

East Midlands Gateway Phase 2 (EMG2)

Document DCO 6.1B/MCO 6.1B

ENVIRONMENTAL STATEMENT

Technical Appendices

Appendix 1B

Section 35 Direction

August 2025

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The East Midlands Gateway Phase 2
and Highway Order 202X and The East Midlands Gateway
Rail Freight and Highway (Amendment) Order 202X

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SEGRO

DIRECTION BY THE SECRETARY OF STATE FOR LEVELLING UP, HOUSING AND COMMUNITIES UNDER SECTION 35(1) OF THE PLANNING ACT 2008 RELATING TO THE EAST MIDLANDS FREEPORT – EAST MIDLANDS GATEWAY PHASE 2, ON LAND TO THE SOUTH OF EAST MIDLANDS AIRPORT AND SOUTH EAST OF M1 JUNCTION 23A

By email to the Secretary of State dated 22 January 2024, SEGRO Properties Ltd ("the Applicant") formally requested that the Secretary of State exercise the power vested in the Secretary of State under section 35(1) of the Planning Act 2008 (as amended) ("the Planning Act") to direct that the proposed East Midlands Freeport – East Midlands Gateway Phase 2 ("the Proposed Project") as set out in the applicant's formal request be treated as development of national significance for which development consent is required.

The Secretary of State has made a decision within the deadline set out in section 35A(4) of the Planning Act and wishes to convey that decision.

Having considered the Applicant's formal request and the details of the Proposed Project, the Secretary of State is satisfied that:

- the Proposed Project is a business or commercial project of a prescribed description for the purposes of section 35(2)(a)(ii) of the Planning Act and regulation 2 of the Infrastructure Planning (Business and Commercial Projects) Regulations 2013 ("the Regulations"), consisting wholly or mainly of the construction of buildings or facilities for use for the purposes of one or more of the matters in the Schedule to the Regulations, namely paragraphs 1, 3 and 4 of the Schedule;
- the Proposed Project is within England; and
- The Applicant's formal request constitutes a "qualifying request" in accordance with section 35ZA(2) of the Planning Act.

The Secretary of State notes that the Proposed Project comprises the following as detailed or referred to in the Applicant's qualifying request:

- a logistics and manufacturing hub, including a substantial carbon neutral campus/headquarters including co-located head office functions.

Having considered the details of the Proposed Project against the criteria in the Policy Statement for the extension of the nationally significant infrastructure planning regime to business and commercial projects, and all other relevant matters, the Secretary of State is of the view that the Proposed Project by itself is nationally significant for the following reasons:

- the proposal would be likely to have significant economic impact;
- be important in driving growth in the economy;
- have an impact on an area wider than a single local authority area;
- the substantial physical size and scale of the project;
- would contribute to delivering the outcomes of the Freeport; and
- in addition, the Secretary of State also considers that the Proposed Project would benefit from the application being determined through a single, unified consenting process provided by the Planning Act and removing the need to apply and the uncertainty of applying for separate powers and consents.

The Secretary of State considers that if the details of the Proposed Project change, before submitting any application to the Planning Inspectorate, the Applicant may wish to seek confirmation from the

Secretary of State that the development which is to be the subject of the proposed application is the same as that for which this Direction is given.

THE SECRETARY OF STATE HEREBY DIRECTS that the Proposed Project is to be treated as development for which development consent is required. Any application for development consent for the Proposed Project may also include any matters that may properly be included in a development consent order (in accordance with section 120 of the Planning Act) including ancillary matters (section 120(3)) and associated development (within the meaning of section 115(2) of the Planning Act).

THE SECRETARY OF STATE FURTHER DIRECTS in accordance with section 35ZA(3)(b) of the Planning Act that any proposed application for a consent or authorisation mentioned in section 33(1) or (2) of the Planning Act for the Proposed Project is to be treated as a proposed application for which development consent is required.

This direction is given without prejudice to the Secretary of State's consideration of any application for development consent which may be made in relation to all or part of the Proposed Project.

A handwritten signature in black ink, reading "L. Thomas". The signature is written in a cursive style with a large, stylized 'L' and a clear 'Thomas'.

Lewis Thomas

Authorised to sign on behalf of the Secretary of State

21 February 2024