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The applicants
All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: DCO: BC0410001
MCO: TR0510002

Date: 10 August 2026

Dear Sir/ Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 – rules 8(3), 9 and 17

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

The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 – regulation 29, 30 and 44

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

Request for further information and Notice of a procedural decision relating to a variation of the examination timetable

We are writing under rules 8(3), 9 and 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (the EP Rules) and regulations 29, 30 and 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

Request for further information

Section 35 Direction

As the applicants will be aware there has been discussion within the examination as to whether the development consent order application as currently set out falls within the scope of the direction made under section (s) 35 of the Planning Act 2008 (the PA2008) on 21 February 2024 [\[APP-068\]](#) by the then Secretary of State (SoS) for Levelling Up, Housing and Communities.

The Examining Panel (ExP) fully understands the applicants' submissions that the application for the development consent order falls within that direction. However, the ExP

is seeking to understand the applicants' position were the ExP or SoS for Transport to conclude that this were not to be the case.

There appear to be three options. Firstly, whether this would mean that the application would have to be refused, or secondly, whether it would only be possible to approve the application if the applicants sought a formal variation of the s35 direction under the PA2008, or thirdly, whether it would be possible to approve the application if the applicants sought to amend the terms of the draft Development Consent Order (dDCO) [REP6-007D] to bring it within the terms of the s35 direction.

If the applicants were to hold the position that it would only be possible to approve the application through a formal variation to the s35 direction, the applicants are asked to set out how this could be completed and whether or not this could be undertaken within the timetables allowed under the PA2008 for determination of the application by the SoS.

If the applicants were to hold the position that it would be possible to approve the application by amending the terms of the dDCO the applicants are asked to provide "without prejudice" wording to this effect.

The ExP asks the applicants to consider article 5 (authorisation of use), schedule 1, Works No. 1 item (b) and schedule 2, requirement 33 (carbon neutral campus/ headquarters construction and operation). Particular attention being given to whether it would be necessary to ensure that the "Proposed Project" (as set out in the direction) falls within schedule 1, Works No. 1 item (b) rather than just securing elements of it under requirement 33 in schedule 2.

The applicants are also asked to consider whether there are any consequential changes that would need to be made to the application.

'Mezzanines'/ internal floorspace

The revised parameters plan [REP6-006D] and other documents retain reference to "mezzanines".

The ExP understands the reasoning for removing the requirement relating to mezzanines from the dDCO and looks forward to receiving commentary on this from interested parties.

The applicants are referred back to the ExP's schedule of proposed changes to both the dDCO and the draft material change order (dMCO) [PD-027]. Here a dictionary (the Concise Oxford English Dictionary) definition of "mezzanine" is set out. It has been asserted by the applicants that 'mezzanine' holds its common English meaning. In the dDCO Explanatory Memorandum [REP6-009D, paragraph 2.7.1] the only description, "such floorspace only to be used for purposes relating to the building's primary use", is ambiguous at best and does not confirm with the dictionary definition cited. There is no reference to 'mezzanines' in the dMCO Explanatory Memorandum [REP6-015M].

However, this does not deal with the issue of the definition of "mezzanines" and its use of the term within the application. The applicants are asked to seek to resolve this as a matter of importance. Without doing so runs the risk that the Transport Assessment will be considered to be unsound as it cannot be clearly defined what is actually proposed. This clearly has implications for the effects on local transport networks (see paragraphs 5.276, 5.277 and 5.286 of the National Networks National Policy Statement).

The applicants are also asked to consider the recommended requirements to both the dDCO and the dMCO set out in the schedule of proposed changes relating to this matter. This was, among other matters, designed to prevent the installation of additional internal floorspace into the buildings on the basis that this would not represent “development” under s55(2)(a) of the Town and Country Planning Act 1990 (see s32 of the PA2008). The effects of such floorspace would not have been assessed and may have different effects.

VISSIM Additional Mezzanine Sensitivity Test Modelling Report

The ExP has considered the VISSIM Additional Mezzanine Sensitivity Test Modelling Report [\[REP6-046D\]](#) and seeks clarification on two points.

In paragraphs 2.4 and 2.5 it is not entirely clear the point being made. Could these paragraphs please be rewritten into shorter sentences in plain English. Both paragraphs could do without the use of sub-ordinate clauses to enhance legibility.

Tables 1 and 2 purport to show Trip rates per 100m² comparing the agreed B8 trip rates with that which the additional 100,000m² would occur. However, they are a matter of 3 orders of magnitude different, which would appear to be in error. Could this be clarified.

Associated development

Prologis [\[RR-028D\]](#) and [\[REP1-249D\]](#) question the applicants’ approach to justifying associated development. Whilst the applicants responded [\[REP1-051D\]](#) it is not clear whether they have addressed the relevant principles in guidance to systematically justify the associated development in part 3 of schedule 1 of the dDCO [\[REP6-007D\]](#) for the purposes of s115 of the PA2008. Consequently, can the applicants submit further information justifying the associated development in accordance with paragraph 5 of Planning Act 2008: Guidance on associated development applications for major infrastructure projects 2013. This should also be set out in the explanatory memorandum.

PRTM 2023 and VISSIM traffic modelling updates and implications for other topic areas

The applicants have been engaging with Leicestershire County Council (LCC) in relation to updated traffic modelling and whether the conclusions for other topic areas would change as a result. Respective positions have been set out under items 4.14 and 5.14 of the SoCG for population and human health [\[REP6-061\]](#). The applicants’ latest position is that an updated technical note following a final highway modelling check will be prepared and attached as appendix 4 of the SoCG.

For clarity and completeness, the ExP would request that the forthcoming technical note consolidates the PRTM 2023 general traffic modelling update and the VISSIM mezzanine traffic modelling update and demonstrates whether the cumulative effect of these updates changes any of the conclusions contained in chapter 17 of the Environmental Statement (ES) [\[REP4-029\]](#) or any other interrelated chapters, such as chapters 7 or 8 of the ES [\[REP3-010\]](#) and [\[REP3-012\]](#).

The applicants have already provided technical notes explaining the implications of the PRTM 2023 general traffic modelling update in relation to air quality and noise as set out in the respective SoCGs with North West Leicestershire District Council [\[REP4-041\]](#) and

[REP4-043](#). These should be consolidated and updated within the new technical note as appropriate.

In preparing the new technical note, the applicants should ensure that the traffic modelling updates are sufficiently integrated into the ES, and that existing topic specific assessments within each of the relevant chapters are updated where necessary to support any conclusions on significant environmental effects. If, upon reviewing the new technical note, LCC is of the opinion that further integration with the ES assessments is still required, they should make clear by way of detailed submissions why that is the case and whether a requirement could provide a remedy. Any positions of disagreement should be established within the relevant SoCGs before the close of the examination.

Detailed design and ecological mitigation including the habitat creation identified in the Biodiversity Net Gain Report

The ExP has asked numerous questions about how detailed design and ecological mitigation is secured in the dDCO, including Q5.0.27 of ExQ1 [\[PD-013\]](#) and Q8.0.2 of ExQ2 [\[PD-022\]](#). Despite the applicants' responses and updates to the dDCO [\[REP6-007D\]](#) the ExP is still not clear that all matters have been sufficiently resolved.

Consequently, please can the applicants carefully consider and ensure that they deal with each of the following points in turn:

- the Biodiversity Net Gain Report [\[REP3-041\]](#) includes prescriptions for ecological mitigation and enhancement but it is not clearly cross referenced within the Landscape and Ecological Management Plan [\[REP6-031\]](#) neither does the dDCO [\[REP6-007D\]](#) explicitly secure compliance with it. Please can the applicants update requirements 9 and 10 of the dDCO [\[REP6-007D\]](#) to include explicit reference to the Biodiversity Net Gain Report [\[REP3-041\]](#). Furthermore, please can the applicants update the Landscape and Ecological Management Plan [\[REP6-031\]](#) to do the same.
- chapters 9 and 10 of the ES [\[REP3-014\]](#) and [APP-120](#) cross reference all of the relevant supporting documents relating to landscape and ecological mitigation. Please can the applicants consider whether requirements 9 and 10 of the dDCO [\[REP6-007D\]](#) should reference these chapters in order to secure comprehensive compliance with the ES and relevant supporting documents.
- requirement 7(2) of the dDCO [\[REP6-007D\]](#) does not refer to the substation and therefore, presumably, works relating to the substation could commence without detailed design first being approved. Please can the applicants update the requirement to include reference to the substation.
- requirement 5(1) of the dDCO [\[REP6-007D\]](#) provides for the detailed design of highway works under parts 1 and 2 of schedule 13. However, there is no reference to ecological mitigation within parts 1 or 2 of schedule 13 and consequently it is not clear how these details would be secured under the current drafting. Please can the applicants update the dDCO [\[REP6-007D\]](#) so that the definitions of 'detailed design information' in parts 1 and 2 of schedule 13 include reference to ecological mitigation.
- furthermore, parts 1 and 2 of schedule 13 make no reference to the ES. Consequently, there is no reference point to guide National Highways or the local highway authority when considering detailed design prior approvals under paragraph 7(1)(c) of part 1 or paragraph 3(1) of part 2 respectively. Please can the applicants update the dDCO [\[REP6-007D\]](#) so that the definitions of 'detailed design

information' in parts 1 and 2 of schedule 13 include reference to compliance with the ES.

In light of the above uncertainty regarding the dDCO [REP6-007D], the ExP has also reviewed the dMCO [REP6-013M] for similar issues. Consequently, please can the applicants carefully consider and ensure that they deal with each of the follow points:

- article 2(22) of the dMCO [REP6-013M] amends requirement 8 of the EMG1 DCO [REP6-017M] and includes a reference to chapter 10 of the ES [APP-120] to inform the landscaping for the phase of works comprising plot 16. However, should article 2(22) also amend requirement 8 in a way that includes reference to chapter 9 of the ES [REP3-014], and any relevant appendices such as the Biodiversity Net Gain Report [REP3-041], to ensure there is a suitable reference point to inform the discharge of requirement 8(d) and the details of ecological mitigation? Please can the applicants update the dMCO [REP6-013M] accordingly.

If the examination closes and there is still a lack of clarity on these issues the ExP may need to include relevant provisions in the recommended DCO and recommended MCO where necessary.

Drainage adopted by third party drainage bodies

In responding to Q21.0.2 of ExQ3 [REP6-043] the applicants set out that “as regards drainage adopted by third party drainage bodies, such bodies are bound by obligations set out in their respective legislation to ensure that adequate maintenance is undertaken on adopted systems. They will review the calculations, designs, and the constructed drainage prior to adoption to ensure that they are happy to adopt the drainage and take on liability for future maintenance”.

Please can the applicants and LCC set out clearly the legislative provisions that would bind third parties in the manner described to ensure monitoring, maintenance and remediation measures would be implemented. The ExP will need to be satisfied that any third-party adoption does not create ambiguity regarding responsibility or liability for drainage performance measures.

Updates to Design Approach Document

Could the applicants please ensure that the Design Approach Document [REP2-022] and its appendix, the 'Highways Works Design Approach Document' [REP2-024], are both updated in line with the accepted changes to the application.

Draft Development Consent Order

Following receipt of the latest version of the dDCO [REP6-007D] the ExP has noted in addition to the points set out above a number of matters where it would ask the applicants to consider further:

- article 41(2) and the implications of s112 of the Planning and Infrastructure Act 2025
- requirement 27 (signage) does not appear to have an implementation requirement for any approved signs

- requirement 32 (marketing of advanced manufacturing floorspace) in sub-paragraph (3) there is a reference to requirement 31(1) when it should be 32(1).

Explanatory memorandum for dDCO

In the explanatory memorandum [REP6-009D] for the dDCO there is still reference to safeguarded land (former requirement 31) which should be removed.

Draft Material Change Order

Following receipt of the latest version of the dMCO [REP6-013M] in addition to the matters set out above the ExP has noted a matter where it would ask the applicants to consider further:

- article 2(21) seeks to amend requirement 6(2)(f) in the original East Midlands Gateway Rail Freight Interchange and Highway Order 2016. Unlike requirement 7(2)(d) of the dDCO this does not include details of the rating of the electric vehicle chargers, which should be included.

Response

The applicants and LCC are asked to respond to these points by **deadline 6a (Tuesday 18 August 2026)**. However, the ExP appreciates that there is only a short period of time between the date of this letter and the deadline and it is unlikely to be practical to prepare or amend documents. Consequently, should the applicants or LCC need to submit any documents, this should be done at deadline 7 (Tuesday 1 September 2026).

Other interested parties may also wish to respond to this request.

Variation of examination timetable

On 21 July 2026 the ExP issued a notice under rule 13 of the EP Rules [PD-030D] notifying of the intention to hold a compulsory acquisition hearing (CAH) on 18 August 2026. In that letter it explained that the hearing was to explore the potential implications of the possible takeover of SEGRO plc by Prologis Inc.

The letter continued that, if after responses to ExQ3 [PD-028] at deadline 6 [PD-031D], the ExP was satisfied that Q7.0.3 has been sufficiently addressed and if there are no other residual issues relating to compulsory acquisition or temporary possession requiring oral questioning, the ExP may take the decision to cancel CAH3.

The ExP has carefully considered the responses received and concluded that there is no longer a need to hold this hearing and consequently has made a procedural decision to cancel it.

There is then a consequential need to vary the examination timetable under rule 8(3) to this effect. The varied examination timetable is set out in annex A of this letter.

In making the decision to cancel the hearing, the ExP has taken into account the representations made on behalf of Prologis UK Limited and Prologis UK 121 Limited (together 'Prologis') and East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (together 'EMIA') [REP6-091D],

[REP6-101D](#) and [REP6-103](#)] that they consider that the scope of proposed hearing should have been expanded.

The ExP has reminded itself that the processes for examination under the PA2008 are predominantly written and that written submissions have equal weight with oral ones. However, it acknowledges that s92 requires the ExP to hold a compulsory acquisition hearing where an affected person so requests. The ExP has also considered the new National Infrastructure Planning Guidance.

As parties will be aware, there have already been two compulsory acquisition hearings held within the examination, and while it is acknowledged that CAH1 was high level both Prologis and EMIA were significant participants in that hearing. CAH2 was more detailed and the ExP has concluded that through that hearing, together with the opportunity to make written comments throughout the examination, both parties have had sufficient opportunity to make their cases for there to be compliance with ss92 and 94 of the PA2008 and the relevant guidance. The ExP considers that the right to request a hearing under s92 does not mean that any examining authority is required to hold additional hearings at the repeated request of affected parties.

Deadline 7 submissions

The ExP would also remind all parties that as part of deadline 7 (1 September 2026) there is the opportunity to submit summary and signposting documents setting out areas of disagreement and noting cross referencing within the examination. As set out in the Rule 6 letter [\[PD-010\]](#) these should not repeat representations made but rather signpost them by [examination library](#) reference, and specific location within that document, where the ExP and SoS would be able to find the point. They should NOT be closing submissions and any submitted are likely not to be accepted by the ExP.

Should individual issues raised by interested parties have been resolved during the examination, then those parties are requested to withdraw representations, or at least make clear that a particular issue has now been resolved to their satisfaction.

A copy of this letter will be published on the project webpage of the National Infrastructure Planning website. If you have any questions about the content of this letter, please contact the case team on the details above.

Yours faithfully

Robert Jackson

Robert Jackson
Lead member of the panel of Examining Inspectors

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Varied Examination Timetable (with variations in Green)

The Examining Panel (ExP) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

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

Items from 1 to 15 shown in a grey background have already been completed. Items in green have now been added following a procedural decision made in this letter to **cancel** the previously proposed compulsory acquisition hearing for 18 August 2026.

Item	Matters	Date
1.	Procedural deadline A Deadline for receipt by the ExP of: • requests to be heard orally at the preliminary meeting on Tuesday 10 March 2026, including on which part of the agenda, as set out in annex A of the Rule 6 Letter, that Interested Parties (IP) wish to be heard • written submissions on the examination procedure and information set out in the Rule 6 Letter, including any submissions about the use of virtual methods • submission of additional information as requested by the ExP's procedural decisions in annex F of the Rule 6 Letter • requests to be heard orally at compulsory acquisition hearing 1 (CAH1) on Tuesday 10 March 2026 • notification of intention to attend issue specific hearing 1 (ISH1) on Wednesday 11 March 2026 • notification of intention to attend issue specific hearing 2 (ISH2) on Thursday 12 March 2026 • suggested locations for site inspections (accompanied or unaccompanied), including justification, for consideration by the ExP • notification by statutory parties and relevant local authorities of their wish to be considered as an IP by the ExP • requests from any IPs wishing to receive communications by email	Tuesday 24 February 2026

2.	Preliminary meeting	Tuesday 10 March 2026 10.00am
3.	CAH1 on high level compulsory acquisition matters, including alternatives	Tuesday 10 March 2026 2.00pm
4.	ISH1 on the legal basis for determination, interoperability, the relationship between the two applications, need and alternatives and traffic and transport	Wednesday 11 March 2026 10.00am
5.	ISH2 on the draft Development Consent Order (dDCO) and draft Material Change Order (dMCO)	Thursday 12 March 2026 10.00am
6.	Publication by the ExP of: - the examination timetable - the ExP's first written questions (ExQ1)	As soon as practicable after the preliminary meeting
7.	Deadline 1 For receipt by the ExP of: - local impact reports (LIRs) - written representations (WRs), including summaries if exceeding 1500 words - comments on relevant representations (RRs) - summaries of all RRs exceeding 1500 words - responses to ExQ1 - post hearing submissions for CAH1, including written summaries of oral cases - post hearing submissions for ISH1, including written summaries of oral cases - post hearing submissions for ISH2, including written summaries of oral cases - applicants' draft statements of common ground (SoCG) - applicants' draft Statement of Commonality of SoCGs - applicants' draft Examination Issues Tracker - requests to be heard orally at an open floor hearing (OFH) or subsequent compulsory acquisition hearing (CAH) on the dates reserved	Tuesday 7 April 2026

	for such hearings within the examination timetable • comments on any additional submissions accepted by the ExP • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 • any further information submitted by the applicants	
8.	Deadline 2 For receipt by the ExP of: • comments on any submissions received by deadline 1 • applicants' updated SoCGs • applicants' updated Statement of Commonality of SoCGs • applicants' updated Examination Issues Tracker • applicants' updated dDCO and dMCO and schedule of changes to dDCO and dMCO • applicants' updated Land and Rights Negotiations Tracker • comments on any additional submissions accepted by the ExP • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 • any further information submitted by the applicants	Tuesday 21 April 2026
9.	Deadline 3 For receipt by the ExP of: • comments on any submissions received by deadline 1 comprising new evidence from the applicants, such as that relating to compulsory acquisition, traffic and transport, and socio-economic issues	Tuesday 28 April 2026

	• comments on any additional submissions accepted by the ExP • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011	
10.	Hearings • OFH1 • CAH2 • ISH3	12 May 2026 12 May 2026 13 and 14 May 2026
11.	Publication by the ExP of: • the ExP's second written questions (ExQ2) (if required)	Tuesday 2 June 2026
12.	Deadline 4 For receipt by the ExP of: • responses to ExQ2 (if required) • post hearing submissions, including written summaries of oral cases (if required) • comments on any submissions received by deadlines 2 or 3 • comments on any additional submissions accepted by the ExP • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 • any further information submitted by the applicants	Tuesday 16 June 2026
13.	Deadline 5 For receipt by the ExP of: • comments on any submissions received by deadline 4 • applicants' updated SoCG • applicants' updated Statement of Commonality of SoCGs	Tuesday 30 June 2026

	• applicants' updated Examination Issues Tracker • applicants' updated dDCO and dMCO and schedule of changes to dDCO and dMCO • applicants' updated Land and Rights Negotiations Tracker • comments on any additional submissions accepted by the ExP • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 • any further information submitted by the applicants	
14.	Publication by the ExP of (if required): • the ExP's third written questions (ExQ3) • the Report on the Implications for European Sites (RIES) and any associated questions (if required) • the ExP's commentary on, or schedule of changes to, the dDCO and dMCO	Tuesday 14 July 2026
15.	Deadline 6 For receipt by the ExP of: • responses to ExQ3 (if required) • responses to ExP's commentary on, or schedule of changes to, the dDCO/dMCO (if required) • responses to the RIES and any associated questions (if required) • comments on any submissions received by deadline 5 • comments on any additional submissions accepted by the ExP • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 • any further information submitted by the applicants	Tuesday 28 July 2026

16.	Deadline 6a For receipt by the ExP of: • comments on the changes to the original application arising from the accepted change application • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011	Tuesday 18 August 2026
17.	Hearings • CAH3	Tuesday 18 August 2026
17.	Deadline 7 For receipt by the ExP, from any IP, of: • post hearing submissions, including written summaries of oral cases (if required) • comments on any submissions received by deadline 6 or 6a • comments on any additional submissions accepted by the ExP • ‘summary and signposting’ document setting out areas of disagreement and noting cross-referencing within examination • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 For receipt by the ExP, from the applicants, of: • final dDCO and final dMCO to be submitted by the applicants in the SI template with the SI template validation report. The applicants are to provide the email notification from https://publishing.legislation.gov.uk/validation confirming the document has successfully passed validation, and the PDF version of the SI validation report obtained from the link in the notification email. The applicants should also provide a clean (all tracking removed) standalone	Tuesday 1 September 2026

	MS Word version of the dDCO and dMCO, with no header or cover page • final BoR and schedule of changes to BoR • final Land and Rights Negotiations Tracker • final SoCGs including list of matters not agreed where SoCGs could not be finalised • final Statement of Commonality of SoCGs • final Examination Issues Tracker • final Guide to the Application • final NPS Tracker	
18.	Deadline 8 For receipt by the ExP of: • comments on any submissions received by deadline 7 • comments on any additional submissions accepted by the ExP • any further information requested by the ExP under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 or regulation 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011	Wednesday 9 September 2026
19.	Close of examination The ExP intends to close the examination on this date. See 'note about the close of examination date'.	Thursday 10 September 2026

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