned friend for the applicant this morning, and I believe there are some very early discussions that have begun in terms of a potential agreement of a of a DCO obligation just in relation to contributions for for dealing with discharge of requirements, monitoring and other matters. It's at early stages, but it's just to alert the panel to that in terms of whether it's necessary to to include within the timetable a deadline for the submission of any of those obligations, if they do would, and that is all.

 38:49

Thank you very much for that. Okay, so come into Leicestershire county council Next, please.

 38:56

Thank you so Rebecca Henson, Leicestershire County Council. No comments on the timetable. Thank you.

 39:05

Thank you coming to East Midlands Airport Next please.

 39:12

Mark Westman Smith for East Midlands Airport, two comments please. First of all, in relation to the proposed hearings in the week commencing the 11th of May. From our perspective, we would invite you to list an issue specific hearing to deal specifically with the interaction of the joint application between pro lodges and the airport in relation to the northern part of the EMG, two main site, and the DCO scheme, which goes to a number of factors such as benefits, etc, the compulsory acquisition. So we'd invite you to consider that second and AV, all we assume there will be a more specific compulsory acquisition hearing opportunity for the airport during that week. And then may we just alert you to an availability issue in that week, to bear in mind when you list the hearings that are most relevant to the airport, and we have difficulties on the Wednesday and the Thursday. So if the week could be skewed to airport interest being early on on Monday and Tuesday or Friday, that would be extremely helpful. The second point just relates to whether or not the August the week commencing 17th of August hearing should be brought forward or not. We support leaving them where they are because they sit comfortably in the overarching architecture of the timetable and specifically provide an appropriate amount of time to absorb the deadline five documents and prepare for the hearing, so we would prefer not to see those brought forward. Thank you. Those are the two points we have.

 41:15

Thank you for that. So I think on the issue specific hearing comp will be better informed by deadline one submission. So we'll take a view on that compulsory acquisition. You can request that at deadline one. We'll take away the availability issue on the Wednesday and Thursday and discuss that, and we'll talk about the August dates and the applicant sort of comments on that at the end. So thanks. So moving on to Prologis.

 41:58

Thank you, sir. Harry Philpott, KC, on behalf of Prologis. First of all, we endorse and support the submissions that Mr. Westman Smith has just made. And I don't repeat those, what I want to deal with is an additional availability issue that would arise from the applicant suggestion that the hearings scheduled for the week commencing the 17th of August are brought forward to the week of the third of August. That would mean that I was unavailable on behalf of Prologis. It would also mean other key members of my team would be unavailable, including my planning witness and the head of planning at Prologis, so two critical members of my team having arranged annual leave in light of the draft timetable, and we would say as a matter of approach, shifting the disadvantage from the applicant to affected persons whose land is proposed for compulsory acquisition would be inappropriate. And it should also be remembered that it is, of course, the applicant's choice as to when they put in the application, when the examination therefore, is likely to commence, and to ensure it has appropriate representation throughout that time. And there is, of course, ample time being before in August for substitute representation to be arranged. And we say that would therefore have no material disadvantage to the applicant, but it would ensure that the overall examination is effective, efficient and fair. Thank

 43:42

you. Very much.

 43:49

Okay, moving on then. Are there any other interested parties you wish to speak before I finish with comments from the applicants? Don't see any hands, so I'll go to the applicants, please.

 44:05

Thank you, sir. Alexander booth, on behalf of the applicants, Sir, I don't think I have much to say, Save to come back on the three points, really, that have been raised by Prologis and the airport and also, I think, flagged by London friend ms Allen for the district council in terms of the May date. So you will have seen that the applicant is itself seeking that any compulsory acquisition hearing, and indeed any issue specific hearing held in relation to the airport and Prologis joint application be held at the beginning of the week. Anyway. So I think I should say Mr. Westman Smith, Mr. Philpott and I are all pushing in the same direction, and we would wish to see things held on the Monday and Tuesday, albeit, so far as the Monday is concerned, in light of the comments, Mr. Page you made earlier on. Mr. Jackson made earlier on regarding industrial action. It may be that the hearing would have to commence on the Monday afternoon to allow for setup on the shake of the head. So then we're looking at the Tuesday. Should matters change for whatever reason, and so I've seen the shake of the head, then we would be seeking the Monday in the Monday in the same way that millennial friend Mr. Westland Smith seeks the maintenance, but in any event, the Tuesday for that compulsory acquisition hearing that would be our first point. The second point, I note what Mr. Page said as to the panel reserving its position as to the need for any ish until the deadline one submission. So obviously, in those circumstances, I'm not going to address you at any length. What I would say is that so far as we are concerned, there is no need for a separate ish in relation to the interaction, if you like, of the joint application and the DCO application, any such matters, can we say, be properly considered in the context of a compulsory acquisition hearing? They would fall to be considered in that context, and there would be duplication were an ish to be held. But we leave that with you, because we see that that's a provisional position pending deadline one submissions. The third point relates to my availability

 46:25

August. And

 46:29

whilst, of course, I am very keen to be available for any and all hearings that the examination hold, I feel like Canute trying to hold back the tide to some degree when I see that both North west Leicestershire and the airport and Prologis are pushing in the other direction. So I leave that request on the file, but I understand entirely Mr. Philpotts desire to take the examination when I'm not present. Very reason wrong, and in those circumstances, we formally leave that on the file. But I can quite understand why the examining panel may wish to proceed with the set dates and circumstances where it would

 47:11

affect the availability of so many other members of the examination.

 47:20

Thank you very much. So

 47:27

I think we've covered it in various different ways that

 47:34

it's important to keep the gaps

 47:37

in the timetable we will go away and consider everything that has been said, but we don't want to be in a position where we're changing necessarily for individuals, and then creating other problems for other interested parties, such as those who have commented today, but also those interested parties who were we're currently unaware of their availability. You know, we might, might move a date, and then that affects interested parties who haven't made their availability necessarily known, and create other issues. So we'll keep an open mind. We'll discuss it,

 48:21

and then, obviously they'll be reflected in the roulette letter.

 48:28

So finishing off, then, if there's anyone else, any other interested parties who have any comments to make before we close this item, Mr.

 48:43

Philpott, sir, her word Philpot on behalf of the applicant, just mindful that earlier, I was told that our the request for deferral that we'd made would be dealt with in perhaps a mixture of items three and four. So before we move on from item four, I just wanted to seek further guidance as to how you want to deal

 49:03

with we're going to looking at the timing now. I'm going to do probably about half a dozen, half of the item, next item, five items, then we'll have an adjournment, because we've got a bit about natural avity anyway. And we can go away and have a chat about them, and then we can come back and give you where we've got to, if that makes if that sense, rather than doing because we've got what you've said and we've read the comments, but we obviously do. The three of us need to have a conversation, as the three of us in private, and we can do that in a natural adjournment, which will come fairly shortly.

 49:34

Thanks. So the the only other thing sorry Harry wood Philpot, but on behalf of Prologis, the only other thing I'd want to mention in the context of deferral of two things, I suppose. First of all, are you likely to want any further oral submissions on that matter? Which I can do, or you can take it from what we've said in writing. That's the first thing. The second thing is, one of the issues which has affected and is reflected in our application concerns the highway evidence, and I've heard what's been said about when that is likely to be forthcoming. When you dealt with that, it was suggested that if that comes in at deadline one, we would have a chance to respond at deadline two, which is less than two weeks after deadline one. So assuming that we did go into the examination without prejudice to what we say about that, we would ask for deadline three to give our highways witnesses a proper opportunity to interrogate it and to provide an informed response,

 50:44

but they will take that on board in the commenting. When we're looking at the draft of the timetable up, are there any comments, particularly from the output on that just that one point of

 50:58

only getting the back from

 51:02

Pro address at deadline three on the submissions, on the essentially the prtm, an update.

 51:12

Thank you, Sir Alexander, booth for the applicant. I'm just call line three. I think it's June, isn't it? It's mid June, so that's yes, yes. 16th June, I'm being shown by Mr. Thirling. I mean, so that's very considerably late, and that's two months beyond deadline, two and so I do have some significant concerns in relation to that gap, so to speak,

 51:35

we might have give it. Let us go. We may well take the point to make, making sorry, and we'll have think about it. It might be that we put essentially a deadline to a in somewhere between two and three. It might well be, obviously, we've got the hearings in that in that time, tape time, and there, I think some of the thick, I suspect, some of the things that are going to be

 52:01

discussed may well

 52:05

become clearer. After tomorrow, we'll see where we get through everything in the is h1 anyway, because you'll have our comments as well, and that may well help the applicant in moving things forward. More generally, anyway, anything else on that

 52:25

Alexander booth for the applicant? So just to, just to clarify, I wasn't entirely sure. Response was to Mr. Philpotts interjection, because he raised a specific point about highways and deadline three. But I think he was also asking whether or not he was going to make oral submissions. And of course, that knocks back to myself in terms of the submissions that I would wish to make in response, just to understand if and when and how.

 52:50

I think on that part, I think we've got what we need. Thank you. Written so thank you. Okay, I think that deals with item four. So on to Item five, which are procedural decisions taken to date. Annex Appendix C, to rule six, necessary set out the matters which have made procedural decisions to affect the examination. Hopefully go through these quite quickly in turn, some of the already discussed already, for example, that related site inspections. So only be briefly meeting again, rather than having the text, all the text on in Appendix F, can I ask the list at the end of the rule six state letter itself being shared? It's right at the top. It's just probably there's just a list of what they are, rather than

 53:49

Right, right at the top, they're sort of about page five of the document. Memory. Keep going down. Yeah, there we go. Down a bit. There we go, right. So the first one is CO joining in examination reporting periods. Firstly, we've dealt with the alignment of the examination reporting periods to be aware, the Secretary of State for Transport and housing, communities and local government have agreed the examination reporting period should be the same. We've therefore decided these will be six months for the examination and three months for the reporting asset is set out. This is due to the way the applications have been presented by the app, for example, within a single environmental statement, in order to ensure that any changes or considerations of one scheme does not materially affect any other, without proper consideration of of or any of community cumulative and, or in combination effects. Does anybody have any comment on that good? Secondly, statements of common ground, the AV statements of common ground is to agree fact information inform the XP and other all other parties by identifying where there is agreement and where differences lie. At an early stage of the examination process, should provide a focus and save time on identifying matters which are not in dispute or need not to be the subject of further evidence. It can usefully state where and why there may be disagreement about the interpretation and relevance of the information, unless otherwise stated or agreed. The statement of common ground should be agreed between the applicant, interested, relevant, interested party or parties, and submitted by the applicant for each of those areas in dispute, it would be beneficial if each party on both sides would put their estimation as the likelihood that agreement that disagreement would remain by the end of the examination. This should be on a low green Amber, medium Amber and high red traffic, mortal. This will allow us, as examining authority, to assess those areas where all discussions will be most beneficial. I just comment that although we have set out a list of comments that were seeking the positions of parties to be set out, these should be seen as a minimum. So if any parties wish to include additional matters, then we're very happy for that. There's just no obligation equally well to go beyond what we want to say that is trying to be not to set up an industry, but equally well allow if you feel you wish to add to more, then fine. We've noted the applicants have the drawing up statements of common ground with the Forestry Commission and the eats Midlands Freeport, very content for these to be continued to completion, for discussion. Now we have two points which we will take in turn. First, with those statements of common ground which we have set out, were there any additional points that a party considers to be missing? And secondly, were the Additional Statements of common ground between the applicants and the other party? The Right? We'll start with any any other we'll do general comments on statements anybody would like to make, on statement of common grounds between a party and one that hasn't been named. I

 57:23

mark westman Smith.

 57:25

Mark Westman Smith, for East Midlands Airport, just very briefly to say we know the topics identified page f3 under H for the airport, airport safety issues, emergency access issues, they go both to the operation of the airport, and clearly we'll cover that. And there's land rights issues which go more to the substance of the issues that we've identified in our relevant rep. And I think our proposal will be to take your invitation of regarding this as a minima and go a little bit further and try and cover some of the topics that we've identified for discussion in our relevant rep. And there is a proposal, certainly between ourselves and pro logist to consider a tripartite statement of common ground between the applicant and ourselves. You appreciate, obviously, that our interests are fully aligned with prey lodges in this case. So those are our any comments on the statement of common ground at this stage? Thank you.

 58:38

Any other general comments? I have a couple of questions queries for North West Leicester District Council.

 58:48

Do you want to come sorry? Do you have to come back?

 58:51

Apologise? So Harry wood Philpott for Casey, on behalf of the applicant, simply to formally align ourselves with what Mr. Westman Smith has said in both respects, so as to broadening the scope of the statement common ground, to include all the items we've listed in our PDA

 59:09

submission at 3.9

 59:11

and also that it should be a tripartite I just wanted to make sure that is what we are saying as well.

 59:16

The only slight business we obviously might want to have a separate one to do with the airport safety and emergency positions. They may, you may end up with essentially two, one tripartite and one bipart, one partite one. But that's slightly different. That's a sort of technical drafting thing I would suspect.

 59:33

Mark Westman Smith, the airport, yes, I agree with that. We will silo our two hats, one as a landowner, where we're aligned with lodges, and one as the airport operator. And it's, I think, beneficial to you if we keep those separate

 59:51

North West District Council.

 59:54

Firstly, we've noticed that there is a slightly wider area in the suggested common ground here too. Is there an issue of the ones which we were given? Is there a slightly is there an issue with the one additional issue, issues that you have, that we've put down on there, which you anticipated? Are there any issues with any of them?

 1:00:13

Thank you, Jessica and North West Leicester District Council, I believe in the procedural deadline, a response, there was an indication, just to be clear, about the suggestion for any of the potential effects, including biodiversity, to be addressed in the District Council statement of common ground. That's a matter which the District Council doesn't have internal expertise on. They take advice from the county council. So it's just proposed that if that's more efficiently dealt with in a county council statement of common ground, rather than with the District Council. That that's one matter, another matter, which I think is maybe one to just have in mind when we come to the issue specific hearing. I believe it's the one scheduled for tomorrow. I know there will be some questions from the panel in relation to planning permissions that have been granted since the previous that well, previous that well, the original DCO was granted, and I was going to suggest that, whilst we'll discuss that in that hearing too, maybe that that's a matter we include within the statement of common ground for perhaps a Scot schedule or something. Just this makes sets out very clearly what permissions have been granted within the order limits and that, and any further comments that we may be able to assist with, and the applicant may be able to make as well. That might be an additional matter that could be included.

 1:01:28

Sounds fine. That sounds fine. We'll come back to all the applicant at the end so that are leading that. And this is sort of between you and your and the statistician to council. So if we are doing questions on ecology or biodiversity in our should we be sending them to because normally you'd send them to the district planning authority in this sort of scenario. But should we be sending them the county council, or should we readdressing them to the County Council, as opposed to the District Council? The point being is we don't want them going to the A to the wrong authority and B. We don't want them go falling through a hole.

 1:02:09

Rebecca Henson last year, council thinks that the question should be directed at North West Leicestershire District Council, who will in turn seek the advice of the county ecologist.

 1:02:20

It's just, as I say, we just won't make sure they go to the right, right people. So with that, we don't get missed. Thank you. That was that moving on to Leicester county council in their own right. Are there any other Is there anything in the list of statement of common ground issues that you have any points comments or queries on.

 1:02:46

Thank you. Sarah Rebecca county council,

 1:02:50

on the economic and social effects we to North West Leicestershire District Council, those matters good design on the highway design only, and air quality, emissions and contamination, we will relate those in the context of public health impacts.

 1:03:20

Yes, most, most Air Quality Matters are obviously right to the District Council. It's just ones which relate to the highway network, in essence. And obviously we'll come to this, which we do easily as we move on to national highways, who? I believe there is somebody, but there's just, do you have any comments on the list of items on the statement of common ground list for national highways?

 1:03:53

Jeremy bloom, national highways, no no further comments. Thank you, sir. The

 1:04:01

other the others who we've got on the list, essentially, Environment Agency, Natural England, Historic England, are not here today, so therefore no question to ask for them. So finally, get right around to the applicant.

 1:04:17

Thank you, Sir Alexander booth, for the applicant. So nothing to say in relation to North West Leicestershire, just to come back very briefly, on the points made on behalf of the airport and Prologis. First to say that we have no difficulty with the principle of a trip, tripartite statements of common ground as between ourselves, the airport and pro lodges, save that, of course, as Smith indicated, it would be appropriate to hive out airport safety into a bilateral document between ourselves and the airport in terms of the content of that statement of common ground. So we note your observations as to minima. I what you've identified is the minimum minimum. So we're going to keep under review what we think is appropriate for inclusion within that document. We note what is said in the Prologis submission of 24th of February, and the list of matters identified. I have to say. I mean looking at that list, those all appear to be issues where the parties are in substantive dispute, and I suspect there is risk that much time and forceful correspondence will be spent on those matters to no material benefit in circumstances where the parties positions are, of course, going to be set out in the various submissions being made at, say, deadline one, deadline two, and so on. So well ventilated. But as I say, we have no objection in principle to including discussion of any matter within the statement of common ground which is capable of assisting the examination. So we'll look to explore that

 1:06:01

anything else on state was a common ground, because looking at the time and being conscious that some people have been online will have been online for extra half hour before we started, as it were. So I think that would be a good point to have a short break. It's now 10 past so if we say fast and the hearing is adjourned, you take your laptop.