

PLANNING ACT 2008

**THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010**

**APPLICATION BY SEGRO PROPERTIES LIMITED FOR A
DEVELOPMENT CONSENT ORDER IN RESPECT OF EAST MIDLANDS
GATEWAY PHASE 2**

WRITTEN REPRESENTATION

ON BEHALF OF

PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED

CONTENTS

1	INTRODUCTION	3
2	OBJECTION	3
3	SEGRO'S APPLICATION.....	5
4	DELIVERABILITY OF THE JOINT APPLICATION	8
5	COMPULSORY ACQUISITION.....	11
6	REASONABLE ALTERNATIVES	22
7	VIABILITY AND FUNDING.....	25
8	HIGHWAYS	31
9	CONCLUSION	32

APPENDIX 1 – SPAWFORTHS PLANNING REPORT

APPENDIX 2 – SEGRO'S OBJECTION TO THE JOINT APPLICATION

APPENDIX 3 – PROLOGIS' RESPONSE TO SEGRO'S OBJECTION

APPENDIX 4 – PROLOGIS LETTER

APPENDIX 5 – EAST MIDLANDS FREEPORT STRATEGIC INFRASTRUCTURE & CONTRIBUTIONS SPD

APPENDIX 6 – PLAN CHRONOLOGY

1 Introduction

- 1.1 This Written Representation is submitted on behalf of Prologis UK Limited and Prologis UK 121 Limited ("**Prologis**") in connection with the application by SEGRO Properties Limited ("**SEGRO**") for a Development Consent Order ("**DCO**") for East Midlands Gateway Phase 2 ("**EMG2**") ("**DCO Application**"). It complements and should be read alongside Prologis' Relevant Representation dated 9 January 2026 ("**PRR**"), Prologis' letter to the Planning Inspectorate ("**PINS**") dated 2 February 2026, and Prologis' Procedural Deadline A submission dated 24 February 2026, and the summary of Prologis' oral submissions provided on 7 April 2026 (together the "**Submissions**").
- 1.2 This Representation does not seek to rehearse the points already put before the Examining Panel ("**ExP**") in the Submissions save where it is necessary to summarise a point in brief for clarity. Where points have been addressed comprehensively in previous submissions, the relevant section of that document is signposted accordingly. Terms used in this Representation have the same definition as set out in the PRR unless otherwise defined.
- 1.3 As further set out at section 4 of the PRR, Prologis is a global leader in logistics real estate and one of the largest sources of foreign direct investment ("**FDI**") into the United Kingdom. It is the largest global investor and developer of modern sustainable distribution space, with an established and readily evidenced track record of delivering complex, large-scale logistics and industrial development.
- 1.4 Prologis is actively promoting the Joint Application in partnership with MAG, which can provide up to 135,000 sqm of Class B2/B8 floorspace (plus ancillary offices), together with a new all-movements junction on the A453.¹ The area subject to the Joint Application is the Prologis/MAG Land (as further defined in footnote 2)² located north of Hyam's Lane which consists entirely of land either held by Prologis under freehold or an option agreement entered into with MAG. As further set out at section 4 below, the Joint Application is a credible pathway to timely, policy-compliant delivery of a development that unlocks very significant Freeport benefits and achieves substantial positive socio-economic outcomes on the Prologis/MAG Land.
- 1.5 The Prologis/MAG Land is included within the order limits comprised in the DCO Application and over which SEGRO has applied for draconian powers of compulsory acquisition under Part 5 of the draft DCO³. These powers are sought so that SEGRO can bring forward its own logistics and manufacturing hub on the land owned by Prologis and MAG and in substitution for the development comprised in the Joint Application.

2 Objection

- 2.1 Prologis does not oppose the principle that logistics and employment-led development is needed and can appropriately be delivered in the location identified by the DCO Application.⁴ The dispute between the parties is a narrower, but critically important one: it primarily concerns the necessity and proportionality of the compulsory acquisition powers sought by SEGRO, and the adequacy of the evidence currently before the ExP which purports to support the case for granting such powers. As set out in the PRR at paragraph 11.6, Prologis' case is that there is a willing, capable and highly experienced developer (itself in partnership with MAG) already actively promoting at least equivalent development on the very land that SEGRO wishes to acquire compulsorily. SEGRO has not and

¹ The background to this partnership is set out at paragraphs 4.7 – 4.9 of the PRR and the background of the specific land transactions involved is given in Prologis' response to ExQ1 7.0.7.

² Comprising parcels 1/3, 1/4, 1/5, 1/7, 2/3, and 2/3 and the subsoil fronting land situated to the south of Ashby Road, A453 in relation to parcels 1/2 and 1/14 as shown on the land plans accompanying the DCO Application and further set out in the Book of Reference. NB: parcels 2/2 and 2/3 were not included in the PRR definition of the Prologis/MAG Land but, for the avoidance of doubt, should have been.

³ APP-012D – DCO 3.1 Draft Development Consent Order (dDCO)

⁴ For completeness, it should be noted that as per the PRR the term 'DCO Application' refers to the EMG2 DCO Application, Prologis does not carry such objections against the East Midlands Gateway Rail Freight Interchange Material Change Application

cannot demonstrate a justification for the extraordinary interference with Prologis' rights that the DCO Application seeks in its current form. In substance, the compulsory acquisition powers are sought to enable a commercial advantage to one developer over another, rather than to secure development that would not otherwise come forward.

- 2.2 Prologis must register an important caveat at the outset of this Representation. As it has repeatedly drawn to the ExP's attention in its Submissions, the DCO Application has proceeded from application to acceptance and now to examination in circumstances where significant evidence which is central to SEGRO's case for compulsory acquisition and for the grant of development consent has been consistently outstanding. The PRR, Prologis letter to PINS on 2 February 2026, and the PDA Submission have consistently made clear that the following evidence is needed but has not been made available to inform either Relevant Representations or Written Representations made on behalf of affected persons such as Prologis:
- (a) any viability appraisal or robust evidence demonstrating the commercial viability and deliverability of the development pursuant to the EMG2 DCO Application ("**DCO Scheme**"), including the consequences on viability of paying market value compensation in accordance with the Compensation Code for the Prologis/MAG Land in addition to discharging SEGRO's financial responsibilities in terms of consideration under its option for the land included within the DCO Application south of Hyam's Lane ("**Southern Land**"), and the related assertion that development of the Southern Land without the Prologis/MAG Land is not commercially viable;
 - (b) SEGRO's Environmental Statement ("**ES**") does not assess the adverse socio-economic and land-use effects of granting a DCO that would frustrate delivery of the Joint Application with no certainty that the DCO Scheme would itself be delivered, either in full or in part, or within the Freeport 'window';
 - (c) a complete highways package including clear, auditable evidence on the deliverability, proportionality as mitigation, or funding of the proposed highway works; and
 - (d) evidence of meaningful or timely negotiation with Prologis and MAG regarding reasonable alternatives to compulsory acquisition.
- 2.3 The consequence of these omissions has been that Prologis has been materially disadvantaged in its ability to participate effectively in the DCO process; in preparing the PRR in advance of the examination; in making full oral submissions at the hearings on the week commencing 9th March 2026 ("**Hearings**"); and now in formulating an appropriately comprehensive response to the case as developed and advanced by SEGRO in those Hearings. Indeed, Prologis is also likely to be constrained in its ability to respond properly to SEGRO's case at Deadline 1 given the very short time now available before Deadline 2 and even Deadline 3. Notwithstanding Prologis' request to defer the examination of the DCO Application, SEGRO has repeatedly been offered opportunities to rectify the deficiencies in its application such that Prologis and other Interested Parties are consistently forced to catch up as SEGRO seeks to remedy its insufficient evidence base on an ad hoc basis.
- 2.4 Nevertheless, Prologis welcomes the ExP's recent requests through the Hearings and subsequent ExQ1s for further evidence as to SEGRO's viability claims and highways assessment. However, in addition and for the reasons articulated in the PRR there is also very clearly a need for:
- (a) an updated ES which assesses the socio-economic factors of frustrating the Joint Application; and
 - (b) an interrogation of the decision-making process behind the need for compulsory acquisition.
- 2.5 All of the items identified above go to the very heart of the case for compulsory acquisition. Prologis has not had the opportunity to review, scrutinise or respond to them when preparing the Relevant Representation and this Written Representation - the two documents that are intended to set out its case in response to the application for powers compulsorily to deprive it of its property rights. This has also constrained Prologis' ability to inform the ExP's procedural decisions on the conduct of the

examination and the testing of the Applicant's case through the first round of hearings and written questions. Accordingly, Prologis reserves its position to supplement this Representation and its Submissions once that material has been received and reviewed. Prologis acknowledges the ExP's procedural decision to commence the examination notwithstanding those disadvantages, and has done its best to present its case in a way that will assist the ExP in the circumstances in which it has been placed, but that does not alter the reality that Prologis faces a continuing and compounding disadvantage throughout this examination by reason of a lack of adequate information.

3 SEGRO's Application

- 3.1 The lawfulness and substance of the DCO Application are fundamentally shaped by the Section 35 Direction, which defines the scope of the project brought into the Planning Act 2008 ("**PA 2008**") regime. This requirement for the DCO Application to correspond directly to the direction is not merely procedural, it goes directly to the issue of *vires* and thus the legal basis for determination of the DCO Application.

Section 35 Direction

- 3.2 The DCO Application can only lawfully be determined under the PA 2008 pursuant to the Section 35 Direction made on 21 February 2024 ("**Section 35 Direction**"). Any application made in reliance on a Section 35 Direction must correspond fully with the proposed project to which the direction relates. At the very least the proposed development must not be different in substance to that described by the Section 35 Direction on its face either by contradiction, incompatibility or omission. Where there is room for uncertainty as to the terms of the Section 35 Direction it will be appropriate to have regard to the application that led to the direction being made. A DCO application which departs from the section 35 Direction purporting to bring it within the PA 2008 regime cannot lawfully be approved. In short, the Secretary of State's power to grant a DCO under the PA 2008 in this case is limited to a scheme of development that accords with the direction.

- 3.3 The Section 35 Direction identified the proposed project as comprising the following (emphasis added):

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

- 3.4 Critically, however, the draft DCO ("dDCO⁵ ") as currently submitted makes no specific provision for "a substantial carbon neutral campus/headquarters including co-located head office functions". This element of the Section 35 Direction is not reflected in the description of development in Schedule 1 or secured through the requirements in Schedule 2. There is nothing else of which Prologis is aware that would secure the delivery of such development (either by a particular point in time or at all) in the event the DCO was granted. SEGRO's position on this key jurisdictional issue is surprisingly unclear. The application as currently configured is patently insufficient to meet the requirements of the Section 35 Direction (see below for more). In the Hearings, leading Counsel for the applicant submitted that the carbon neutral campus is not "integral" to the Section 35 Direction⁶, which is not a sustainable position when regard is had to the terms of the direction itself (see above) and becomes wholly untenable when regard is had to the application which led to the direction (see below).
- 3.5 In SEGRO's own application for the Section 35 Direction submitted on 22 January 2024, the proposed project is described expressly as a "very substantial carbon-neutral campus / headquarters required by Maersk" intended to function as a centralised UK operational headquarters. The application then returns to that carbon-neutral commitment, "*Maersk's ambition is to bring together its UK operation to create a carbon neutral inland port*" explaining in detail how the proposed campus would "build upon the success" of EMG1 to deliver the centre of operations citing EMG1's own

⁵ APP-012D – DCO 3.1 Draft Development Consent Order (dDCO)

⁶ As per the comments made by SEGRO's Counsel at ISH1, "I'm not sure the applicant would accept your representation of the Carbon neutral campus as having been integral to the decision to make the section 35 direction...I don't think we would accept that it was integral to that decision making process as regards the carbon neutral issue..." as per 1:17:20 of the Transcript of ISH1 (11 March 2026) on the DCO Application documents portal.

carbon credentials, "[Maersk's] new logistics facility at EMG1 has been constructed in accordance with the UKGBC Net Zero Carbon Standard." This was not presented as an incidental aspiration, but as a defining and distinctive characteristic of the project relied upon to justify its national significance and its promotion through the PA 2008 regime. That same formulation is then carried through into the Section 35 Direction itself, as noted above. In those circumstances, it is not open to SEGRO to characterise that element as non-integral – it formed a core part of the project advanced in the application, and of the project description which the Secretary of State accepted when exercising the Section 35 power.

- 3.6 In responding to the ExP's questions on this point at the Hearings, SEGRO made reference to Maersk's existing letter of support, which is provided at Appendix 3 to SEGRO's Planning Statement⁷. However, there is nothing in the DCO Application that secures Maersk's stated '*strong support*' in their decision to centre its UK operation at the EMG2 site such that the ExP and the Secretary of State can properly rely upon it as ensuring that the development that is authorised reflects that covered by the Section 35 Direction. It is also plain that the Maersk letter does not comprise a binding contractual commitment. Likewise, there is no evidence of a binding commitment by either SEGRO or Maersk that the facility that is referred to in that letter will have the critical characteristic of being carbon neutral. Indeed, SEGRO has not even set out what it considers "carbon neutral" to mean in this context. If Maersk chooses not to proceed in line with its letter, there would be no legal means of compelling SEGRO to deliver the development as described by the Section 35 Direction. It would be free to develop a scheme which is materially different from that to which the Section 35 Direction relates, and which may or may not have been judged by the Secretary of State to be nationally significant had it been short of that key component. In any event, to the extent that Maersk does have a genuine requirement for a carbon neutral campus or headquarters facility in this location, there is no reason why that requirement could not equally be met by Prologis or any other developer on the site. The Maersk requirement, if it exists, is not specific to SEGRO and provides no justification for the grant of compulsory acquisition powers.
- 3.7 Prologis submits that the ExP is right to probe carefully what, if any, mechanism in the dDCO secures compliance with the terms of the Section 35 Direction in this respect, and consider what consequences would follow for the DCO Application if there is no certainty that the campus element will be delivered. There is also a prior question as to what constitutes a "campus" for these purposes. The term implies, at a minimum, a multi-building development of a certain character and scale, yet SEGRO has provided no definition or specification of what would satisfy this requirement. The absence of any detail as to what the "campus" element comprises, or how its delivery would be secured, further underscores the fundamental uncertainty at the heart of SEGRO's case.
- 3.8 Further, the Section 35 Direction only applies to a scheme of development that includes "*co-located head office functions*" which would require consent to be granted for Use Class E(g)(i) (office premises). However, as per the DCO Application's Planning Statement⁸ and Transport Assessment⁹ the description of development applied for includes B2 (general industrial) and B8 (storage and distribution) uses but no such E(g)(i) use. That is reflected in the way the development is described in Schedule 1 to the DCO. This presents a significant, and currently unanswered question, regarding the treatment and provision for the Maersk headquarters. If the co-located head office functions required for the Maersk headquarters are to be treated as ancillary to the B2/B8 uses, they would need to be subsidiary in both scale and purpose to those primary uses, with appropriate controls in the requirements securing this limitation. Alternatively, if such office use is a separate primary use or a mixed use, it would need to be expressly authorised by reference to Use Class E(g)(i). No such provisions are made in the DCO as drafted. Regardless of how SEGRO intends the Maersk headquarters to be treated, it has not been provided for in Schedule 1 to the DCO or in SEGRO's own environmental impact assessment or transport assessment. The Secretary of State has no basis on which to reliably assess the impacts of such a headquarters (whatever its carbon credentials), and the DCO as applied for would not authorise such a development. In addition, there is a lack of commitment as to its delivery. Prologis submits that further detail is still required from the

⁷ AP-222 DCO 5.4 Planning Statement

⁸ (n7) – Paragraph 3.5 see footnote 3

⁹ APP-080 DCO 6.6A Environmental Statement Transport Assessment – Part 1 of 4 – Paragraph 1.2

Applicant regarding the details of the proposed Maersk headquarters, including evidence of deliverability, the intended use class and how it has been assessed in the application documents to date so that this matter can be more fully examined. Prologis reserves the right to make further comment on this issue if and once such evidence has been provided.

- 3.9 Separately, it is also significant that the Section 35 Direction itself contemplates the possibility that the details of the project might need to change ahead of an application being made, stating that if so, *"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."* SEGRO did not seek any such confirmation from the Secretary of State before submitting the DCO Application in its current form. Whether that was because of an oversight, or simply reflected the rushed approach required to try and catch up with the application submitted by a commercial rival, this failure to revisit the Section 35 Direction in circumstances where the DCO Application does not provide for the headquarters element goes directly to the vires of any decision to approve the application as made. In short, the Secretary of State cannot lawfully grant development consent for a scheme of development that does not correspond to the description of development in the direction which provides access to the Planning Act 2008 regime and the significant powers and responsibilities that flow from it.

Legal basis of determination of applications

- 3.10 The ExP has specifically requested submissions addressing the legal framework for determination of the DCO Application, as such the below is included in Prologis' summary of oral submissions made at ISH1. However, given the central importance of this issue to the compulsory acquisition case advanced in this Representation, we include the same here to clarify how the statutory basis for decision-making informs both the assessment of the DCO Application and the justification for compulsory acquisition powers sought.
- 3.11 The legal basis for determining whether an application falls under section 104 or section 105 of the PA 2008 is set out in the *EFW* case¹⁰. Which section applies is determined by whether a National Policy Statement ("**NPS**") 'has effect' in relation to development of the description to which the application relates (section 104(1) PA 2008). As set out in *EFW*, section 35 cannot be used to enlarge the scope of an NPS to include a project for which it was not designed to apply. The scope of the NPS is determined by its terms and only has effect in relation to projects within that scope. In *EFW*, a component of the application was not an NSIP and was brought into the PA 2008 system via a section 35 direction. Hence, it was not one for which any relevant NPS 'had effect' and therefore fell to be determined under section 105 – even though the application embraced both NSIP and non-NSIP elements.
- 3.12 The March 2024 National Networks NPS ("**NN NPS**") postdates *EFW* and reflects its legal effect. Paragraphs 1.3–1.5 make clear that the NPS is designed to have effect in relation to NSIPs on the national road and rail networks in England. Paragraph 1.3 states the Secretary of State "*will use this ... as the primary basis*" for decision-making, reflecting the statutory obligation in section 104 to decide the application in accordance with any relevant NPS unless an exception applies. Critically, paragraph 1.6 of the NN NPS adopts a different approach for development brought into the PA 2008 via a section 35 direction: the NPS is "*likely to be the primary policy*", not "*will be*". This reflects a discretion and the need for a case-by-case judgment as to whether the NPS should be the primary policy. The NPS does not have effect for application pursuant to section 35.
- 3.13 If the DCO Application is for development that accords with the Section 35 Direction (as to which see above) it will fall to be determined under section 105, not section 104. This is because the DCO Application is a business and commercial development and the NPS does not have effect for such applications. A split approach where NSIP elements such as qualifying highway works are determined under section 104 and others under section 105 may arise in hybrid applications, as was the case in *EFW* where the application comprised two distinct projects; one that saw an increase to

¹⁰ *EFW Group Ltd v Secretary of State for Business, Energy And Industrial Strategy*. [2021] EWHC 2697 (Admin)

the capacities of an existing plant without any physical works, and another that involved the development of a new waste-to-energy facility.

- 3.14 The DCO Application is comprised of three sets of works. The first set of works relate to the business and commercial development, the second relate to strategic highway works, and the third to associated development. The principal element of the DCO Application is the business and commercial development. This necessarily forms the driving force behind the highway works and associated development works. The proposed highway works are promoted by the Applicant as mitigation necessitated by the business and commercial development itself. No suggestion has been or could properly be made that the highway works would come forward independently. Whilst some of the proposed highway works may, if considered in isolation, fall within the descriptions of highway works in section 22 of PA 2008 they are not promoted here as independent NSIPs or sought to be justified in their own right. Rather, they are brought forward as facilitating and mitigating infrastructure for the business and commercial development, which itself only falls within the PA 2008 regime by virtue of the Section 35 Direction. The need for those works (and the justification for the adverse impacts to which they give rise) therefore depends entirely on the fate of the principal commercial element of the DCO. That is, of necessity, an important and relevant consideration in the determination of the application for development consent for those works to which significant weight must attach.
- 3.15 This distinction matters for the purposes of the Secretary of State's decision making and for the examination. Under section 104, the Secretary of State is required to decide the application in accordance with any relevant NPS unless one of the statutory exceptions applies. This creates a presumption in favour of consent where the NPS supports the proposal. Under section 105, there is no such presumption. The Secretary of State must have regard to any matters that are "important and relevant", including the NPS, but is not bound to follow it.
- 3.16 In the context of EMG2, this means the applicant, SEGRO, must justify the business and commercial component of the project to the Secretary of State on its own merits, without the benefit of a statutory or policy presumption in favour. The mere inclusion within the DCO Application of works which might fall within the scope of the NN NPS does not of itself determine the legal basis of decision-making for the application as a whole. Hence, neither the project as a whole nor the principal commercial element could properly benefit from the presumption that would apply under section 104.
- 3.17 Even if some or all of the proposed highway works are of a description that could, in isolation, fall within the scope of the NN NPS, the hybrid approach within *EFW* must be followed allowing the highway works of the DCO Application to be determined in line with section 104, and the remaining business and commercial development with its associated works determined under section 105.

4 Deliverability of the Joint Application

- 4.1 The Joint Application represents the most direct route to policy-compliant, deliverable development on land already in the control of a willing and highly capable developer within the period in which the benefits of Freeport designation apply. As set out comprehensively in the PRR at sections 7 and 8, the Joint Application delivers substantial economic, social and environmental benefits, a comprehensive Freeport-aligned package, and is designed to facilitate coherent delivery of the wider Freeport site including the Southern Land.
- 4.2 Prologis does not dispute that – subject to being viable – the DCO Application also has the ability to unlock Freeport benefits and provides wider socio-economic benefits, as another planning application could. However the key issues which must be borne in mind are whether these benefits have been demonstrated to be (a) so substantially greater than those provided for within the Joint Application either on its own or together with what is likely to come forward on the Southern Land in due course, and (b) sufficiently certain to be delivered in full that the public interest decisively demands that Prologis's land be taken against its will by a commercial competitor so it can have the opportunity to try to develop the land instead. The PRR has already undertaken a substantial cross-analysis of the benefits of both applications at section 13 concluding that no such substantially greater benefits exist, even if the decision-maker could be certain that all of the benefits claimed for

the DCO Application would in fact be delivered. By contrast, the Joint Application is capable of being delivered on land already within the ownership or control of the joint applicants and is a more credible and immediate pathway to realising materially comparable benefits.

Progress of the Joint Application

- 4.3 The Joint Application is significantly advanced towards determination. The anticipated timetable is addressed in the response to ExQ1 Question 1.3.1. In summary, the remaining highways modelling work is expected to be completed in April 2026, enabling the application to be reported to the planning committee in June or July 2026.
- 4.4 Whilst target dates have been extended, this is entirely commonplace for planning applications of this size and nature and reflects the joint applicants' decision to adopt the updated PRTM 2023 transport model at the request of Leicestershire County Council ("**LCC**"). The joint applicants accepted this requirement and the consequential delay in order to ensure the robustness of the highways evidence base. By contrast, SEGRO has not adopted this updated model and, as identified at ISH1, does not yet have the support of LCC for its modelling approach. The Town and Country Planning Act 1990 application route is designed to accommodate iterative testing: it enables targeted revisions where appropriate and structured engagement with highway authorities and other statutory consultees. Those steps have now substantially narrowed the issues. National Highways' holding objection is expected to be resolved in the near term as addressed in the Spawforths Planning Report at Section 4 appended at Appendix 1. The Joint Application will then be ready to be reported for determination without further material delay in early summer 2026.
- 4.5 As set out in the PRR at section 4, Prologis' experience in promoting and delivering precisely this type of development is beyond doubt. Great confidence should repose in the ability of Prologis to deliver development promptly. It is the largest global investor, developer and long-term owner of modern sustainable logistics space. Its commitment to delivery once planning permission is granted on the Joint Application is unequivocal. In fact, SEGRO's own oral submissions at the Hearings on the capacity for a DCO to deliver a scheme as applied for under the DCO Application relied upon the Prologis Daventry International Rail Freight Terminal ("**DIRFT**") scheme which further emphasises Prologis' renowned ability to deliver significant logistics development at scale. It also underscores a recurring theme in SEGRO's case, invoking examples or assumptions to advance one limb of its argument, while resisting the logical implications of comparable evidence elsewhere – for instance in relation to viability at section 7 below.
- 4.6 As set out at section 4 of the Spawforths Planning Report, Prologis' own delivery programme is not merely aspirational, preparatory steps will continue to be taken after the close of the examination, so that while the DCO Application awaits the Secretary of State's decision, Prologis will be materially advancing the Joint Application scheme: progressing reserved matters, undertaking ground investigations, preparing section 278 agreements, and ensuring that the scheme is "oven-ready" and capable of responding immediately to the market demand once the DCO position is resolved. If compulsory acquisition powers are refused, Prologis will be in a position to commence delivery without delay, bringing forward jobs and economic growth on a programme that materially outpaces anything achievable through the DCO route. Prologis is committed to implementing the Joint Application immediately upon receipt of planning permission, through a combination of speculative development and customer build-to-suit, save only for the potential for this being frustrated by the grant of the DCO with compulsory acquisition powers. However, Prologis recognises that it would be unlikely to proceed with built development or to obtain binding occupier commitments while the risk of compulsory acquisition remains unresolved. Any prospective occupier, properly advised, would identify the risk associated with committing to occupation where the site could be subject to compulsory acquisition through the DCO. This chilling effect on investment and occupier commitment is an adverse consequence of SEGRO's decision to pursue compulsory acquisition powers, and it is already occurring. The shadow of compulsion introduced as a result of SEGRO's choice of approach is causing real harm to the delivery of economic growth in advance of any decision by the Secretary of State. That is a fundamental commercial constraint that applies equally to both routes. However, the critical distinction is this: whilst both routes are constrained by the same commercial reality around occupier commitment, the Joint Application provides a materially more flexible and responsive pathway, allowing development to be mobilised much more quickly once the uncertainty falls away. The DCO route, by contrast, delays even the preparatory progress that

Prologis can achieve through the Joint Application and introduces a longer overall programme to the point at which development can commence.

Delivery of the DCO Application

- 4.7 The delivery case advanced by SEGRO for the DCO Application warrants careful scrutiny from the ExP. Both the timing and likely extent of delivery are important elements of the case being advanced by SEGRO to seek to justify the use of compulsory acquisition to thwart the delivery of much needed development by a commercial rival. In this regard Prologis makes the following points for which it reserves the right to supplement upon receipt of SEGRO's Deadline 1 material.
- 4.8 As at the date by which Prologis must submit its Written Representation, there is an absence of key evidence before the examination as to the likelihood of timely delivery - and more generally deliverability - of the development proposed in the DCO Application. In particular, the Applicant confirmed at ISH1 that viability material would only be provided at Deadline 1, and that additional highways analysis/modelling would also follow, compressing the time available for scrutiny and response by affected persons such as Prologis.
- 4.9 The uncertainty as to whether the proposed development would be delivered, whether it would be delivered in full, and when it would be delivered has not been grappled with by SEGRO. The grant of a DCO with powers of compulsory acquisition does not in itself guarantee that the development authorised will be built out, or that it will be built out at any particular pace. This is a commercial market-led form of development, and it will only be implemented if and to the extent that it is commercially viable. In circumstances where the harms (both in terms of private loss and loss of public interest benefits) arise at the point of determination, but the claimed benefits would only arise (or fully arise) once the development has been completed, thorough examination of the implications of this mismatch for the Secretary of State's decision is critical.
- 4.10 During the Hearings, Prologis drew the ExP's attention to SEGRO's submission to North West Leicestershire District Council ("**NWLDC**") (in its capacity as local planning authority for the Joint Application) that approval of the Joint Application would itself involve a significant risk to delivery of the development proposed by the DCO (and to the process of determining the application for the DCO). A central assertion in SEGRO's objection to the Joint Application dated 5 January 2026 available at Appendix 2 is that "*approval of the [Joint Application] would undermine the DCO process*" and it would mean that the "*certainty of timeline afforded by the recent DCO application and certainty of delivery achieved by the powers sought in the application being lost*". SEGRO's representations contained no explanation or elaboration as to the precise mechanism by which it is said that the grant of planning permission would have those effects, as noted in Prologis' response to the objection dated 2 March 2026 available at Appendix 3:

"There is no suggestion in the material submitted with SEGRO's DCO application that the proposed development would be rendered unviable or undeliverable simply as a result of the grant of planning permission for the development proposed in the Joint Application... It is unclear to the Council how any positive decision on the application submitted by MAG/Prologis would impact on the potential delivery of EMG2, with the applicant's documents including no reference to the outline planning application."

SEGRO has not subsequently offered the local planning authority any further explanation of its assertions. Nevertheless, SEGRO confirmed in oral submissions made through leading counsel at the ISH1 Hearings that it stands behind the comments made to the local planning authority and the precise terms in which its concerns were expressed in that document. SEGRO clearly therefore believes that its concerns are well founded and wants the local planning authority to treat them as important and relevant in its decision-making on the Joint Application.

- 4.11 In those circumstances, and given the very significant implications of its concerns (if well-founded) for the case it seeks to make for the grant of powers of compulsory acquisition (the certainty of delivery achieved by those powers would apparently be "lost" as a result), it must follow that SEGRO considers this impact to be both important and relevant to the Secretary of State's decision (section 105(2)(c) PA 2008). If that was not the case, SEGRO could not logically and consistently claim it is important and relevant for NWLDC's decision on the Joint Application. It is therefore incumbent on

SEGRO to explain this assertion to the ExP; precisely how it is said the grant of planning permission on the Joint Application would have those effects.

- 4.12 Further, in its oral submissions at the Hearings, SEGRO relies upon the historical build-out rates of EMG1 as evidence both of the speed at which EMG2 can be delivered and of occupier demand. However, past rates of take-up at EMG1 must be properly contextualised. The national economic circumstances and market conditions at the time, the impact of Covid-19, and the timing and nature of individual occupier deals, collectively explain the speed of EMG1 take-up. The EMG1 experience cannot therefore be regarded as a suitable proxy for the likely future delivery of floorspace on EMG2. When compared with delivery rates on other comparable logistics schemes, EMG1 sits at the upper end of market averages. By way of comparison, DIRFT has averaged approximately 500,000 sq ft per annum over the period 2014 to 2026, with Magna Park achieving a similar rate. EMG1's rapid take-up is not a reliable indicator of typical delivery timescales. Moreover, the EMG1 take-up occurred without the benefit of the Freeport designation, which underscores the point that development in this location does not depend on Freeport status to attract occupier demand – this is a prime piece of logistics development land with strong market appetite regardless of whether the Freeport Window is met. Proper detailed analysis is required, having regard to current national circumstances and market conditions.
- 4.13 Prologis does not doubt that SEGRO is a competent developer capable of delivering large-scale logistics development. However, the delivery timetable advanced by SEGRO warrants careful scrutiny by the ExP. The DCO Scheme is a large and complex project with many moving parts, and the timetable appears to rest on optimistic assumptions at several critical stages. The timetable does not appear to account adequately for the sequential nature of the consenting and delivery process: the need to secure a favourable DCO decision, the time required to exercise compulsory acquisition powers (including security provision, general vesting declarations, service of notices and resolution of any compensation disputes), the discharge of requirements, the conclusion of highways agreements, and the procurement and construction of the development itself. Each of these stages involves dependencies and potential for delay that are not reflected in the programme as presented. The ExP may wish to require SEGRO to provide a more granular breakdown of its delivery assumptions and to explain the basis on which the timetable has been prepared.
- 4.14 Additionally, the delivery timetable is completely silent on the inherent risk of any approach which relies on seeking and then using compulsory acquisition powers to introduce litigation and delay. The timetable includes, for example, only six weeks to account for the potential for a legal challenge under section 118(1) PA 2008. This necessarily assumes that no challenge is brought within the six-week period.
- 4.15 Freeports by their nature are intended to promote co-operation and co-ordination between parties to realise its benefits. In fact, as set out in the Spawforths Planning Report, East Midlands Freeport themselves have acknowledged that there are “*different means of bringing forward*” the Freeport and there is “*no legislative requirement*” for it to be delivered by one developer or as a single scheme. In contrast to this intended spirit of co-operation and co-ordination for mutual benefit, compulsory acquisition is a draconian and inherently adversarial tool that predictably generates contention, commercial and legal dispute and the considerable delay that is commonly associated with the final resolution of such disputes.
- 4.16 SEGRO's ‘winner-takes-all’ strategy does not just slow progress on its own land and stymie delivery elsewhere; it makes commercial dispute inevitable and litigation much more likely, creating a blockage to progress and thereby delaying any development on this land including the development pursuant to the DCO Application. SEGRO's aggressive reliance on compulsory acquisition therefore has obvious, detrimental consequences to the speed at which its own scheme can be delivered. By contrast, the Joint Application carries none of the risk induced by compulsory acquisition; it is to be undertaken on land owned and controlled by the joint applicants and has been expressly configured to enable collaboration within the Freeport framework.

5 Compulsory Acquisition

Background

- 5.1 This Section addresses the case for compulsory acquisition ("**CA**") of the Prologis/MAG Land as advanced by SEGRO in its Statement of Reasons ("**SoR**") and during the Hearings. Before addressing the substantive merits of that case, it is necessary to set out the legal framework within which it must be evaluated.
- 5.2 The applicable legislative framework for the compulsory acquisition of the Prologis/MAG Land is set out in full in Section 6 of the PRR and is not repeated in its entirety here. For the purposes of this Representation, the key provisions are sections 122(2) and 122(3) of the PA 2008, read together with the 'Guidance related to procedures for the compulsory acquisition of land' published in September 2013 ("**the CA Guidance**").
- 5.3 In summary, the Secretary of State must be satisfied under section 122(2) that the land to be acquired is either required for the development to which the development consent relates, or is required to facilitate or is incidental to the development. Under section 122(3), the Secretary of State must be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. Both limbs must be satisfied: it is not sufficient for the applicant to demonstrate that land is required for the development if the compelling case threshold is not also met.
- 5.4 As confirmed by the Court of Appeal in *FCC*¹¹, the test for compulsory acquisition is distinct from, and not automatically satisfied by, any decision to grant development consent; the public benefits must decisively outweigh the certain private loss, and reasonable alternatives must be conscientiously explored. Prologis submits, for the detailed reasons set out in this section, that neither condition is met in the present case.
- 5.5 The CA Guidance gives substance to the statutory test. Paragraph 8 requires the applicant to demonstrate that *"all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored."* This is not a box-ticking exercise: it requires a genuine, structured and evidenced process by the Applicant in the first instance, and then by the decision-maker, of assessing alternatives, including collaborative and commercial options that fall short of full acquisition. Paragraph 13 goes on to state that the Secretary of State *"will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired."* The word "compelling" is not merely emphatic; it sets a deliberately high threshold, reflecting the draconian nature of the powers sought. Paragraph 16 recognises that *"there may be circumstances where the Secretary of State could reasonably justify granting development consent for a project, but decide against including in an order the provisions authorising the compulsory acquisition of the land."* That recognition is of profound significance in this case and is addressed further below.
- 5.6 The compelling case test under section 122(3) is effectively all-embracing and includes consideration of:
- (a) the alternatives that were or ought to have been explored;
 - (b) the attempts made to avoid CA through changes to the scheme or through negotiation;
 - (c) the balance of public interest benefits against public interest harms; and
 - (d) the proportionality of the interference with private rights.

In other words, the test is not simply a question of whether the proposed development would generate public benefits in the abstract. It is a question of whether those benefits – properly identified, properly evidenced and calibrated to reflect factors such as uncertain delivery, and then weighed against the harms (both to private interests and interests of public importance) – are so compelling that the public interest 'decisively demands' the use of state power to take the land of a

¹¹ *R. (on the application of FCC Environment (UK) Ltd) v Secretary of State for Energy and Climate Change* [2015] EWCA Civ 55

willing, capable and experienced developer against its will. If there is reasonable doubt on the matter, the balance must be resolved in favour of the affected person¹².

- 5.7 Furthermore, the CA Guidance makes clear at paragraph 10 that the proposed interference with the rights of those with an interest in the land must be *"for a legitimate purpose, and that it is necessary and proportionate."* All three conditions – legitimate purpose, necessity and proportionality – are independent requirements, and each must be satisfied. On the facts here, none is made out: the purpose of compulsion is the commercial interest of SEGRO; the CA is not necessary because the Joint Application provides a willing, capable and funded alternative; and it is not proportionate because if the objective is the delivery of Freeport benefits, co-operation – not compulsion – is the appropriate instrument. The CA Guidance also requires, at paragraph 12, that *"the purposes for which compulsory acquisition powers are included in the application are legitimate and sufficiently justify any interference with human rights."* Prologis addresses the human rights dimension further in its response to the plot-specific matters, but the general principle – that the interference must be justified, not merely lawful in a narrow procedural sense – is of central importance to the present analysis.
- 5.8 The consideration of public benefits must be undertaken in a way that takes proper account of the public interest harms associated with granting the CA powers. Whether this is done by discounting the weight attached to the public benefits so that they are considered on a "net" basis, or by adding the negative public interest effects into the other side of the balance, is a matter of analytical methodology rather than substance. What matters – and what has not been done in the DCO Application – is that those harms are properly identified, properly evidenced and properly reflected in the balancing exercise that leads to the Secretary of State's decision. It is a matter of particular importance in this case that in practical terms a key purpose of seeking CA powers is to prevent Prologis and MAG from developing their land in a way that would generate substantial public interest benefits in accordance with the policies of the adopted development plan. That intended adverse consequence is neither acknowledged nor assessed anywhere in the DCO Application.

The Nature and context of the CA sought

- 5.9 Before addressing the specific elements of SEGRO's case for CA, it is important that the ExP has firmly in mind the true nature of what is being proposed. This case involves an unusual set of circumstances, entirely created by SEGRO, which distinguishes it from the overwhelming majority of compulsory acquisition cases generally, and under the PA 2008 regime in particular, and which must inform the ExP's scrutiny at every stage.
- 5.10 The Prologis/MAG Land comprises two distinct land interests. In respect of the MAG-owned land, SEGRO made a series of offers between 2022 and 2024, but MAG became concerned that these offers lacked board approval and were not made in good faith. MAG subsequently ran a competitive selection process and selected Prologis as its preferred development partner in May 2024. In respect of the Jarrom freehold land, a competitive bid process was conducted and Prologis was selected as the preferred party following a best and final offer process in October 2024. At the point at which SEGRO submitted the DCO Application seeking CA of those very interests, Prologis and MAG were – as SEGRO was well aware – already in active partnership, having agreed terms for their collaboration and being in the course of jointly promoting the Joint Application. In short, the commercial opportunity SEGRO was unable to achieve through these processes, it now seeks to achieve through the intervention of the state. The ExP is respectfully invited to keep that context clearly in mind throughout the examination process.
- 5.11 SEGRO now asks the Secretary of State to authorise the draconian step of depriving Prologis and MAG of their land against their will, thereby using state powers to reverse the outcome of that commercial process. In doing so, it aims to frustrate delivery of their proposed development, so that SEGRO can have the opportunity to try to develop that land itself. As Counsel for Prologis submitted at CAH1, the word "opportunity" is the appropriate one, and Prologis stresses it: there is – to put it at its very lowest – no certainty that, if CA were authorised, the land would in fact be developed as proposed within the timeframe or at all. SEGRO's own Funding Statement acknowledges that a final

¹² *Prest v. Secretary of State for Wales* [1983] 1 WLUK 416

investment decision remains to be made. SEGRO has no readily available viability assessment – or at least is not able to provide it to the examination. A CA power granted on the basis of speculative future delivery of benefits, which would have the certain and immediate effect of sterilising Prologis/MAG's interests, cannot satisfy the statutory test.

- 5.12 SEGRO's Counsel sought at CAH1 to draw an analogy with the *Able Marine Energy Park ("AMEP")* DCO application, in which the applicant sought CA powers over land held for another commercial interest. AMEP was a port proposal promoted in competition with AB Ports. AMEP would compete with AB Ports on the River Humber. AB Ports also owned necessary land for AMEP. The two situations are clearly distinguishable and the AMEP decision does not provide a suitable precedent to justify what is proposed in this case. In *Able Marine*, the land in question was held by an established port operator exercising a dominant position over access to the Humber, and the CA powers were sought to ensure that a new entrant could access the waterside for a functionally distinct purpose. There was no competing application by the existing landowner for the same form of development. Here, by contrast, the position is precisely the reverse: Prologis is not a dominant incumbent resisting a new entrant; it is a willing, capable and experienced developer already promoting the development that SEGRO wishes to deliver instead. The purpose of the CA powers in this case is not to facilitate development that the landowner cannot or will not deliver – it is to prevent development that the landowner is actively and competently promoting. That is a fundamentally different situation, and, Prologis submits, one for which the CA powers under the PA 2008 were not designed.
- 5.13 As noted in paragraph 11.4 of the PRR, it would be a risky precedent were a rival developer simply to acquire compulsorily the interests of another developer following an unsuccessful bid to the existing owner of the land, and thereby to frustrate the effort of those parties to promote policy-compliant development. The Secretary of State should be particularly cautious in granting CA powers to a private developer over the land of another private developer who intends to develop the land in the same manner and for the same purposes.
- 5.14 As an inward investor to the United Kingdom, and as a developer whose tenants are themselves inward investors, Prologis is particularly conscious of the risk to foreign direct investment that such expropriation poses. The broader implications for investor confidence in the UK are matters which the ExP will need to give very careful consideration when undertaking the public interest balance required by section 122(3). The risk is not merely theoretical: a world in which a private developer may seek and obtain CA powers over land already committed to an equally capable rival developer, simply because it has persuaded the Secretary of State to grant it access to the PA 2008 DCO route, would fundamentally undermine the security of tenure and commercial confidence on which international investment into UK infrastructure and logistics depends. Prologis submits that the grant of CA powers in these circumstances would send a chilling signal to inward investors. By way of example, it would not encourage investment in infrastructure if a data centre operator could expropriate the land of a rival developer seeking to deliver data centre development, or if a would be airport terminal operator could obtain CA powers effectively to usurp the position of an incumbent airport operator. Prologis invites the ExP to bear in mind that the company is one of the largest sources of FDI into the United Kingdom; its tenants include many of the world's largest global corporations, who look to the protection of property rights as a fundamental precondition of their investment decisions. These submissions are supported by the letter signed by Prologis' UK Managing Director appended to this Representation at Appendix 4.
- 5.15 Indeed, this risk is not one that is only considered by Prologis in making its own investment decisions, but one that is actively assessed and measured by leading institutions. The Multilateral Investment Guarantee Agency ("**MIGA**"), part of the World Bank Group, has conducted extensive surveys measuring investor risk perceptions. Those surveys show that "*investors consistently maintain that governmental interference and expropriation of foreign direct investment (FDI) is one of the key risks that concern them.*"¹³

¹³ World Investment and Political Risk (2011), MIGA. Accessed via <https://openknowledge.worldbank.org/server/api/core/bitstreams/654633c5-333d-5935-9bea-a170954e1a42/content>

- 5.16 The latest version of the World Bank's Global Investment Competitiveness Report – based on surveys of investors across ten major middle-income economies – confirms that the legal and regulatory environment is *"one of the top three factors for investment"*¹⁴ and that *"84 percent of respondents list regulatory environment as an 'important' or 'critically important' factor in their investment decisions."*¹⁵ Critically for present purposes, the same report confirms that expropriation risk commands a particularly acute investor response: *"risks of expropriation and government breach of contract evoke particularly negative investment reactions. Experiencing such events would cause about 50 percent and 40 percent of investors, respectively, to consider withdrawing existing investments or cancelling planned ones."*¹⁶ The report further establishes that *"higher regulatory risk is associated with lower FDI inflows"* and that *"most (two-thirds) of existing investors would consider withdrawing investments or cancelling planned investment in the face of political risk exposure in host countries."* That those surveys were conducted across middle-income developing economies does not diminish their force in the present context – on the contrary, it underscores it. The United Kingdom's attraction as a leading global destination for FDI rests squarely on it being perceived as a more stable, rule-of-law jurisdiction than those countries. Any conduct which undermines that perception is correspondingly more, not less, damaging to the UK's competitive position.
- 5.17 UNCTAD's World Investment Report 2025¹⁷ records that in 2024, investors initiated 58 new investor-state dispute settlement cases based on international investment agreements, bringing the total known caseload to 1,401 since 1987. Across that full body of known cases, 70 per cent have invoked the indirect expropriation provision - a figure which underscores that expropriation risk is not a peripheral concern but a central preoccupation of international investment.
- 5.18 The concern identified in paragraph 5.14 above is heightened by the context of the Freeport designation itself. As demonstrated in section 4 above, the Government's Freeports Programme emphasises the importance of *"collaborative economic development,"* bringing together *"all key partners with the support of central government to deliver on a shared economic vision."* Nowhere in the Government's guidance on Freeports does it suggest or support the idea that a single private developer should control or consolidate the entire Freeport site and thereby do away with the need for collaborative development by means of compulsory acquisition – quite the reverse. The East Midlands Freeport Business Plan promotes collaboration in order to drive optimum results. The use of CA powers by one experienced developer to expropriate the land of another experienced developer actively promoting very similar development on the same land is inconsistent with the collaborative ethos that underpins the Freeport model, and the dispute and associated delay it generates in practice is anathema to the achievement of the Freeport benefits in the 'window' that exists for their realisation.

Assessment of public interest benefits proffered by SEGRO

- 5.19 The essential principle under section 122(3) PA 2008 is that there must be a compelling case in the public interest: the public benefits of the CA must decisively outweigh the certain private loss and any harm to the public interest. The public benefits must be clear, substantial and – critically – incapable of being achieved by means that do not involve the compulsory acquisition of land already controlled by a willing and capable developer.
- 5.20 Public interest is, importantly, blind to developer identity where both developers are willing and capable of developing the land for the type of development proposed. The question is not whether it is SEGRO or Prologis that delivers the development on the Prologis/MAG Land. It is whether the net public interest benefits of the DCO Scheme – as compared with the alternative of the Joint Application and the operation of normal market mechanisms for delivering commercial development

¹⁴ World Bank Global Investment Competitiveness Report 2019/2020. Accessed via: <https://openknowledge.worldbank.org/server/api/core/bitstreams/736358db-40d6-5ad3-8571-45c89ee8a697/content>

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ United Nations 2025 World Investment Report. Accessed via: https://unctad.org/system/files/official-document/wir2025_en.pdf

– are so substantial and certain, and incapable of being achieved without the use of compulsion as to justify the permanent deprivation of Prologis and MAG of their land rights.

- 5.21 As set out in section 4 above and in the PRR at section 13, Prologis submits they are not. The DCO Scheme offers no material benefits above the Joint Application that would justify CA; on the contrary, the Joint Application offers a more certain, more timely and more commercially robust route to the delivery of equivalent or greater benefits on the Prologis/MAG Land.
- 5.22 Prologis addresses each of SEGRO's principal public interest arguments in turn.

SEGRO's "Single Developer" and "Comprehensive Development" Arguments

- 5.23 A central pillar of SEGRO's case for CA is the proposition that only single-developer, comprehensive delivery of the entire EMG2 site can achieve the full range of public interest benefits. At CAH1, Counsel for SEGRO submitted that CA is justified because the DCO Scheme delivers the optimal form of development delivering on a comprehensive basis - enabling comprehensive development to ensure fullest best and most efficient use of freeport land. This argument does not withstand scrutiny and should not be afforded significant weight for the following reasons.
- (a) First, as set out in at paragraph 3.6 of the PRR, SEGRO's alleged disadvantages of "piecemeal development" are not supported by evidence. The Freeport was always envisaged as a multi-developer, multi-parcel enterprise. As noted above, the governing body of the East Midlands Freeport has expressly recognised that there is no requirement for a single promoter to bring forward the entirety of the site. Indeed, as noted in the Spawforths Planning Report, the East Midlands Freeport itself has acknowledged that *"there is no legislative requirement as to the delivery mechanism for development or for the entirety of the site to be brought forward by a single developer/as a single development."* This fundamentally undermines SEGRO's premise. The label "piecemeal" is SEGRO's own characterisation of what is in reality a two-developer approach, with each developer able to bring forward a very substantial scale of development on their respective areas of land; it is not a characterisation endorsed by the local planning authority, the Freeport governance body or by planning policy. Two capable and experienced developers building out adjacent parcels of a strategic employment site within a co-ordinated design framework is not properly or fairly characterised as piecemeal development – it is precisely how large strategic sites are routinely and successfully delivered across England. As Prologis' own track record demonstrates, it has delivered numerous large-scale schemes in partnership with multiple landowners and developers. Design codes, requirements, parameter plans and section 106 obligations are well-understood and routinely used mechanisms for ensuring that multi-developer sites achieve coherent, high-quality outcomes across their entirety, regardless of the number of promoters involved.
- (b) Second, the proposition that benefits of "comprehensive delivery" justify CA of the Prologis/MAG Land presupposes that those benefits cannot be achieved through any alternative to CA. But that supposition is precisely what the CA Guidance at paragraph 8 requires to be tested – and what SEGRO has failed to test and demonstrate in any structured, evidenced way. As section 10 of the PRR demonstrates, SEGRO has not genuinely explored whether design codes, section 106 obligations, a joint venture arrangement, a master infrastructure framework or a targeted access solution could have delivered the coherence it now seeks to achieve through CA. There is, in fact, no technical or legal impediment to those mechanisms achieving the same outcome. It is incumbent on SEGRO – not Prologis – to demonstrate that these alternative mechanisms were properly explored and assessed before SEGRO made the decision to seek powers of CA and to demonstrate why those mechanisms cannot achieve this.
- (c) Third, it is notable that in its representations to NWLDC in January 2026 (in respect of the Joint Application), SEGRO's central concern was the "certainty of timeline" said to flow from its DCO route and the CA powers sought. But certainty of timeline is, as section 4 of this Representation demonstrates, distinctly more favourable for the Joint Application than for the DCO Scheme: the Joint Application is on land already controlled by the developer, involves no compulsory acquisition, and is programmed to commence construction in early

2027. The DCO Scheme, by contrast, requires a favourable DCO decision (expected no earlier than Q1 2027 at best), followed by the CA critical path of security provision, general vesting declaration, service of notices, possession and compensation proceedings - steps that are entirely absent from the Joint Application route. It also assumes no challenge is brought under section 118(1) PA 2008.

SEGRO's Freeport Benefit Arguments

5.24 During the ISH1 Hearing, Counsel for SEGRO submitted that refusal of the DCO Application and delivery of only the Joint Application on the Prologis/MAG Land would result in:

- (a) a loss of £5.7million of retained business rates per annum;
- (b) a loss of business rates over the lifetime of the Freeport of £188million;
- (c) a loss of 3,800 on and offsite operational jobs;
- (d) a loss of £91m per annum GVA generated through on-site employment

5.25 In respect of these claims:

- (a) First, Prologis notes at the outset that the basis of these figures is uncertain. SEGRO has not disclosed the methodology or assumptions underlying these calculations in sufficient detail to enable independent verification. Without transparency as to the inputs, multipliers and assumptions used, and in the absence of any independent verification, the ExP is invited to treat these figures with considerable caution. Prologis reserves the right to provide a more detailed critique of SEGRO's economic case at a subsequent deadline once further information is made available
- (b) Second, those figures purport to represent the total loss attributable to the DCO Scheme not proceeding. They make no allowance for the benefits that would in fact be delivered by the Joint Application, which – as set out at section 4 above and in the PRR at section 13 – would deliver:
 - (i) up to 135,000 sqm of Class B2/B8 floorspace;
 - (ii) approximately 1,919 FTE jobs; and
 - (iii) an estimated £109 million per annum in gross GVA.

Any fair assessment of what is lost in a "no-DCO" world must proceed on the basis that the Joint Application would be delivered in that world – not on the assumption that no development would occur. The true question is therefore what *incremental* benefit, if any, the DCO Scheme offers over the Joint Application.

- (c) Third, whilst compulsory acquisition justified by reference to the benefits of comprehensive land assembly is commonplace, the present case is distinguishable. This is so for several reasons:
 - (i) In this case there are only two main land holdings¹⁸, each already under the control of a willing, experienced and capable developer and being actively promoted for the type of development that compulsory acquisition powers are intended to facilitate;
 - (ii) on the Prologis/MAG Land there are few if any net public interest benefits that would not equally be delivered by the Joint Application;

¹⁸Namely, the Prologis/MAG Land to the north of Hyam's Lane, controlled by Prologis under freehold or option agreement with MAG, and the Southern Land to the south of Hyam's Lane, controlled by SEGRO via option agreement.

- (iii) the argument that the Southern Land cannot come forward without SEGRO owning the Prologis/MAG Land is unevidenced and does not stack up for the reasons articulated in section 10 of the PRR;
 - (iv) even if the failure to obtain CA powers delayed the coming forward of the Southern Land to some extent, it is reasonable to assume that the Southern Land would come forward as a later phase of development in any event, and the benefit of slightly earlier development of that land is not sufficient to justify CA of the Prologis/MAG Land; and
 - (v) in any event, comprehensive development under the DCO and all its attendant benefits could be delivered without the need for CA by means of a joint venture (either by reference to the DCO Scheme as proposed or as amended to reflect the development in the Joint Application), and there is no evidence to show that a joint venture is either unachievable or that it was properly explored and discounted as an alternative before SEGRO decided to seek CA powers.
- (d) Fourth, the £188m figure for retained business rates over the lifetime of the Freeport deserves particular scrutiny. That figure assumes (a) that the entirety of the development proposed under the DCO would be delivered, and (b) that no development would subsequently come forward on the Southern Land despite the existence of need and demand for such development and the allowance made for access to the Southern Land in the Joint Application. Neither assumption is sound. In a realistic no-DCO scenario – which is the correct comparator – the Prologis/MAG Land would be developed under the Joint Application, not left undeveloped. Indeed, the Joint Application provides for a greater total floorspace on the Prologis/MAG Land than is provided for under the DCO parameters for the same land, meaning that the Joint Application would in fact generate greater potential business rates receipts than the equivalent part of the DCO Scheme. The differential attributable to CA is therefore not £188m but the difference, if any, between the Freeport business rate receipts generated by the development envisaged in the Joint Application and those generated by the DCO Scheme on the same land. The ExP is invited to require SEGRO to re-run its Freeport benefit figures on a properly comparative basis before placing any weight on them, but noting the submissions below in relation to the no-DCO scenario.
- (e) Fifth, Prologis notes that the Freeport Window is not a funding window in the sense of a grant programme that can only be drawn down by a single developer. It is a window of fiscal relief for qualifying occupiers. Whilst the Freeport designation brings with it obvious additional benefits, it does not mean that development on this site would not come forward absent the designation. This is an inherently attractive location for logistics and industrial development, benefiting from excellent strategic connectivity and proximity to East Midlands Airport. There is clear market demand for development of this nature in this location, as evidenced by Prologis' own commercial commitment to the Joint Application. Development would come forward here regardless of the Freeport designation; the designation enhances the attractiveness of the location but is not the reason development is appealing. Accordingly, proportionate, rather than decisive, weight should be attributed to Freeport benefits in the CA balance, bearing in mind that the fiscal relief accrues to occupiers, not to SEGRO, and that any development of the Prologis/MAG Land within the Window – whether by SEGRO or Prologis – would unlock comparable relief for qualifying occupiers.

The no-DCO Scheme world

- 5.26 A fundamental defect in SEGRO's Freeport benefit case, and in its overarching CA case, is its persistent reliance upon a false binary. SEGRO invites the ExP to treat the choice as being between the full DCO Scheme – with all its claimed benefits delivered comprehensively, on time and within the Freeport Window – and a world in which nothing further happens. That is not a realistic or honest characterisation of the counterfactual. Any decision made on the basis of that assumption would be correspondingly unsound.
- 5.27 In a realistic no-DCO world – or in a world where the DCO is granted but CA powers over the Prologis/MAG Land are refused – two things can reasonably be predicted to happen in parallel.

- (a) First, the Joint Application is delivered by Prologis on the Prologis/MAG Land on the programme set out at section 4 above. That delivers up to 135,000 sqm of Class B2/B8 logistics and advanced manufacturing floorspace, approximately 1,919 FTE operational jobs and approximately £109 million per annum in gross GVA - all within the Freeport Window, all on land already under the control of a developer that is fully funded and operationally ready. If the DCO Application is refused, then the Prologis/MAG Land can be delivered promptly via the Joint Application, while the Southern Land can proceed in parallel through a Town and Country Planning Act 1990 planning permission, promoted on land SEGRO may already be able to control, with access, interfaces and any strategic infrastructure secured through negotiations, planning conditions and S106/S278 mechanisms, in the usual way.
- (b) Second, and importantly, the Southern Land and the locational and other features which make it an attractive location for development of this sort, does not simply disappear in a no-DCO world. The Southern Land is land over which SEGRO currently holds an option – and plainly its owners are willing for it to be developed. It is proposed for allocation in the emerging Local Plan. It is within the East Midlands Freeport. SEGRO is an experienced and well-resourced developer and the owner is willing to sell it. In the no-DCO world, nothing prevents SEGRO, any other developer, or the landowner from promoting a planning application under the Town and Country Planning Act 1990 for the development proposed (or something similar) on the Southern Land. This is the conventional route by which employment development of this kind is promoted and delivered across England every day. The Southern Land is not inaccessible in a no-DCO world; the Joint Application has been specifically designed to provide a Principal Highway Access Corridor through to the Southern Land boundary, and the Joint Application's access roundabout on the A453 has been sized to accommodate the cumulative traffic generated by both the Prologis/MAG Land development and the Southern Land development. There is, as the Spawforths Planning Report demonstrates, no incompatibility of access arrangements and no in-principle impediment to phased delivery by two separate promoters.

5.28 The highway mitigation required for cumulative development across both parcels in a no-DCO world – including, in all likelihood, contributions to the J24 growth point solution being progressed by the multi-developer consortium – would fall to be provided through well-understood planning condition, s106 agreement and section 278 mechanisms, and a shared funding arrangement can readily be envisioned between the two developers negotiated commercially in the ordinary way. Indeed, the East Midlands Freeport Strategic Infrastructure & Contributions SPD available at Appendix 5 (currently at consultation draft stage, March 2026) is being prepared by the three local planning authorities precisely to provide a framework for the coordinated and equitable pooling of contributions towards Strategic Infrastructure, including the M1 J24 improvement schemes, across all EMF Sites and Strategic Allocation Sites. The SPD expressly contemplates that development may come forward through different consenting routes and provides mechanisms for contributions to be secured through Section 106 agreements on a fair and proportionate basis regardless of when development parcels come forward. This demonstrates that active steps are being taken on a coordinated basis to ensure that the delivery of development in the wider area is not dependent on any infrastructure improvements proposed to mitigate the impacts of development proposed in the DCO. It is important to note in this context that the J24 mitigation solution is not a product of the DCO alone: it is being progressed by a consortium of developers with interests in the wider area, of which SEGRO is one participant. The public benefit of highway improvement in the vicinity of J24 is not exclusively a function of the DCO Scheme; it is a function of cumulative growth in the area, and Prologis is fully prepared to make its appropriate and proportionate contribution to that mitigation through the Joint Application should it be shown to be necessary for that development.

5.29 Accordingly, Prologis submits that the ExP should approach SEGRO's Freeport benefit calculations not as a comparison between the DCO Scheme and the absence of development, but as a comparison between the DCO Scheme and a realistic alternative world in which: (a) Prologis delivers the Joint Application on the Prologis/MAG Land by 2029; (b) SEGRO promotes a Town and Country Planning Act 1990 planning application on the Southern Land, with access and infrastructure co-ordination agreed through negotiation and standard planning mechanisms; and (c) highway mitigation at J24 is delivered cumulatively through the multi-developer consortium framework already in progress.

- 5.30 The no-DCO world is not one of suppressed growth, stalled Freeport benefits and absent highway improvements. It is a world in which the substantive public benefits claimed by SEGRO is in large measure delivered – through different legal instruments, but to materially the same effect, and with considerably less (if any) compulsory interference with third-party rights. The difference in net public benefit between that world and the world in which the DCO is granted with full CA powers is, in Prologis' submission, either not demonstrably a difference at all or far too marginal to satisfy the demanding threshold of a compelling case in the public interest under section 122(3) PA 2008.
- 5.31 Prologis anticipates that in due course the ExP would welcome further information about the timing and sequencing of highway mitigation in a no-DCO/no-CA world, once the necessary highways modelling work referred to in the response to ExQ1 Question 1.3.1 has been completed and agreed with the highway authorities. Prologis will provide that information once it is able, having had regard to the information provided by SEGRO, when available. However, Prologis' primary submission on this point is straightforward: the highway works are mitigation for the development, not an independent public interest benefit. The nature, scale and pace of their delivery in a no-DCO world – to whatever extent they may differ from the DCO route – reflects the fact that the development they mitigate would also proceed at a different pace and scale. The net position, when the development benefits and the mitigation costs are considered together, is not materially different from the DCO world. The ExP is respectfully invited to require SEGRO to demonstrate with evidence what benefits are exclusively contingent on the full DCO Scheme with CA powers, and could not be delivered through the realistic two-developer, two-consent alternative scenario described above.

Certainty of delivery

- 5.32 Prologis has addressed the factual deficiencies in SEGRO's delivery case at section 4 above. For the purposes of the CA balance, it is important also to address the principle. The question for the Secretary of State under section 122(3) is not merely whether there is subjective confidence in SEGRO's ability to deliver. It is whether there is robust and compelling evidence of likely delivery and its timing, capable of objectively justifying the permanent expropriation of an experienced developer's land. Developer identity and track record may be relevant factors in that assessment, but they are not (and could not properly be) determinative - and they certainly cannot substitute for a complete and evidence-based case. Moreover, the door opened by SEGRO's track-record argument is equally available to Prologis: Prologis is the largest global investor and developer of modern sustainable distribution space. If SEGRO's track record is sufficient to ground a case for CA, Prologis' track record is at least as persuasive as a basis for confident delivery under the Joint Application - and Prologis does not need to take anyone's land to do so. This then sounds in the case for compulsory acquisition – if the ability of the two parties to initiate and deliver development is similar or the same, there can be no compelling case for compulsory expropriation of the property of one party to create a commercial opportunity for the other.

Public Interest Harms

- 5.33 As Prologis has consistently submitted, the public interest harms arising from the grant of CA powers must be expressly identified, assessed and placed in the balance. The ExP will be very mindful that it is incumbent upon it not simply to identify the potential benefits of the DCO Scheme and to weigh them against the private loss to Prologis and MAG. The public interest harm of frustrating the development proposed in the Joint Application – a harm that would flow from the making of the DCO with CA powers even if those powers were never ultimately exercised – is itself a substantial public interest consideration that must appear on the detriment side of the balance.
- 5.34 The harm is immediate and certain: it arises at the moment CA powers are granted. The grant of CA powers places an immediate cloud over title and control of the Prologis/MAG Land. It chills investment in the Joint Application, makes it impossible for Prologis and MAG to let or sell any interest in the land, and deters prospective occupiers from committing to agreements for lease or other binding arrangements. Any prospective occupier, taking its own legal advice, would identify the risk associated with entering into such commitments where there remains a risk that the site could be subject to compulsory acquisition. Whilst Prologis can materially advance the site in the interim - securing planning permission, progressing reserved matters so that the scheme is "oven-ready" and capable of responding immediately to the market demand - full implementation and occupation cannot proceed in advance of clarity on compulsory acquisition. This temporary sterilisation of the

land pending exercise of CA powers is a certain and immediate adverse consequence. Any decision to make the DCO with CA powers in due course would make those adverse consequences permanent. Those consequences do not depend on a final investment decision, a general vesting declaration or any subsequent step. They arise from the making of the order the instant that it is made.

- 5.35 By contrast, the public interest benefits relied upon by SEGRO is, in material part, contingent on future steps over which SEGRO – let alone the Secretary of State – has no certainty of control. A final investment decision must be made. Occupiers must be secured, including for the Net Zero headquarters campus that the development must include. Highways agreements must be concluded. Compulsory acquisition must be initiated and completed. Requirements must be discharged (in just the same way as the conditions on a planning permission under the Joint Application). Construction must be procured and managed at a scale and pace that SEGRO has not yet demonstrated to be achievable. At each of those steps, there is real and material uncertainty as to whether the benefits will in fact be delivered as claimed, and within the Freeport Window. The asymmetry is stark: on one side of the balance sit certain and immediate harms arising from the making of the order; on the other side sit speculative benefits that depend on a sequence of decisions and acts, none of which is certain or secured.
- 5.36 Indeed, there is a further aspect to this asymmetry in that it is not merely the case that SEGRO may fail to deliver the DCO Scheme within the Freeport Window; it is entirely possible – and cannot, on the evidence before the ExP, be excluded as a realistic scenario – that SEGRO could exercise the CA powers, dispossess Prologis and MAG of their land, and then not build out the remainder of EMG2 at all, or only build it out in part, or only after a very significant delay.
- 5.37 This is not a fanciful or contrived concern. The Funding Statement submitted with the DCO Application contains no assessment of, or evidence on, the likely commercial viability of implementing the proposed development, including the complexities of marketing, delivering and thereafter retaining a net zero headquarters campus – either at all or by reference to the Freeport Window. As Counsel for Prologis submitted at CAH1, the final investment decision that will ultimately determine whether the scheme proceeds will be based on SEGRO's own assessment of commercial viability at a future date – a date that, self-evidently, has not yet arrived and cannot be predicted. CA powers are sought to give SEGRO the opportunity to develop – not to create an obligation to do so. Those powers deprive Prologis and MAG of their ability to develop the land that they own. There is nothing in the draft DCO, as currently drafted, that requires SEGRO to implement the development following the exercise of CA powers. Once the land has been taken, the decision whether and when to build lies entirely with SEGRO, to be made on the basis of its own commercial judgment at a future date in market conditions that cannot currently be predicted. It is important to note that the requirement to implement is not something that falls equally on the DCO Scheme and the Joint Application. The former is predicated upon and has to justify powers of compulsory acquisition, whereas the latter does not.
- 5.38 The public interest harm also has a dimension beyond the immediate parties. As the PRR at paragraph 11.4 notes, the use of CA powers to reverse the outcome of a fair, open and transparent commercial competition between rival developers sets a precedent that goes well beyond the immediate facts. If it is established that a developer can obtain CA powers over a rival developer's land – not because the landowner is unable or unwilling to develop it, but simply because the acquiring developer would prefer to do so itself – then the security of title that underpins commercial development investment in the United Kingdom is materially undermined. The ExP is respectfully invited to consider that broader public interest context, and to recognise that the chilling effect on FDI is a live and evidenced concern.
- 5.39 The public interest harm of the loss of the Joint Application benefits must similarly be placed explicitly in the CA balance. Those benefits are real, evidenced, and certain: up to 135,000 sqm of logistics and advanced manufacturing floorspace; approximately 1,919 FTE operational jobs; £109 million per annum in gross GVA; Freeport-qualifying development commencing within the Freeport Window; a Training Hub; and a Community Park delivered in accordance with Prologis' proven PARKLife model. None of these benefits are speculative; they rest on a live, funded and commercially advanced planning application. The ES submitted with the DCO Application does not assess the loss of these benefits as an adverse consequence of the proposed CA. That is a

fundamental deficiency in the evidence before the ExP, and one which – as Prologis has consistently submitted – cannot be remedied without a targeted supplement to the ES and full viability analysis from SEGRO.

- 5.40 Finally, on the public interest balance, Prologis notes that SEGRO's own SoR at paragraph 5.74 advances the proposition that *"without compulsory powers, the DCO Applicant considers that it would not be possible to proceed with the DCO Scheme, therefore the public benefits of the DCO Scheme will not be realised."* This conclusion is circular and insufficiently reasoned. It presents a false binary: refusal of CA powers does not mean the benefits of the DCO Scheme would be lost entirely. The Secretary of State could grant development consent for the DCO Scheme on the Southern Land whilst refusing CA powers over the Prologis/MAG Land. In that scenario, SEGRO would realise the benefits of developing the Southern Land, whilst Prologis delivers comparable benefits on the Prologis/MAG Land pursuant to the Joint Application. The public interest benefits would be substantially preserved - indeed, they may be realised more quickly and more certainly through that route. To the extent that there is any physical incompatibility between the DCO Scheme (as currently designed for comprehensive single-developer delivery) and the Joint Application on the Prologis/MAG Land, such incompatibility is a product of SEGRO's own design choices rather than an inherent characteristic of the site. There is no technical reason why the Southern Land could not be developed pursuant to an appropriately designed scheme that interfaces coherently with that proposed by the Joint Application, whether through amendments to the current DCO Application or through a fresh Town and Country Planning Act 1990 application submitted by SEGRO in respect of the land under its control. Prologis has consistently designed the Joint Application with the objective of facilitating such coordination, including through the provision of the Principal Highway Access Corridor and appropriately sized access infrastructure. If SEGRO considers that the current configuration of the DCO Scheme cannot be implemented on the Southern Land alone without amendment, that is a matter for SEGRO to address through its own application, not a justification for the compulsory acquisition of the Prologis/MAG Land. The absence of any EIA assessment of a 'hybrid' scenario in which the DCO Scheme proceeds on the Southern Land whilst the Joint Application proceeds on the Prologis/MAG Land is also the result of the choices made by SEGRO, and not therefore a proper reason to grant CA powers. SEGRO's conclusion also fails entirely to grapple with the existence of the policy-compliant, viable and deliverable Joint Application, the benefits of which are real and capable of early delivery. It offers no explanation as to why those benefits should be set aside in favour of a more speculative scheme dependent on CA. Nor does it demonstrate why the Freeport Window could not reasonably be met without extinguishing third-party rights. The alleged compelling case in paragraph 5.74 of the SoR rests on unsubstantiated assumptions rather than clear evidence, and does not satisfy the statutory test in section 122 PA 2008.

6 Reasonable alternatives

- 6.1 Without prejudice to the submissions made in section 5 above, even if the Secretary of State were satisfied that a compelling case in the public interest exists to grant powers of compulsory acquisition, the overall case for such powers would not be made out unless SEGRO could demonstrate that reasonable alternatives have not been properly considered and discounted. In this regard, as the CA Guidance at paragraph 8 requires, all reasonable alternatives must be explored.
- 6.2 Prologis has explained in section 10 of the PRR that SEGRO has failed to exhaust the reasonable alternatives to CA which Prologis has repeatedly put to SEGRO. For completeness these are:
- (a) exclusion of CA powers of the Prologis/MAG Land to allow Prologis/MAG to deliver development under the Joint Application;
 - (b) providing no more than access across the Prologis/MAG Land enabling SEGRO (or others) to bring forward development on the Southern Land in due course;
 - (c) an amendment to the DCO Application, enabling the substitution of the Joint Application for the development envisaged under the DCO Application for the Prologis/MAG Land;

- (d) making the DCO without compulsory acquisition powers over the Prologis/MAG Land, so that Prologis/MAG receive the requisite powers under the DCO to deliver the DCO development on their own land in reliance on s.156 PA 2008; and
- (e) a joint venture arrangement to bring forward the development comprised in the DCO Application with such variations to be agreed between the parties including enhanced benefits from the Joint Application.

- 6.3 All five reasonable alternatives are properly so called because each provides for the DCO Application to proceed either in its entirety, or in combination with the Joint Application, with delivery of the Prologis/MAG land by Prologis. The qualitative analysis at sections 8 and 13 of the PRR demonstrates that the Joint Application achieves Freeport and socio-economic benefits comparable to those of the DCO Scheme. Under these alternatives there is, therefore, no material difference in the essential public interest objectives advanced by SEGRO. They are not lesser options, but genuine pathways to the delivery of the benefits said to justify the CA of the land of a commercial rival. As such, they must be treated and properly considered as such by SEGRO.
- 6.4 As set out at paragraphs 10.7 and 10.8 of the PRR and further set out in paragraph 4.25 of the Spawforths Planning Report, from the outset of engagement SEGRO has made no realistic attempt to adapt its scheme to avoid or seek to reduce the need for compulsory acquisition. That represents a fundamental failure to follow the basic principles enshrined in the CA Guidance. The Joint Application was specifically amended in advance of its submission in November 2024 to facilitate a coordinated interface with SEGRO's February/March 2025 statutory consultation proposals, including aligning the proposed access arrangements across Hyam's Lane. Yet by the time of the November 2025 DCO Application documents, SEGRO had subsequently altered its own scheme in a manner that made physical integration less straightforward, without adequate explanation or consultation with Prologis. The sequence of these changes, and the history of the access arrangements, is illustrated in the plans available at Appendix 6. This was the first in a pattern of actions which suggests a deliberate effort to frustrate the presence of viable alternatives rather than to explore them in good faith. Prologis, by contrast, has consistently sought to engage constructively and to keep open all reasonable alternatives to comprehensive delivery as further set out below at paragraph 6.6.
- 6.5 As at the date of the PRR, the correct position on SEGRO's subsequent treatment of these alternatives was set out at paragraph 10.4:
- "Indeed, in many respects sufficient and meaningful negotiations with Prologis have barely begun by SEGRO. The position as set out in the Pre-application Land and Rights Negotiation Tracker is not accepted by Prologis, particularly since it does not accurately portray the limited and belated attempts at negotiations by SEGRO who have only recently been willing to negotiate."*
- 6.6 Three months have passed since this statement and the position on the negotiation of the reasonable alternatives have not moved forward in any meaningful way. Despite repeated requests for substantive engagement and essential information, the required information needed to progress all of the alternatives, much of which Prologis has been seeking for months, remains outstanding, and SEGRO has yet to provide the detail necessary for constructive negotiation.
- 6.7 Prologis has consistently signalled its willingness to engage on all of the reasonable alternatives identified, but SEGRO's responses have not matched that commitment. The pattern is one of limited engagement and delayed disclosure, creating the impression of activity rather than genuine progress. As a result, Prologis does not consider that SEGRO is taking the alternatives seriously or is committed to exploring them in good faith. It agreed to meetings between valuers, but cancelled the meeting when arranged. This lack of engagement undermines the credibility of SEGRO's case and reinforces the need for the ExP to scrutinise SEGRO's decision making with particular care.
- 6.8 In order for the ExP to be properly equipped to assess whether SEGRO has discharged its obligation under paragraph 8 of the CA Guidance to explore reasonable alternatives before resorting to the draconian step of seeking CA powers, Prologis invites the ExP to require SEGRO to disclose and explain:

- (a) the internal decision pathway that led to the conclusion that CA of the Prologis/MAG Land was the only reasonable and appropriate way to deliver the scheme;
- (b) whether, and to what extent, proper conscientious consideration was given to approaching Prologis for a joint venture or other collaborative arrangement before seeking CA powers, and why it was decided not to initiate any such approach before taking that step;
- (c) what weight was attached to human rights considerations when the decision was made by SEGRO to proceed with seeking CA powers over the land of a rival developer actively promoting equivalent development;
- (d) what information SEGRO had before it as to the likely adverse consequences for Prologis and MAG, and for the public interest in the delivery of the Joint Application, when that decision was made; and
- (e) what alternatives were genuinely assessed, by whom, when, on the basis of what information, and the reasons why each potential alternative was rejected.

- 6.9 Those details of the Applicant's alternatives assessment are necessary to inform the Secretary of State so as to enable decision-making that properly addresses the tests set out in the CA Guidance. This reflects, for example, the approach taken by the Examining Authority in the Thames Tideway Tunnel examination, which probed Thames Water's internal-decision making process on alternative options for the tunnel's route which then necessarily informed the sites over which compulsory acquisition powers were sought.
- 6.10 In the specific case of the Thames Tideway Tunnel examination the Examining Authority convened a dedicated Issue Specific Hearing which lasted for five days and a further Issue Specific Hearing to ensure that all interested parties were able to put questions to the applicant on their selection of site/route. In these hearings Thames Water was required not only to justify its preferred choices but explain what alternatives were considered, ruled out, and why. The Examining Authority required the submission of internal site suitability reports, challenged the consistency of professional judgments applied, and pressed for clarity on how the internal decisions were made and documented.¹⁹
- 6.11 Following the interrogation of the site selection process, the Examining Authority tested whether the applicant had discharged its obligation under the CA Guidance to explore reasonable alternatives through the course of compulsory acquisition hearings and further written questions. The Examining Authority's approach was to require the applicant to justify, for each plot, why acquisition was necessary, what alternatives (including negotiation and scheme modifications) had been considered and rejected, and to provide a transparent record of its internal decision-making process. This enabled the ExA to properly assess whether the statutory test for compulsory acquisition was met, and that the applicant had not simply asserted necessity but had demonstrated it through a conscientious and evidenced exploration of alternatives.²⁰ Such requests were to the benefit of the examination, allowing the Examining Authority the necessary transparency to assess whether the applicant had discharged their obligation. However, such transparency was not immediately forthcoming and had to be specifically drawn out of the applicant by the Examining Authority. That same discipline is necessary and appropriate in the very specific and unusual circumstances of this case, which call for SEGRO to disclose and explain its internal decision-making on alternatives in order to demonstrate (if it is able) that the rigorous approach called for by the CA Guidance has been complied with.
- 6.12 As paragraph 8 of the CA Guidance makes clear, the assessment of reasonable alternatives is linked to the requirements of necessity and proportionality. These are not mere formalities but go to the heart of whether CA can lawfully be authorised, and must be addressed as part of the reasonable alternatives analysis:

¹⁹ See paragraphs 17.10-17.12, 17.41-17.43 of the Examining Authority's Report of Findings and Conclusions dated 12 June 2014

²⁰ See paragraphs 19.22-19.28, 19.256-19.264 of the Examining Authority's Report of Findings and Conclusions dated 12 June 2014

- (a) Necessity – The Secretary of State must be satisfied that interference with rights is strictly necessary. The existence of viable, deliverable alternative means of delivering the public interest objectives relied upon without the need to use CA means that the threshold of necessity is not met, and this must be reflected in the assessment of reasonable alternatives.
- (b) Proportionality – The comprehensive analysis in section 5 above has demonstrated that this balancing exercise properly carried out cannot justify SEGRO's case for compulsory acquisition. Even if there were some uncertainty as to the relative timing of delivery under the Joint Application, that uncertainty goes at most to the relative speed of realisation of benefits over time, not to their certainty. Such marginal difference in timings do not provide a proportionate justification for the grant of CA powers. If SEGRO's objective is to secure Freeport benefits, then this can be achieved through co-operation and standard mechanisms, not compulsion. Compulsory acquisition cannot be justified where the same public interest objectives can be secured by less intrusive means.

6.13 Prologis is not only willing but demonstrably able to deliver the relevant benefits and to coordinate interfaces and infrastructure via standard planning and commercial mechanisms. This willingness and capability is not an abstract assertion but is evidenced by the Joint Application's design, the collaborative approach taken with MAG and other stakeholders, and Prologis's track record as a developer of nationally significant logistics and industrial schemes. The existence of a ready, willing, and able alternative promoter is a critical factor in the assessment of reasonable alternatives: it underscores that the public interest objectives can be secured without the need for compulsory acquisition, and that the test for CA cannot be satisfied on the evidence before the ExP.

7 Viability and Funding

- 7.1 Viability is necessarily a central issue in this examination, having regard to the case that SEGRO has advanced to seek to justify CA in its Statement of Reasons. As Prologis submitted at CAH1, viability is central where CA powers are sought – especially where CA is justified on the basis of viability assertions both to dismiss alternatives and to support the claim for CA of this scheme. It is not a gateway requirement of equivalent importance for a scheme not seeking CA (i.e. the Joint Application).
- 7.2 It is a matter of record – and a matter of some significance – that no viability evidence whatsoever was submitted with the DCO Application. The application was therefore accepted for examination, and examination commenced, without the ExP or any Interested Party/Affected Person having access to any evidential basis upon which to evaluate and respond to the twin viability assertions on which SEGRO's CA case depends. Those assertions are:
- (a) that the development of the Southern Land alone would not be viable or deliverable if the Prologis/MAG Land were developed independently by Prologis; and
 - (b) that the DCO Scheme as a whole would be commercially viable even after paying full open market compensation – including any controlling-access premium – for the Prologis/MAG Land. A controlling-access premium, in this context, refers to the additional value that the Prologis/MAG Land commands by virtue of the fact that it controls access to the Southern Land. Where the Southern Land cannot be viably developed without rights across the Prologis/MAG Land, the open market value of the Prologis/MAG Land includes a premium reflecting that strategic position.
- 7.3 As Prologis submitted at CAH1 the assertion in SEGRO's submissions that the Prologis/MAG development isn't viable has not been explained, let alone supported by evidence and analysis, nor is it accepted. That remains Prologis' position.
- 7.4 Prologis notes that during CAH1, SEGRO committed to providing viability evidence by Deadline 1 and acknowledged that this was a matter calling for evidential treatment. That commitment is welcomed and the provision of that evidence at Deadline 1 – whilst better than its continued absence – does not cure the procedural disadvantage that Prologis has suffered in preparing its Relevant

Representation, its submissions at the Hearings, and now its Written Representation, all of which were of necessity formulated without access to SEGRO's viability case.

- 7.5 Prologis accordingly reserves its full position on viability pending receipt, review and proper scrutiny of the evidence that SEGRO has committed to provide. For the avoidance of doubt, nothing in this section should be taken as an acceptance of any aspect of SEGRO's viability case and all points are reserved.
- 7.6 In respect of SEGRO's forthcoming viability evidence, Prologis submits:
- (a) Adequate time must be afforded to Prologis, the ExP and other Interested Parties for scrutiny of SEGRO's viability evidence. Viability evidence in a complex commercial development context – particularly one involving assertions about the viability of separate development parcels, compensation liabilities, controlling-access premiums, and highway costs – is not material that can be properly assessed in the days immediately following its production. Prologis will require a reasonable period to have the viability evidence reviewed by its technical and commercial advisers before it can respond substantively. It reserves the right to raise this as a procedural matter if when the material is received the timetable does not permit proper scrutiny and to make further submissions at later deadlines should it be necessary to do so, such as where a full analysis is not possible by deadline 3 (28 April 2026).
 - (b) There must be transparency to the assumptions SEGRO makes as to viability: Prologis expects the viability evidence, if it is to carry evidential weight, to set out in full the underlying commercial assumptions on which SEGRO's case rests. In particular, it must address:
 - (i) the assumed total development cost, including highway works;
 - (ii) the assumed revenue model;
 - (iii) the treatment of compensation liabilities for the Prologis/MAG Land;
 - (iv) the land costs and price of acquisition for the Southern Land;
 - (v) the no-scheme market value assumptions, including whether and how any controlling-access premium has been modelled; and
 - (vi) the assumed programme and phasing.

Without that degree of transparency, the viability evidence cannot be meaningfully tested and should be afforded little weight.

The Morpeth Decision and the Relationship Between Funding and Viability

- 7.7 During CAH1, the ExP raised the decision of the Secretary of State in relation to the A1 Northumberland (Morpeth to Ellingham) DCO (TR010059-002170-A1, Decision Letter dated 24 May 2024) ("**Morpeth Decision**") and invited the parties to consider what implications it might have for the relationship between funding and viability in the present examination.
- 7.8 In particular, the ExP posed the question whether, if a fundamental change in deliverability arising from the absence of secure funding renders a scheme non-viable, the converse would mean that the presence of secure funding renders a scheme viable. Prologis was specifically directed, at the close of the CAH1, to provide representations on this question at Deadline 1. This section addresses that question directly.
- 7.9 The short answer is no. There is a clear difference in principle between the availability of "secure funding" for a publicly funded road scheme, and the issue of commercial viability for a privately funded commercial development. The Morpeth Decision, properly understood, does not provide any material assistance to the Applicant in this case. Understanding why requires a careful reading of

that decision in its proper context, which is materially and fundamentally different from the present case.

- 7.10 The present case involves a private sector commercial development promoted by SEGRO Properties Limited for commercial profit. Whether the DCO scheme is commercially viable is not a question that is answered by reference to whether SEGRO has the general financial capacity to fund it, should it later decide that it is commercially prudent to do so. It is a question of development economics: does the scheme generate a sufficient commercial return - after all costs, including full open market compensation for the Prologis/MAG Land – properly to justify a positive final investment decision? That is a wholly different question from the one that the Morpeth Revocation Decision was addressing (both conceptually and in practical terms), and the Revocation Decision provides no answer to it.
- 7.11 It is also necessary to distinguish between the availability of funds and the availability of funding. In the Morpeth case, the scheme was funded for development and DCO promotion and was included in the Road Investment Strategy, which meant it had a reasonable expectation of funding for delivery. National Highways nonetheless had to return to Government for funding before commencement – that is, a final investment decision. SEGRO, by contrast, has funds supposedly available at a corporate level, but those funds are not committed to this scheme. SEGRO must similarly go to its board for a final investment decision before commencement. The Funding Statement does not suggest that this scheme has secure funding; it suggests only that SEGRO has substantial corporate resources.
- 7.12 The Secretary of State's conclusion on compulsory acquisition in the Morpeth Decision is at paragraph 233, which states:
- "He notes that the ExA considered that there is sufficient funding available to meet any compensation liabilities for CA and/or TP and there is no need for any special or additional guarantees for funding [ER 7.10.4]. On 4 October, in the Network North announcement, the Prime Minister set out that Government would provide funding to dual the A1 between Morpeth and Ellingham. As such, the Secretary of State is satisfied that adequate funding remains available for CA/TP requirements in line with the Compulsory Acquisition Guidance."*
- 7.13 The significance of this passage cannot be overstated. The Morpeth DCO was a publicly funded national road infrastructure scheme, promoted by National Highways as a Government-owned company and funded directly by a confirmed Treasury spending commitment made at the highest political level. The question in that context was whether adequate public funds were confirmed and available to meet the compensation liabilities that would arise from CA. That question was answered by the Network North spending announcement at the most authoritative level available in public expenditure decision-making. There is no private commercial viability question in a Government road scheme of this kind: the scheme proceeds because the Government has decided, as a matter of public policy and public expenditure, that it should.
- 7.14 The present case is fundamentally different in character. The DCO Application is a private commercial development promoted by SEGRO Properties Limited, a wholly owned subsidiary of SEGRO plc. As SEGRO confirmed at CAH1, the Funding Statement relies upon the parent company's balance sheet – specifically referencing approximately £500 million in cash and £1.8 billion in undrawn credit facilities available to the SEGRO plc group at the end of 2024. The question is not whether SEGRO has access to those resources in the abstract; the question is whether, on the specific assumptions required by the DCO Scheme including the compensation costs for the Prologis/MAG Land, the scheme generates a sufficient commercial return to justify a final investment decision to proceed with development. If it does not, the scheme will not go ahead.
- 7.15 Indeed, a wealthy developer may have ample resources to fund a loss-making scheme but is unlikely to do so (otherwise it will not remain a wealthy developer for long); the existence of those resources does not make the scheme commercially viable. The two concepts are entirely distinct.
- 7.16 Paragraph 17 of the CA Guidance provides:

"Any application for a consent order authorising compulsory acquisition must be accompanied by a statement explaining how it will be funded. This statement should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required. It may be that the project is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty about the assembly of the necessary land. In such instances, the applicant should provide an indication of how any potential shortfalls are intended to be met. This should include the degree to which other bodies (public or private sector) have agreed to make financial contributions or to underwrite the scheme, and on what basis such contributions or underwriting is to be made."

- 7.17 First, and most fundamentally, paragraph 17 explicitly contemplates the possibility that in some cases *"the project is not intended to be independently financially viable."* That is a clear and unequivocal acknowledgment that the existence of a Funding Statement does not establish commercial viability, and that the two concepts are distinct. If the CA Guidance had treated a satisfactory Funding Statement as sufficient proof of viability, it would not have needed to make provision for projects that are not independently financially viable at all. It does make that provision. The Morpeth Decision's reference to adequate funding being available therefore addresses only the narrow question of whether compensation liabilities can be met – precisely as paragraph 17 contemplates – and says nothing about whether the scheme is commercially viable in the development economics sense and is thus likely to be implemented if approved.
- 7.18 Second, paragraph 17 requires the Funding Statement to address *"the resource implications of both acquiring the land and implementing the project for which the land is required."* Those are two distinct and cumulative requirements: the costs of CA, and the costs of implementation. SEGRO's Funding Statement, which relies on general balance sheet capacity, does not provide the project-specific analysis of implementation costs that paragraph 17 requires. In particular, it does not model the resource implications of paying full open market compensation – including the controlling-access premium – relating to the Prologis/MAG Land, nor does it demonstrate how those acquisition costs interact with the overall development economics to produce a commercially positive return.
- 7.19 Third, where there are shortfalls (i.e. where the project is not independently financially viable) paragraph 17 requires the applicant to *"provide an indication of how any potential shortfalls are intended to be met"* and to explain the degree to which other bodies have *"agreed to make financial contributions or to underwrite the scheme, and on what basis."* SEGRO has provided no such analysis. There is no indication that any body – public or private – has agreed to underwrite the DCO Scheme or to contribute to any viability shortfall, for instance in relation to highway works or balancing viable and no-viable development components. The Funding Statement records only that SEGRO plc has the general balance sheet capacity to fund the scheme. That is not the same as an analysis of whether the scheme is commercially viable, and it does not address the paragraph 17 requirement to explain how shortfalls will be met where the project may not be independently viable. Indeed, where SEGRO asserts that alternatives are not viable, but that inclusion of land required for those alternatives renders its own scheme viable, this paradoxical relationship must be explained – not to do so must draw the subsequent final investment decision into question.
- 7.20 In short, paragraph 17 of the CA Guidance does not relieve SEGRO of the obligation to demonstrate commercial viability; it adds a separate and additional requirement directed at funding adequacy. The CA Guidance treats these as two distinct questions. SEGRO has, to date, purported to address funding only in the most general terms – and has not addressed commercial viability at all. Both questions must be answered with evidence before the CA case can be properly evaluated.
- 7.21 The Morpeth sequence has a further, highly instructive implication for the present case. The grant decision was founded on a Prime Ministerial spending announcement - the most reliable and specific commitment of public expenditure available in the English constitutional system. That commitment was subsequently reversed and the scheme cancelled on grounds of poor value for money. If a commitment of that quality cannot be relied upon as a permanent guarantee of delivery, SEGRO's reliance on its general balance sheet capacity is very considerably further removed from the quality of commitment required to ground a compelling case for CA. SEGRO has produced no board resolution committing to the EMG2 scheme, no confirmed funding envelope, no analysis of the scheme's commercial return, and no final investment decision. The Morpeth experience shows that even the most authoritative possible commitment of public funding does not guarantee delivery.

The Blight Caused by Compulsory Acquisition Powers

- 7.22 One of the four exceptional circumstances cited at paragraph 22 of the Secretary of State's Revocation Decision for Morpeth ("**Revocation Decision**") was specifically "*the removal of planning blight from affected land.*" The Revocation Decision at paragraph 7 records that without revocation the DCO "*will remain in place until 14 June 2029 when it will expire if no development has taken place*" and that during that time "*the land could continue to be blighted and unduly affected by the existence of the DCO and its accompanying powers of compulsory purchase that place uncertainty on affected landowners.*"
- 7.23 This is of direct relevance to the present case. Prologis has consistently submitted that the grant of CA powers over the Prologis/MAG Land would place an immediate and certain cloud over its interests, making it difficult to develop, let or sell any part of the land. The Revocation Decision confirms that the Secretary of State regards the blight caused by subsisting CA powers as a serious and independently sufficient harm warranting action - sufficiently serious, in Morpeth, to justify revocation of an already-granted DCO. The same harm would arise immediately and with certainty if CA powers were granted in the present case. Unlike in Morpeth, however, Prologis would have no recourse: the Prologis/MAG Land would be in private hands subject to a compulsory purchase cloud, not in the hands of a publicly accountable body such as National Highways that might eventually face political and financial pressure to act. The harm to Prologis would be immediate, certain, and without the protective mechanism of public accountability that made revocation achievable in the Morpeth context.

The Risk of Exercise Without Build-Out

- 7.24 The Morpeth sequence – grant, followed by cancellation of the underlying scheme, followed by revocation – is direct and powerful evidence that the grant of a DCO with CA powers does not guarantee that the development will proceed. A DCO was made; CA powers were conferred; the funding on which the scheme was premised was withdrawn; and the scheme was cancelled before any construction took place. Prologis has consistently submitted that there is a material risk that SEGRO could exercise CA powers over the Prologis/MAG Land and then, for commercial reasons, not build out the DCO scheme. The Morpeth experience illustrates exactly this risk – albeit in a public rather than private funding context.
- 7.25 The critical distinction, however, is this: in Morpeth, when the scheme became undeliverable, the Secretary of State revoked the DCO. That revocation cannot undo the harm to individual landowners whose land was blighted during the intervening period, but it at least removed the planning and legal constraint going forward. In the present case, if SEGRO was to exercise CA powers over the Prologis/MAG Land and then fail to build out the scheme, there would be no equivalent mechanism to restore Prologis' position. Once the land is compulsorily acquired, it is gone. Prologis would receive compensation – but would have lost its land, its development opportunity, and with it the chance to deliver the public interest benefits of the Joint Application, permanently and irrecoverably.

Prologis' Preliminary Observations on SEGRO's Viability Case

- 7.26 Without prejudice to the full position that Prologis will articulate once it has reviewed SEGRO's Deadline 1 viability evidence, the following preliminary observations are made in light of the information available to date.

Internal contradiction in SEGRO's viability case

- 7.27 At CAH1, SEGRO advanced the proposition that:
- (a) the DCO Scheme is commercially viable and will be delivered because SEGRO is a company of proven track record and substantial financial resource; and
 - (b) the development of the Southern Land alone would not be viable or deliverable as standalone development.

- 7.28 Those two propositions are in fundamental and irreconcilable tension. If the DCO Scheme, as a whole, is commercially viable and will be delivered, it follows that SEGRO can and would absorb the compensation costs arising from CA of the Prologis/MAG Land, including any controlling-access premium. However, if the scheme is not viable without the Prologis/MAG Land (which is precisely what paragraph 5.57 of SEGRO's Statement of Reasons (APP-019) asserts) then the viability of the scheme is directly hostage to the quantum of that compensation, which is in turn a function of the full open market value of the Prologis/MAG Land in the no-scheme world. Even if it is not accepted that the controlling access premium is large in sum, there is a risk that it will be and provision must be made so that viability can be assured.
- 7.29 SEGRO's Deadline 1 viability evidence must confront this contradiction directly. If it does not, it cannot satisfy the standard of evidence required by the CA Guidance, and the ExP would be entitled to attach no weight to it.

Controlling access premium

- 7.30 As noted above, SEGRO's position at CAH1 was that the development of the Southern Land alone would not be viable or deliverable as standalone development. That is, in substance, an admission that the Prologis/MAG Land commands a controlling-access premium in the no-scheme world – a premium that reflects its value to any promoter of the Southern Land who cannot develop that land without access through the northern parcel. The Compensation Code requires that if CA powers are exercised, Prologis and MAG are compensated at the full open market value of the Prologis/MAG Land in the no-scheme world – a value that, on SEGRO's own analysis, must include that premium. That has a fundamental consequence on the overall viability of the scheme. This means that there are two components to any compensation: the bare land value, which would be its straightforward purchase price; and a premium relating to the prospective value to the owner of the land for granting rights across it to the Southern Land.

Over-specification of highway works and its viability consequences

- 7.31 As addressed further in section 8 below, Prologis considers that the highway works proposed in the DCO Application are materially over-specified relative to what is required to mitigate the traffic impacts of the proposed development. Over-specification is not merely a highways issue; it feeds directly into SEGRO's viability case. If the highway mitigation package is over-specified – in the sense that it provides mitigation beyond what the development's own traffic generation requires – then the cost of those works properly attributable to the DCO Scheme is inflated. Every pound of unnecessary highway cost absorbed by the development viability appraisal is a pound that reduces the apparent commercial return of the scheme and makes it harder for SEGRO to demonstrate the positive investment case that CA requires.

SEGRO's "track record" argument and the asymmetry with Prologis

- 7.32 The invitation extended by SEGRO at CAH1 to treat SEGRO's track record as a substitute for viability evidence – or at least as a significant indicator of delivery confidence – is one that Prologis notes. Whilst track record may provide some comfort, it is not a guarantee of delivery and cannot substitute for proper viability evidence. In any event, if track record is to carry any weight, it cuts both ways.
- 7.33 The door having been opened by SEGRO is equally available to Prologis. Prologis is the largest global investor, developer and long-term owner of modern sustainable distribution space, with substantial assets under management across 28 Prologis Parks in the UK alone. Over 100,000 people are employed by businesses operating within Prologis' UK portfolio. If SEGRO's track record of delivering two DCOs is sufficient to ground confidence in the delivery of the DCO Scheme as commercially motivated, then Prologis' demonstrably larger and more extensive track record in delivering large-scale logistics development on a global basis is at least as persuasive as a basis for confident delivery under the Joint Application. Critically, Prologis does not need to acquire anyone else's land to do so. The viability of the Joint Application rests on a fully funded developer delivering its own scheme on its own land without any CA critical path – the most straightforward commercial proposition available in development economics. Nor is there any inherent illogicality in Prologis's

position on viability, unlike the internally contradictory position on viability articulated in SEGRO's Statement of Reasons.

Prologis' own viability position

- 7.34 Notwithstanding that it has not been specifically requested in the ExQ1, Prologis offers to provide its own comparative viability evidence for the Joint Application by Deadline 2. It has nothing to hide. The Joint Application is being promoted by a fully funded, commercially motivated developer on land it already controls, without the need for CA of any third party's interests, on a programme that is – as set out at section 4 above – ahead of SEGRO's own aspirational timetable.
- 7.35 The contrast between Prologis' viability position and SEGRO's, once the respective evidence is before the ExP, will assist materially in understanding the true nature of the competing cases and the weight that should properly be attached to SEGRO's unexplained and unevidenced assertion that the Joint Application is not viable.

8 Highways

- 8.1 As with viability, Prologis looks forward to receiving SEGRO's highways evidence at Deadline 1. However, as it has consistently submitted, the late arrival of this material goes to the pattern of insufficient information before the ExP – a pattern which, as noted above at paragraph 2.3 has materially disadvantaged Prologis throughout this process.
- 8.2 A fundamental proposition is that highway works must be subordinate to, and proportionate to, the development they are intended to mitigate – they cannot be an aim in themselves in this case. The proportionality of the highway works is critical: mitigation must be tailored to the actual impacts of the proposed development, not to wider aspirations or network upgrades, which are the purview of the relevant highway authorities. Where the scale, cost, or land-take of highway works exceeds what is necessary to address the scheme's impacts, those works cannot lawfully justify the grant of compulsory acquisition powers, nor should they be afforded significant weight as a "public benefit" in the s.122(3) balance. This reflects the conclusion set out at section 2 above, that associated highway works must be justified as subsidiary to the DCO Application and cannot stand as independent public benefits.
- 8.3 It is well-established that planning permission (and equally development consent) cannot be bought or sold by the offer of collateral or extraneous benefits which go beyond what is necessary to make development unacceptable in land use planning terms²¹. That principle is not only enshrined in case law²², it is also reflected in regulation 122 of the CIL Regulations and the policy tests that apply when considering the imposition of requirements and the relevance of development consent obligations. The same logic applies when a developer seeks to justify CA of land from a commercial rival to deliver commercial development and in doing so relies on extraneous benefits associated with 'mitigation' measures which go beyond what is needed satisfactorily to address the impacts of that commercial development.
- 8.4 Where SEGRO relies on highway works as part of its asserted public interest benefits, the ExP must be satisfied, on evidence, that those works are both proportionate and realistically deliverable on the claimed programme and funding assumptions. The deliverability of the highways package and the likely timing of delivery are not theoretical matters: they go directly to the credibility of the claimed benefits and the risk and consequences of delay or non-delivery. As the analysis above has shown, if the highways mitigation is over-specified, under-costed, or dependent on uncertain approvals or funding, the weight to be given to those works in the public interest balance must be reduced accordingly. Furthermore, if beneficial occupation and use of the proposed commercial development is contingent upon the delivery of the highways works that too must be properly explored and taken

²¹ See e.g. *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759 in which Tesco's offer to fund a £6.6 million link road was held by the Secretary of State not to justify the grant of planning permission where the relationship between the road and the proposed superstore development was tenuous, and the funding bore no reasonable relationship in scale to the development's actual impacts.

²² See *Newbury District Council v Secretary of State for the Environment* [1981] AC 578 and Lord Denning's judgment in *Pyx Granite Co. Ltd v Ministry of Housing and Local Government* [1958] 1 Q.B. 554 at page 599.

into account when weighing the claimed public interest justification for the grant of CA powers. Again, as already demonstrated, the justification for these works must be rooted in their necessity to support the DCO Application, not as standalone enhancements.

- 8.5 The highways package must therefore be scrutinised as mitigation required to address the impacts of the proposed development, and the compulsory acquisition balance must not be tilted by treating mitigation as a public benefit "in its own right" unless its necessity and proportionality are properly demonstrated. Prologis reserves its right to make further submissions on the proportionality of the highways works when the further highways materials are received at Deadline 1 and there has been an opportunity to consider them.
- 8.6 Prologis notes that the delivery of the strategic highway works is not entirely within SEGRO's control. Under the National Highways Project Control Framework, there are a number of sequential steps that must be completed before construction can commence, including discharging requirements, awarding contracts, finalising protective provisions with National Highways and obtaining the necessary consents and approvals from the highway authorities. SEGRO's proposals are further complicated by their interaction with the local authority highway network, which can add additional stages and time. The ExP is invited to examine the realism of SEGRO's stated programme for the highway works in light of these dependencies and the knock on effect any delay to the timeline would have to the timing of the eventual occupation of the development noting that the infrastructure work must be completed before this can take place.
- 8.7 Because the harm to Prologis and MAG arises immediately on authorisation of compulsory acquisition powers, sterilising a deliverable scheme, whereas SEGRO's claimed benefits depend on subsequent delivery (including highways delivery), any material uncertainty on highways deliverability or programme reinforces why CA powers should not be granted.
- 8.8 A rigorous analysis of sensitivities is also required, including scenarios where the EMG RFI Material Change Order ("MCO") proceeds without EMG2 but cumulatively with the Joint Application. This is not a theoretical exercise, it is essential to test whether the scale and specification of the highway works are genuinely necessary to mitigate the impacts of the proposed development, or whether they have been advanced as a complete, over-proportionate package simply to maximise the perceived public benefit. In this context, it is critical to establish whether an independent assessment of the necessity and proportionality of the highway works associated with the MCO has been undertaken.
- 8.9 As detailed further in Prologis' response the ExQ 1.2.3, a cumulative assessment of both the MCO and DCO has been undertaken; however, a standalone assessment of the MCO has not directly been undertaken beyond assessment of the travel demand nor has a scenario been considered wherein the EMG1 traffic resulting from the MCO is considered in isolation.
- 8.10 Prologis understands that the applicant is preparing additional information on this matter for Deadline 1. The absence of a sufficiently detailed assessment would reinforce the concern that SEGRO has not considered the highway works as proportionate mitigation, but rather as a strategic benefit to bolster its CA case. The ExP must therefore scrutinise not only the deliverability and timing of the highways package, but also whether its scope is justified. Only by undertaking this granular analysis can the ExP be satisfied that the highway works are necessary, proportionate, and lawfully relied upon in the CA balance as mandated by the conclusion in section 2. Prologis reserves its ability to further supplement this position until it has had sufficient time to review the additional highways material due from the applicant at Deadline 1.

9 Conclusion

- 9.1 The following conclusions stand in respect of the current state of the DCO Application:
- (a) it is now clearer than ever that the DCO Application was not ready for examination when it was submitted, and that the decision to proceed to examination without addressing the fundamental deficiencies identified by Prologis, MAG, NWLDC, National Highways and LCC

has had, and continues to have, real and material consequences for the fairness of the examination;

- (b) the examination material remains incomplete: the ExP has already been required to seek further information that should have been provided with the application, and Prologis has not yet been able to review that information. That much is demonstrably true given the requirements imposed by the ExP and SEGRO's acquiescence – this is an admission of incompleteness; and
- (c) Prologis has suffered, and continues to suffer, prejudice as a direct result of the approach taken by SEGRO in bringing a premature application to examination and seeking to rectify its deficiencies on an ad hoc basis throughout the examination. The ExP is respectfully invited to remain astute to this as a recurring concern.

9.2 For the reasons set out in this Representation and in the Submissions, compulsory acquisition powers over the Prologis/MAG Land cannot be justified. There is no compelling case in the public interest. The public benefits asserted by SEGRO do not decisively outweigh the certain and immediate harm that CA would cause to Prologis, to MAG, and to the public interest in the timely delivery of the development proposed in the Joint Application. Moreover, as set out above, SEGRO has failed to exhaust or even properly to engage with the reasonable alternatives to compulsory acquisition that exist in this case – each of which would enable the delivery of comparable public benefits without recourse to CA powers. The existence of these genuine alternatives must weigh heavily in the balance against the grant of CA powers.

9.3 Prologis stands ready to progress- and is progressing - the Joint Application as the most direct, commercially certain, and legally appropriate route to the timely realisation of Freeport benefits on the Prologis/MAG Land.

DLA Piper UK LLP

7 April 2026

Appendix 1 – Spawforths Planning Report

Prologis UK Ltd

East Midlands Gateway Phase 2

Written Report: Planning

Revision Record

Revision Reference	Date of Revision	Nature of Revision	Revision Author	Checked By
E4	07 April 2026	Final	DMR	-

Contents

01 Introduction	4
02 The Economic Importance of the DCO Application Site.	7
03 Prologis Objection to the DCO Application	15
04 The Joint Application	17
05 ‘Reasonable alternatives’ to Compulsory Acquisition.	29
06 Conclusions	53
Appendix 1: Summary Table of Planning Applications in the vicinity of the Joint Application site.	55

01 Introduction

- 1.1** I am David Rolinson, and I am a Chartered Town Planner. I hold a BA Honours Degree in Town and Country Planning from Newcastle University and I am a Member of the Royal Town Planning Institute. I have also been awarded a Diploma in Planning and Environmental Law from Leeds University. I have over 38 years' experience in the planning profession. I have previously worked for the public sector and in 1988, I joined Spawforths who are a multi-disciplinary consultancy (planning, architecture and masterplanning) and where I am now the Chairman.
- 1.2** I have been asked to prepare this Written Report on behalf of Prologis UK Limited and Prologis UK 121 Limited (together, "Prologis") in connection with the application by SEGRO Properties Limited ("SEGRO") for a Development Consent Order ("DCO") for East Midlands Gateway Phase 2 ("EMG2") ("DCO Application"). The DCO Application relates to land to the south of the A453 and the existing East Midlands Airport. This includes land north of Hyam's Lane ("Prologis/MAG Land") in which both Prologis and Manchester Airports Group ("MAG") have interests; and land to the south of Hyam's Lane ("Southern Land").
- 1.3** Prologis is progressing an application for outline planning permission in relation to the Prologis/MAG Land which I shall refer to as the "Joint Application" (statutory reference number (ref. 24/00727/OUTM)). My Company are lead planning consultant for the Joint Application proposals and my Company is also providing expert planning advice to Prologis in respect of their objection to the DCO Application. I have personally been instructed by Prologis with respect to the DCO Application since November 2025.
- 1.4** My experience relevant to the DCO Application includes working as lead consultant on behalf of many Industrial and Logistics developers in pursuing planning applications and appeals including in the Midlands, the Northwest, and Yorkshire. I am also lead consultant for a site at Parkside West, Newton-le-Willows, St Helens which is a Liverpool City Region Freeport Tax site and for which I have secured planning permission for employment development via the Town and Country Planning Acts. I have appeared as Expert Witness in over 150 Development Plan, Section 78 Inquiries / Hearings and Compulsory Purchase Order Inquiries.
- 1.5** I have included a Summary Table of Planning Applications within the vicinity of the Joint Application site as my Appendix 1 as requested by the Examiners.
- 1.6** My Written Report is focussed solely upon town planning matters and is structured as follows:
- Section 2 – I will set out how the Freeport designation reflects the excellent locational characteristics of the DCO Application site (including the Prologis/MAG

Land) for employment development and that the employment development of it is a key contributor to both the Government's growth agenda and North West Leicestershire Council's (referred to as "the Council") economic ambitions. I shall however demonstrate that neither the Freeport designation nor the Council's emerging Local Plan is prescriptive on how this should be achieved.

- Section 3 – I will highlight the key elements of the Prologis objection to the DCO Application as expressed through the Prologis "Relevant Representation" ('RR') that are relevant to my Written Report. I shall demonstrate why it is my opinion that these objections should attract substantial weight and why they significantly undermine the acceptability of the DCO Application.
- Section 4 – I will set out why I consider that the Joint Application can help to achieve the Freeport ambitions. I will analyse the criticisms of the Joint Application by SEGRO and demonstrate that those criticisms are not substantiated. I will demonstrate that the Joint Application accords with the relevant Development Plan and that there are no other material considerations that should outweigh the plan led presumption established through Section 38(6) of the TCPA. Hence I consider that planning permission should be forthcoming for the Joint Application. I will set out the public benefits that will be achieved through the relative certainty of delivery established through this route and the expected timetable for delivery of employment development by Prologis.
- Section 5 – I will respond to SEGRO's Statement of Reasons. I will assess the five 'reasonable alternative' routes identified by Prologis, that could be progressed to meet the Freeport objectives and hence deliver the benefits attributable to the DCO Application scheme but without the Compulsory Acquisition of the whole of the Prologis/MAG Land. In this context, I will assess the SEGRO criticisms of the Prologis approach to progressing the Joint Application and their concerns that the Joint Application route will frustrate or prejudice the delivery of the wider DCO Application scheme. I will also assess how the adverse impacts of frustrating the Joint Application serve to undermine SEGRO's argument that there is a compelling case in the public interest to justify Compulsory Acquisition.
- Section 6 – I will set out my conclusions to confirm that I consider that the five routes that Prologis identify, are 'reasonable alternative' routes to achieving the economic objectives of the Freeport designation. I will therefore confirm that my Written Report supports the case being made by Prologis that the public benefits of development can be achieved through these routes without the need for the draconian step of authorising Compulsory Acquisition of one experienced developer's land by another for essentially similar development. I will also conclude that the grant of the DCO Application with Compulsory Acquisition powers would cause delay and uncertainty to delivery of employment development on the Prologis/MAG Land which harms both the public interest and the private interests of Prologis. I will therefore conclude that the DCO Application should be refused or amended to remove (or reduce) the Compulsory Acquisition powers over the Prologis/MAG Land.

- 1.7** I understand my duty to the Examination and have complied with, and will continue to comply with that duty. I confirm that this Written Report identifies all the facts which I regard as being relevant to the opinions that I have expressed, and that the Examiner's attention has been drawn to any matter which would affect the validity of my opinions. I believe that the facts stated within my Written Report to be true and that the opinions expressed are correct. I also confirm that I have not used AI within this Written Report.

02 The Economic Importance of the DCO Application Site.

- 2.1** Since the DCO Application site (including the Prologis/MAG Land) forms part of the East Midlands Freeport (EMF), I consider the importance of this designation in this Section. Whilst Freeports are not a specified planning designation, this Section highlights the significance of the DCO Application site's Freeport status, and the public benefits that can be delivered in this context. This Section also considers the Council's emerging Local Plan approach and it concludes that both the Freeport and emerging Local Plan reinforce the importance of the DCO Application site to meeting employment needs.

Freeports

- 2.2** The UK currently has 12 designated Freeport areas across England, Scotland and Wales. They are designated areas for investment, encouraging businesses to establish within the Freeport, to generate increased economic activity, job creation and regeneration. Located in regions that have historically missed out on investment, they offer generous packages of incentives to utilise and build upon the proud industrial heritage of the regions in which they are situated. They are located near transport hubs, to facilitate the efficient movement of goods.
- 2.3** The UK Freeports Programme, which was released in June 2025, highlights the national role that Freeports will continue to play in supporting the growth mission of the current UK Government, particularly in regard to supporting the growth sectors identified in the new Modern Industrial Strategy which was released alongside the Freeports programme. It is projected that from the 8 Freeports located within England, 60,000 new and additional jobs will be created, along with 42,000 more across the supply chain, supporting a total of around £6.6 billion per year in GVA.
- 2.4** Freeports aim to secure the economic future of their wider region, boosting the economy by re-orientating regional economies towards innovative sectors of the future, ensuring new clusters can form thus ensuring longevity of associated benefits.

- 2.5** The UK Government webpage, 'Building the Future of UK Freeports' highlights the economic and social advantages of Freeports, which can be divided into two overarching benefits of 'Collaborative Economic Development' and 'Community Empowerment'. These are summarised below:

Collaborative Economic Development:

- Bringing together all key partners with the support of central government to deliver on a shared economic vision.
- Freeports are tailored to build upon the strengths of the places in which they are situated.
- Freeports offer a range of unique benefits for businesses, including tax and custom incentives, ambitious public investment and long-term government support.
- Freeports play an important role in attracting Foreign Direct Investment (FDI), which in turn creates long-lasting employment and training opportunities for local people, often in places that need this most.

Community empowerment:

- Freeports have a lasting, positive impact on communities, creating high-quality jobs in industries of the future.
- They empower Councils to invest in local infrastructure and skills programmes.
- They work to collaborate with key partners such as higher education institutions, offering local people the opportunity to be at the forefront of the economic benefits.

- 2.6** The EMF, which is the UK's only inland Freeport, represents a significant opportunity to attract investment and stimulate growth and is described on the UK Government Freeport webpage as creating a "world-leading hub for global trade and investment".
- 2.7** The Freeport designation was given formal approval by the UK Government on 30th March 2023, with a vision to stimulate innovation and deliver growth for all. It is envisioned that the Freeport designation will create around 28,000 high-quality jobs, with the potential to add around £9 billion to the economy over the next 25 years. The Freeport expands across three counties and is made up of the East Midlands Airport and Gateway and Industrial Cluster (EMAGIC), Ratcliffe-on-Soar Power Station Site and East Midlands Intermodal Park (EMIP).

- 2.8** Already home to world-leading multinational companies, all three sites in the EMF benefit from the unique economic environment provided by the Freeport along with unrivalled connectivity afforded by a well-established road, rail and air infrastructure. As the UK's busiest 'pure' cargo airport, East Midlands Airport (EMA) acts as a key port within this designation, with the wider EMF also benefitting from its strategic location within close proximity to the M1 motorway and other key road routes such as the A50.
- 2.9** The Freeport aims to attract forward-thinking businesses to the East Midlands, and according to the EMF webpage, there is significant room for the growth of their Freeport sites to support this aim. EMF state that its collaboration with local partners, higher educational institutions and world-leading businesses strives to create significant opportunities for local people to upskill within innovative sectors, while ensuring the needs of the community are met by investing in the region's public services and amenities.
- 2.10** The DCO Application site forms part of the wider 'EMAGIC' designation, located directly adjacent to East Midlands Airport. The 'EMAGIC' Freeport site is legally created by 'The designation of Freeport Tax Sites (East Midlands Freeport) Regulations 2022', as an area where businesses can benefit from tax reliefs with the aim of bringing forward investment and jobs.
- 2.11** The East Midlands Freeport's 2025/26 business plan provides that the EMAGIC cluster should target securing investment from within the Logistics, Advanced Manufacturing and Life Sciences sectors, supported by its strategic location at the convergence of rail, road and air provisions. The geographical areas where the Freeport regulations are in force are confirmed within these regulations and are shown in Figure 1 below as the areas edged and hatched in red (which includes the DCO Application site).
- 2.12** With access to tax incentives ending on 30 September 2031, delays in getting occupiers onto the DCO Application site by that date would mean that these tax break advantages would be missed.

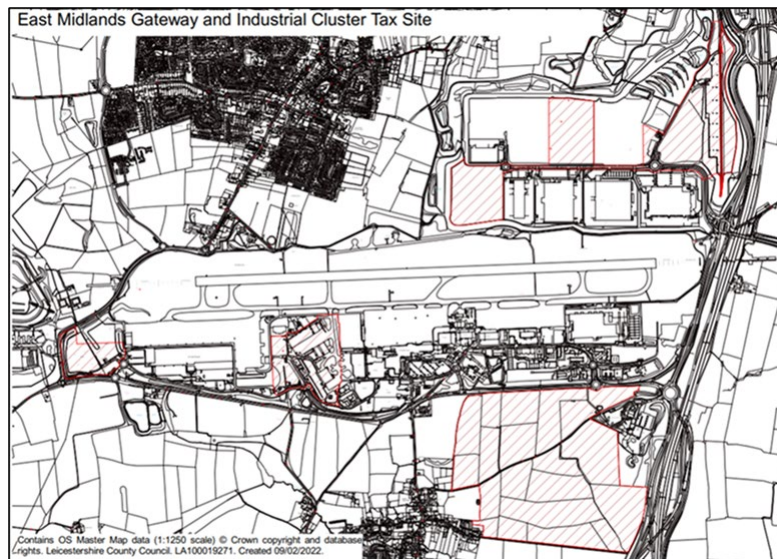


Figure 1 – East Midlands Gateway and Industrial Cluster Tax Site

- 2.13** In the context of the economic incentives associated with Freeport locations, there is a renewed commitment by the UK Government on a national scale to secure the delivery of investible sites, as outlined in the 'UK Freeports Programme Report' which was published in June 2025.
- 2.14** The importance of preparing these sites for development is further emphasised in the East Midlands Freeport Business Plan, which was published in August 2025. In line with Government expectations, the Business Plan expresses support for accelerating growth in the East Midlands Freeport Sites and ensuring Tax sites in particular are 'investor ready' and significantly occupied by 2031.
- 2.15** I therefore consider that the designation of the DCO Application site within the East Midlands Freeport confirms its strategic locational advantages to attract investment and stimulate growth.

North West Leicestershire Local Plan

- 2.16** The Statutory Development Plan for North West Leicestershire District Council comprises of the North West Leicestershire Local Plan 2011 – 2031 (hereafter referred to as 'the Local Plan'), which was formally adopted in 2017, and amended in 2021 following a partial review. This is the current development plan in use for guiding planning decisions, setting out policies, site allocations, housing, employment, infrastructure and environmental protections. The Leicestershire Minerals and Waste Local Plan (LMWLP) also forms part of the statutory development plan for the County. It was adopted in September 2019 and covers the plan period to 2031.
- 2.17** The Council are however preparing a Draft Local Plan Review for 2024 – 2040. The draft Local Plan was consulted on from 5 February to 17 March 2024. A follow-up consultation "Additional

Proposed Housing and Employment Allocations” ran from 21 March to 2 May 2025. Going forward the Council have published the following timetable which confirms that they are on track to ‘submit’ the Local Plan to Government by the date of 31st December 2026 which is the point at which if it is not achieved, the new Local Plan approach would apply.

Table 2: Expected Key Milestones

Date/Month	Stage
22 April 2026 – Local Plan Committee	Report on outstanding policy areas
April 2026 (Date TBC)	Member briefing on Local Plan
20 May 2026 – Local Plan Committee	Seek approval to consult on the Regulation 19 Local Plan and to submit the plan following consultation
June/July 2026 – Cabinet and Council	
July – September 2026	Regulation 19 Consultation (minimum of 6 weeks but intend to extend to account for summer/school holidays)
October 2026	Process representations received and collate all the documentation for submission
November/December 2026	Formal Submission of the Local Plan

- 2.18** The Regulation 18 draft Local Plan was consulted upon in February 2024. It confirmed in draft Policy S1 that the “requirement for land for strategic B8 (warehousing) of more than 9,000 sqm will have regard to the outcome from the Leicester & Leicestershire Apportionment of Strategic Distribution Floorspace Study”. It noted in paragraph 7.7 that the Freeport designation’s “purpose is to boost enterprise and businesses locating to the Freeport will benefit from a package of financial (tax) incentives. The Freeport is overseen by the East Midlands Freeport Board comprising a mix of private and public sector organisations”.
- 2.19** The consultation also included a “Proposed Housing and Employment Allocations” document which included “East Midlands Freeport” as a “Potential Location for Strategic Distribution”. Paragraph 6.6 of this document notes “In designating the Freeport, however, the Government did not undertake an assessment of the planning merits of the site. In effect, it is an economic designation. The acceptability of the proposal in planning terms is a matter for this new Local Plan (and/or a planning application) balanced against the above considerations”.
- 2.20** The document set out the potential planning issues to be addressed and in paragraph 6.9 it confirmed “Faced with these significant concerns and uncertainties, we have not yet reached a firm position on whether an allocation in this location is justified. Reflecting this, we have identified land to the south of the airport as a Potential Location for Strategic Distribution at this stage. With feedback from this consultation and further information as outlined above, we will make a decision on whether or not an allocation is justified at the next stage of the plan’s preparation”. The document included the Freeport site as a “ Potential Location for Strategic Distribution: Land south of East Midlands Airport (EMP90(part))”. It set out a series of criteria that must be met if it is to be allocated:

“If the site is allocated, matters which will need to be addressed include:

- (a) The provision of a safe and appropriate vehicular access to the road network to the satisfaction of Highways England and Leicestershire Highways Authority.
- (b) The site being accessible via a range of sustainable transport options including effective walking and cycling connections.
- (c) There being no harmful impact upon Diseworth Conservation Area or its setting.
- (d) The provision of an appropriate landscaping scheme which includes both extensive boundary treatment and also internal planting, so as to minimise the impact of development on the wider landscape and the setting of Diseworth.
- (e) The provision of evidence that assesses and addresses the impact on biodiversity both on the site and in its vicinity, including with respect to (i) the potential for great crested newts, (ii) nearby candidate Local Wildlife Sites and (iii) waterbodies within the site; and the achievement of biodiversity net gain in accordance with national requirements.
- (f) The provision of a Flood Risk Assessment and a Drainage Strategy.
- (g) There being no detrimental impact upon the safe and efficient operation of East Midlands Airport.
- (h) A satisfactory design and layout which takes account of site's sensitive location, both in landscape terms and its adjacency to Diseworth Conservation Area".

2.21 I will demonstrate in Sections 4 and 5 that these criteria can be positively addressed through the Joint Application. I will also demonstrate that they can be achieved without the need for only one developer for the whole EMG2 Main Site and hence that they can be achieved without recourse to Compulsory Acquisition by SEGRO of the Prologis/MAG Land through the DCO Application.

- 2.22** The Council reported the conclusions of the Leicester & Leicestershire Strategic Distribution Needs and Apportionment Study (2025) to their Local Plan Committee on 19th November 2025. This Study was commissioned by the Leicester & Leicestershire Authorities and provides an updated assessment of the need for additional strategic warehousing in Leicester and Leicestershire for the period 2024-46; and proposes how that need could be distributed ('apportioned') to different locations within the partnership area. The Study finds that there is need for some 3.06million sqm of strategic warehousing floorspace in Leicester and Leicestershire for the 22-year period 2024- 46. This figure is in addition to sites which already have planning permission.
- 2.23** The Study also sets out an apportionment to locations within Leicester & Leicestershire. Table B (below) shows how the Study apportions the floorspace to locations in North West Leicestershire. In Table B Officers of the Council have a) adjusted the figures to correspond with the Local Plan end date of 2042 (18 years rather than 22 years); and b) added an estimate of the amount of land required within North West Leicestershire. The Study apportions some 44% of the total need for Leicester and Leicestershire to North West Leicestershire.

Table B: NWL apportionment (2024-2042)

Location	Floorspace	Land (estimate) ¹
M1 J23a/J24; A50 J1	728,673 sqm	209 ha
Bardon (J22)	93,109 sqm	27 ha
A/M42 J11,12,13	269,345 sqm	77 ha
Total	1,091,127 sqm	313 ha

- 2.24** The Committee Report then addresses candidate sites within the M1 J23a/J24; A50 J1 area and recommends the sites in Table D (below) for allocation in the next version of the Local Plan:

Table D: Recommended sites at M1 J23a/J24; A50 J1

Ref	Site	Area	Floorspace
EMP90	Land south of EMA (Freeport)	87 ha	240,000 sqm
n/a	Plot 16 at EMG1	6.4 ha	26,500 sqm
EMP73 (part)	Land north A453, Kegworth	8.6 ha	33,540 sqm
EMP97	Land south of Kegworth bypass	39.5 ha	98,750 sqm
Total		141.5 ha	398,790 sqm

- 2.25** The above confirms that Officers recommend that the DCO Application site shown as EMP90 should be included as a proposed employment allocation in the Local Plan. The Officer Report sets out the reasons for this in paragraph 4.6 as follows:
- “a. Whilst it is not a planning designation, the site's Freeport status is a clear signal of the Government's support for advanced logistics development in this location. It is for the respective planning processes (Local Plan, Development Consent Order, planning application) to determine an acceptable form of development.

- *b. The Freeport (including land within EMG1) can make a substantial contribution to the need for strategic warehousing and general needs employment. The Local Plan would be relying on it (with other sites) to help deliver the district's development needs. There are no alternative sites which could substitute for the Freeport site in this part of the District. It is logical for the Plan to support its development.*
- *c. The Freeport designation is unique to this site and the incentives and freedoms it brings will make it highly attractive to occupiers.*
- *d. "The planning system should be genuinely plan-led" (NPPF paragraph 15). A Local Plan Inspector is likely to expect the plan to take a definitive stance on this site."*

2.26 The Committee accepted the recommendations with regard to the scale of need and the apportionment to this sub area. They noted that insufficient sites were available to meet this full apportionment of need but they accepted the recommendation that the DCO Application site should be included as proposed employment allocation EMP90 in the forthcoming Regulation 19 version of the Local Plan.

2.27 Since the Local Plan is still at an early stage in its process towards adoption, I accept that it can only be given reduced weight in the consideration of the DCO Application and Joint Application. I do however consider that it is still an important consideration as:

- The Local Plan evidence base (Leicester & Leicestershire Strategic Distribution Needs and Apportionment Study (2025)) confirms a significant level of unmet employment need, how that is to be apportioned and the important role of the DCO Application site to meet that need.
- The Council's analysis of alternative sites has concluded that the DCO Application site should become a draft employment allocation.
- The Officer Report confirms that Freeport designation is locationally specific and hence that the incentives and freedoms that come with this designation will make it highly attractive to occupiers.
- The draft Regulation 18 Local Plan and 19th November 2025 Officer Report is not prescriptive on how the Freeport site is to be brought forward, noting that "it is for the respective planning processes (Local Plan, Development Consent Order, planning application) to determine an acceptable form of development".

2.28 I consider there is a demonstrable need to deliver employment development on the DCO Application site and that there is an expectation that it will be significantly let / occupied by 2031 in order to unlock the maximum economic value for the region. I consider however that the route to achieve this is not prescriptive within the East Midlands Freeport documents or the emerging Local Plan. As I will show in the next Section, the Joint Application route provides comparatively greater certainty of delivery of the Prologis/MAG Land to achieve the above requirement but that Compulsory Acquisition through the DCO Application route undermines this certainty and is of itself a more uncertain route which puts at risk the achievement of the economic objectives.

03 Prologis Objection to the DCO Application

- 3.1** Prologis' 'Relevant Representation' ('RR') sets out their objections to the DCO Application. These were supplemented by letter dated 2nd February 2026 from DLA Piper (Prologis' solicitor).
- 3.2** Section 3 of the RR sets out the Prologis objections in full. Prologis summarise the objections as follows:
- (a) SEGRO has failed to demonstrate that the scheme under the DCO Application is viable and deliverable nor have they demonstrated (with evidence) that development on the Southern Land is not viable as a standalone phase if development on the Prologis/MAG Land proceeds independently.
 - (b) The Environmental Statement ("ES") submitted with the application is deficient in that it fails to assess the environmental implications of preventing the Joint Application development being implemented and hence fails to assess the adverse socio-economic and land-use consequences of frustrating the Joint Application on the Prologis/MAG Land.
 - (c) The Funding Statement does not contain sufficient information to demonstrate a reasonable prospect of the finance required to acquire third-party land (and Prologis/MAG Land in particular) and to deliver including funding the forecasted total expected investment to deliver the scheme to SEGRO's timetable (including within the Freeport Window). Whilst the detailed objection in respect of the Funding Statement are beyond my expert competence, I do agree that SEGRO's programme claims are optimistic and do not accurately reflect Compulsory Acquisition lead-in, discharge of requirements and complex highways delivery risk, all of which would need to be achieved if its timetable of delivery within the Freeport Window is to be achieved and given weight.
 - (d) The DCO Application does not include key material:
 - a. An adequate highways assessment.
 - b. Evidence addressing the delivery of key mitigation.
- 3.3** As I will show in my next Section, I consider that the Joint Application is well progressed and (subject to determination) is capable of earlier, more certain delivery by Prologis in respect of the Prologis/MAG Land. Conversely I consider that the benefits asserted to flow from the DCO

Application are uncertain and that this could prejudice the delivery of employment land to meet established needs as well as thwarting the Freeport ambitions and its specific timescales.

- 3.4** I agree that Compulsory Acquisition powers over the Prologis/MAG Land should be refused or reduced in extent, because there is no “compelling case in the public interest” under Section 122 of the PA 2008. I understand that to meet this requirement the ‘public benefits’ must decisively outweigh the private loss endured by Prologis. I consider that this test is not met as Prologis have demonstrated that there are five ‘reasonable alternative’ routes to achieving comparable ‘public benefits’ without the need for Compulsory Acquisition.
- 3.5** I consider that the disadvantages identified by SEGRO of “piecemeal development” are not supported by the evidence and its allegation that delivery by more than one developer would not be “feasible” is not made out. Indeed I will refer to my own direct experience of Freeport development elsewhere to show how the Joint Application approach can work and has worked.
- 3.6** I therefore consider that the DCO Application site can be more efficiently delivered by more than one developer, using standard planning and highways mechanisms (e.g. design codes, Section 106 and Section 278 agreements) to ensure a coherent approach to place making, environmental mitigation, landscaping and infrastructure delivery.

04 The Joint Application

- 4.1** The Joint Application (planning application reference 24/00727/OUTM) relates solely to the Prologis/MAG Land. Prologis has freehold ownership of 12.55ha of the Joint Application site and has completed an option agreement with MAG, enabling Prologis to acquire the remaining 28.73 ha. The Joint Application was originally submitted by MAG on 31 May 2024, but is now being promoted jointly by Prologis and MAG. My Company has been engaged in relation to the Joint Application since January 2025. We updated the Joint Application through the submission of a package of information in November 2025. The Joint Application seeks outline permission for up to 135,000 sqm of Class B2/B8 floorspace (plus ancillary offices), together with a new all-movements junction on the A453. The up-to-date description of development is as follows:

“Outline planning permission (means of access from A453 fixed; all other matters reserved for future determination) for the construction of employment floorspace (use classes B2/B8) with ancillary (integral) offices (Use Class E(g)(i)(ii)(iii)); a training hub (use class F1); a transport hub (sui generis); and associated infrastructure including earthworks and creation of bunds, internal estate road, parking, pedestrian and cycle circulation; and landscaping (all)”

- 4.2** As I will demonstrate below, this outline planning application provides a clear, detailed, and deliverable framework for a future development scheme which will provide enhanced certainty in terms of timely delivery of development and hence it aligns with and supports the Freeport objectives. It does not frustrate other development within the EMG2 Wider Site.
- 4.3** Prologis are one of the joint Applicants and they have all the land within the Joint Application site under their control. MAG is the owner and operator of East Midlands Airport ("EMA"), alongside Manchester and London Stansted airports. EMA sits at the heart of the East Midlands Freeport. Prologis are an experienced developer who, as I set out below, have the resources and capability (as well as the land control) to deliver the Joint Application development.
- 4.4** Prologis confirm that they are “the largest global investor, developer, and long-term owner of modern sustainable distribution space. By bringing a dramatic new vision to logistics development, Prologis has built the first and largest global network of distribution facilities, enabling companies to streamline critical supply chain operations. Since entering Europe in 1997, Prologis has expanded its presence in strategic distribution markets into 13 countries. This rapid growth is directly linked to customer demand throughout the region, creating a distribution network that serves some of Europe’s largest and most dynamic manufacturers, retailers and third-party logistics providers. As a major Foreign Direct Investor within the UK, Prologis has \$10.4 billion of assets under management, 28 Prologis Parks and an operating portfolio covering 33.5m sq. ft. Prologis’ logistics buildings in the UK see the equivalent of

2.5% of UK GDP flowing through them each year. Over 100,000 people are employed by the businesses operating within its UK portfolio. Prologis has committed a further £3.9 billion investment into the UK over the next five years". I have worked for Prologis for several years and I have no doubt in their ability to deliver the Joint Application proposals.

- 4.5** The Joint Application is submitted in outline, with all matters reserved except access. Accordingly, appearance, layout, scale and landscaping are reserved for future consideration and will be addressed through subsequent reserved matters applications. The means of access to the site is submitted in full for determination as part of this Joint Application.

- 4.6** As fully detailed proposals are to be considered at the reserved matters stage, in order to demonstrate that the scale and nature of the proposed development is acceptable and to facilitate an effective consideration through the EIA process (in accordance with the 'Rochdale Envelope' approach) a Parameters Plan has been prepared and submitted with the outline planning application. The Parameters Plan provides a framework within which more detailed design proposals, at the reserved matters stage, will be developed. Future detailed reserved matters submissions will be in accordance with these parameters. The use class split for the employment floorspace will be 80% Use Class B8 (storage or distribution) and 20% Use Class B2 (general industrial) which I anticipate will be controlled through a suitably worded planning condition. The proposed B2/B8 floorspace will be delivered across a range of unit sizes within the land parcels (A-C) identified on the Parameters Plan.

- 4.7** The amended Parameters Plan identifies a series of development zones as well as large areas of structural landscaping. The proposed development zones are connected by the primary estate road access via new road junctions off the A453. A Principal Highway Access Corridor (which will include vehicle circulation, pedestrian and cycle circulation and ancillary landscape planting, drainage features and other associated infrastructure) has been identified to service the Southern Land and will be reserved to enable access to be provided to this land. Pedestrian and cycle routes are integrated within the development and form connections with existing PRowS and highway networks. The Parameters Plan also includes a linear strip of land to the south of the A453 which is referred to as "zone for potential future improvements of the A453 (to be undertaken by others)". This is to reserve land along the northern boundary of the Joint Application site to allow for the future dualling of the A453.

- 4.8** The submitted Parameters Plan sets out the maximum development parameters in terms of the use, floor areas and building heights. It identifies three development parcels, split into Parcels A, B and C. The Parameters Plan is included at Figure 2:

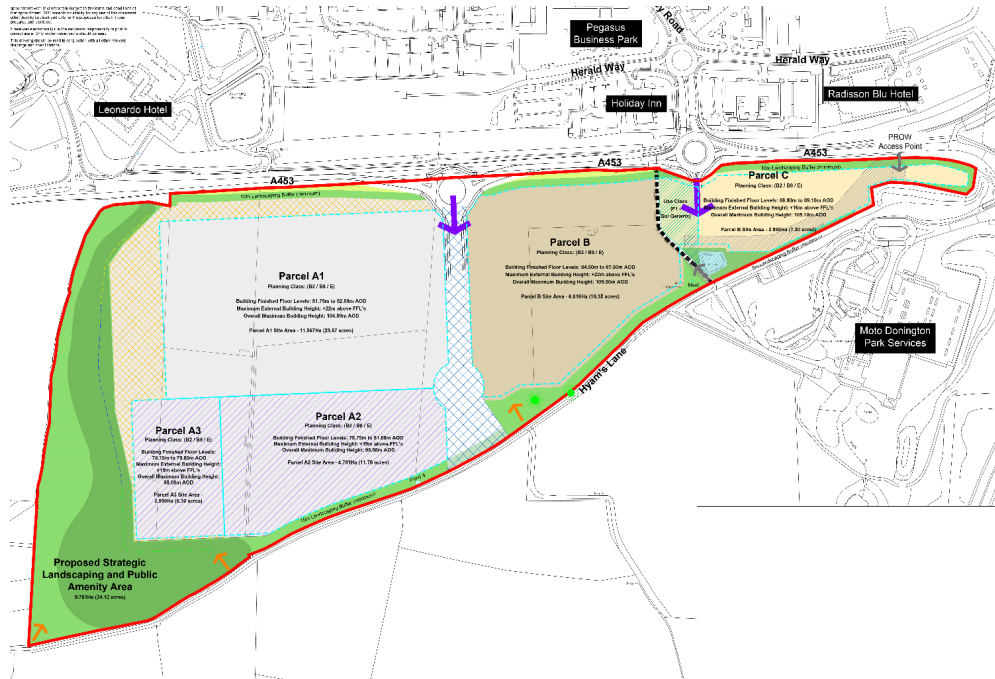


Figure 2 – Parameters Plan

- 4.9** Prologis have prepared two options as illustrative masterplans which demonstrate that there are many ways that the Joint Application site could be developed based on the parameters. Both options include the Principal Highway Access Corridor which comprises reserved land to facilitate access to the Southern Land. It should be noted that the illustrative masterplans are not for approval at this stage.
- 4.10** Masterplan Option 1 (shown below in Figure 3) consists of seven units, between 60,000sq ft and 612,000sq ft, which would support provision for a variety of size and forms of businesses.



Figure 3 – Illustrative Masterplan (Option 1)

- 4.11** Masterplan Option 2 (shown below in Figure 4), accounts for five units with the smallest being 91,000sq ft.



Figure 4 – Illustrative Masterplan (Option 2)

- 4.12** The Parameters Plan identifies two access points from the A453 to the north of the site. Both of these access points will have provision for vehicular, cycle and pedestrian access. The Design Code confirms that access for pedestrians and cyclists will be significantly enhanced as part of the proposed development, providing convenient and attractive walking and cycling routes across the development and providing links to new and existing offsite networks. These segregated pedestrian and cycleways will be 3 metres wide and integrated into the primary estate roads providing enhanced and seamless connections. Pedestrian access will be provided from the existing A453 footways and the new junctions which will be well served by crossing islands and well connected to the internal footpath network. In addition to this, a cycle link is proposed which will run north / south through the development linking into Hyam's Lane at the south of the site which continues via a network of quiet cycle routes into the village of Diseworth. The site is already well served by public transport, with the nearest existing bus stop located approximately 100m from the site. The Design Code provides that this will be further enhanced, providing a dedicated bus route which will serve the site thus forming part of a wider sustainable transport network.
- 4.13** A Strategic Landscape Plan has also been produced which indicates the existing trees and vegetation that are to be retained, as well as the existing vegetation that is to be removed in order to facilitate development. It also highlights the soft landscape area, potential area for public amenity and proposed screen planting and bunding.

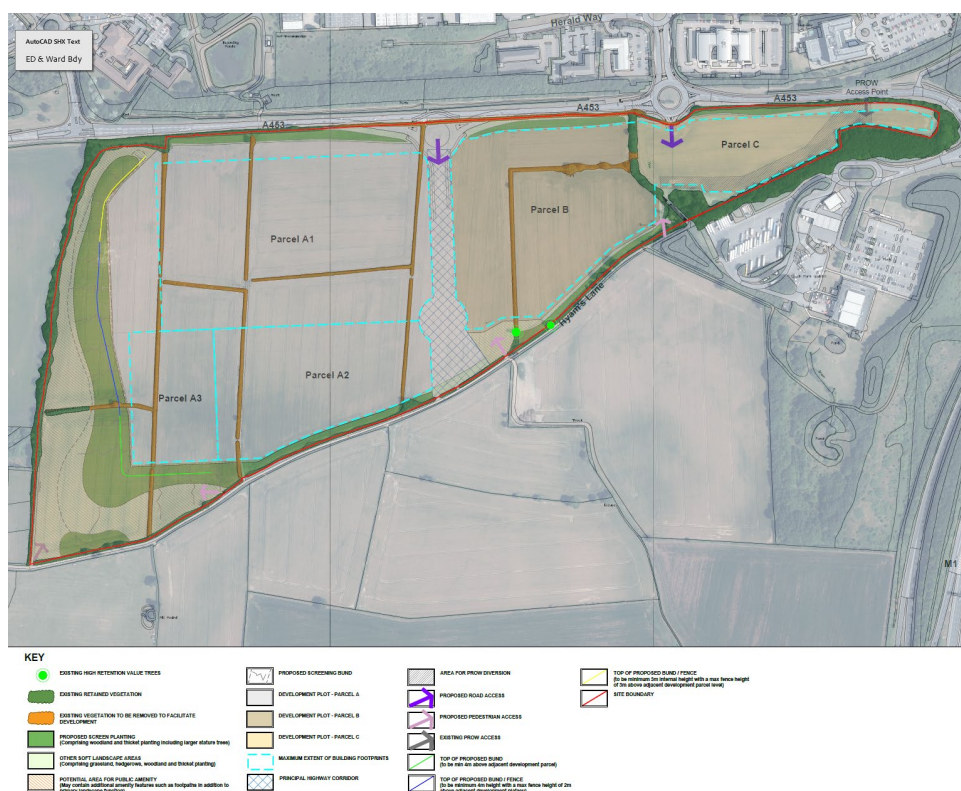


Figure 5 – Landscape Strategy Plan

- 4.14** Whilst the Joint Application is made in outline, with matters of design to be determined at reserved matters stage, the Parameters Plan guides the form, nature and disposition of the development parcels, the reserved Principal Highway Access Corridor and the Green Infrastructure. The Design Code sets out a series of guiding principles for how the future buildings and spaces will look and feel. It sets out principles to ensure that the proposal is built to a consistent and high standard, with careful attention to design, landscaping, materials and sustainability.
- 4.15** I consider that the approach taken in the Joint Application establishes a framework for the future development of the site that allows the environmental impacts of the Joint Application proposal to be assessed but which also allows for flexibility through the reserved matters submissions.
- 4.16** The Planning Statement produced by my Company confirms that the currently adopted North West Leicestershire development plan confirms a strong positive presumption in favour of granting planning permission for sustainable policy-compliant development that will deliver significant economic, social, and environmental benefits. Whilst the Joint Application site is not currently allocated for employment use, the Planning Statement demonstrates that the Joint Application proposal is broadly consistent with Policies S3 (Countryside) and Ec2 (New Employment Sites), recognising both the pressing need for additional employment land and the importance of mitigating landscape and heritage impacts. It further confirms that any limited policy conflict is not sufficient to outweigh the Joint Application's overall compliance with the development plan when read as a whole. Accordingly, I conclude that the Joint Application proposals benefit from the statutory presumption in favour of the development plan pursuant to Section 38(6) of the Planning and Compulsory Purchase Act and the positive presumption in favour of sustainable development under paragraph 11(c) of the NPPF. Given the substantial economic and public benefits that the Joint Application scheme will deliver I conclude that planning permission should therefore be granted without delay.
- 4.17** My conclusion is reinforced by the location of the Joint Application site being within the East Midlands Freeport (EMF) as I have set out in my Section 2. Whilst this is not a designation within the adopted Local Plan, it is a fundamental tenet of the Government's growth agenda and hence the Joint Application proposals are extremely well located to attract investment and stimulate local growth which will deliver significant economic and social benefits. Further, the Joint Application site is also proposed as an employment allocation within the emerging Local Plan and the Officer assessment that reached this conclusion confirmed that the respective planning processes (Local Plan, Development Consent Order, planning application) would determine the acceptability of the form of development.
- 4.18** The Joint Application is progressing through its consultation and evaluation process. Several of the major statutory and Council consultees have responded to confirm no objection to the proposals subject to conditions and / Section 106 Agreement or they raise matters that can be addressed as part of the subsequent reserved matters applications. These include: LCC Ecology; NWLDC Urban Design; LHA PRoW; East Midlands Combined Authority Public Transport; Active Travel England; NWLDC Conservation Officer; Natural England; and LLFA.
- 4.19** I also note that East Midlands Freeport responded to the Joint Application in January 2026. They welcomed the contribution towards economic regeneration and the economic benefits of the Joint Application along with the inclusion of the Transport Hub. They specifically noted:

“EMF recognise that there are different means of bringing forward the East Midlands Airport & SEGRO South portion of the EMAGIC tax site and there is no legislative requirement as to the delivery mechanism for development or for the entirety of the site to be brought forward by a single developer/as a single development. However, the importance of the 2031 deadline to the EMF and wider region should not be understated and as such it is imperative that development does not come forward in a manner which undermines the ability to comprehensively deliver the entirety of the site”.

4.20 The Freeport also noted the ongoing discussions with National Highways and the collaborative approach from several developers to addressing the transport issues. They confirmed that the Joint Application accords with the objectives of the East Midlands Freeport and requested that the Council ensure that the Joint Application proposals do not prejudice the wider site. They emphasised the importance of delivery and occupation by 2031. I address the issue of comprehensive development in detail later in my Report by reference to SEGRO’s objection.

4.21 The only outstanding issues to be resolved with the Joint Application relate to:

- Traffic modelling work and discussions with National Highways and Leicester County Council Highways.
- Design Code updates to address suggested amendments from the Council Urban Design Officer.
- Final landscape issues requested by Landscape Partnership on behalf of the Council.
- Further justification of the immediate need for employment development requested by the Council Planning Policy team.

4.22 I am aware that these issues are nearing resolution and that a planning committee in the summer of 2026 is being targeted for determination of the Joint Application.

4.23 SEGRO submitted objections to the Joint Application dated 1st July 2024 and 5th January 2026. The issues raised in the SEGRO objections were addressed in a letter from Prologis’ legal advisor (DLA Piper) dated 2nd March 2026. A summary of their response is set out below:

- The DCO is not a barrier to determination. The Secretary of State will decide SEGRO’s DCO on its own evidence. Granting the Joint Application would not prevent the DCO being made or implemented. Any DCO (if made) could include powers of compulsory acquisition that would override the pursuant planning permission if justified. We note that SEGRO has provided no explanation or evidence as to how the grant of planning permission could frustrate the DCO process.
- The Council must determine the Joint application on its own merits. Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”), the Council must decide whether this Application is policy-compliant and acceptable in planning terms. There is no requirement to identify the “optimum” use of the site. There is no requirement to compare this scheme with SEGRO’s DCO scheme. There is no policy basis to refuse a compliant application simply because another proposal exists for overlapping land. SEGRO’s alternative scheme is not before the Council. The only

question for the local planning authority is whether this proposal is acceptable in land use planning terms. It is.

- No “piecemeal” or prejudicial development. The Joint Application is a coherent, self-contained phase of development. It does not sterilise land south of Hyam’s Lane, predetermine future access, layout or mitigation, or constrain the delivery of any later phases. Phased delivery is commonplace as I will demonstrate below and supported by policy for large strategic sites. The local planning authority’s ability to secure appropriate mitigation and mechanisms including for delivery of offsite infrastructure at a significant scale, and design for future phases remains unaffected.
- Delivery of the Freeport. Granting planning permission pursuant to the Joint Application secures a deliverable, policy-compliant scheme capable of being built within the Freeport Window. The real uncertainty lies in SEGRO’s DCO process, which is subject to examination, viability, funding, compulsory acquisition justification, and ultimately the Secretary of State’s decision.
- Technical Assessments and Economic considerations. The Joint Application is supported by policy-compliant technical work proportionate to it being an outline application. The scheme delivers jobs, floorspace and investment now - securing early Freeport benefits and providing certainty for local stakeholders. Contrary to SEGRO’s objection, there is no evidence of severe transport impacts, unacceptable environmental effects, or granting permission harming economic growth.

4.24 I have reviewed the SEGRO objections and the DLA Piper response and I concur with the DLA Piper response. In my opinion the Joint Application must be determined on its own merits against the relevant decision making framework. Nothing in the DCO process prevents the Council from doing this. The Council is under a statutory duty to reach a decision on the material before it. I am not aware of any planning or legal basis for the Council to defer, delay, or decline to determine the Application because SEGRO has made its own DCO application. In my opinion once the outstanding matters have been addressed, the granting of planning permission for the Joint Application would not undermine or frustrate the DCO Application as I will set out in my Section 5. I am aware that SEGRO have sought to assert that the approval of the Joint Application would undermine the DCO process and it would mean that the certainty of timeline afforded through the DCO Application and certainty of delivery achieved by the powers sought are lost. I see no basis for that assertion. The merits of the DCO Application are determined through a separate statutory process and if the development consent for the DCO Application is granted then both that and the Joint Application planning permission will exist in parallel and it is then for the person controlling the land to decide which to implement.

4.25 As part of the updated information submitted as part of the Joint Application in November 2025, Prologis made amendments to their scheme to address some of the criticisms by SEGRO. These were primarily related to increasing the size of the roundabout on the A453 to accommodate additional traffic movements from the Southern Land and provision of the Principal Highways Corridor to facilitate access through the Prologis/MAG Land to the Southern Land. Despite these changes, SEGRO subsequently changed from their Feb 2025 consultation position (Figure 6 below) of having two accesses onto the A453 (one of which broadly aligned with the Joint Application access point) to a single access point approach (Figure 7) relying solely upon the access point further east on the A453 and deleting the

western access point which now forms part of the Joint Application scheme. Despite this, it is my opinion that the broad location of the Principal Highway Access Corridor access to Hyam's Lane remains compatible with the DCO Application parameters at this point such that SEGRO development on the Southern Land marries with the Joint Application development on the Prologis/MAG Land.

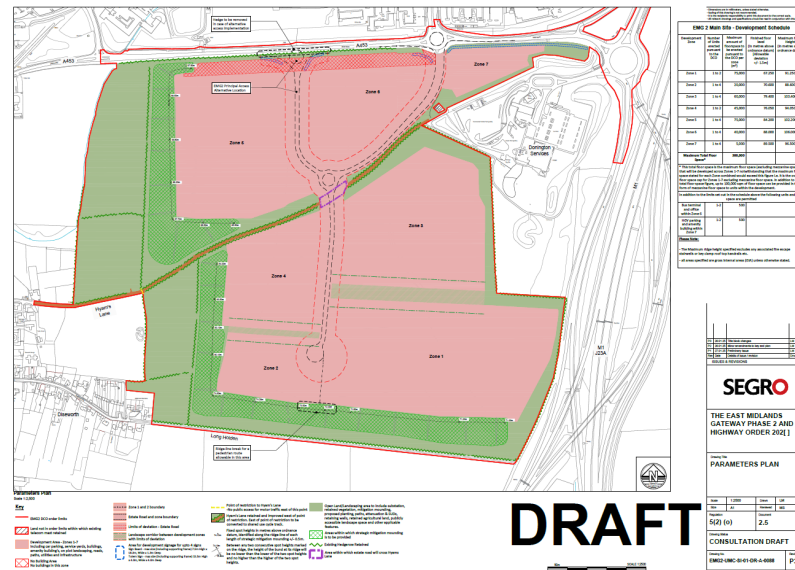


Figure 6 – Feb 2025 Draft DCO Application Parameters plan.

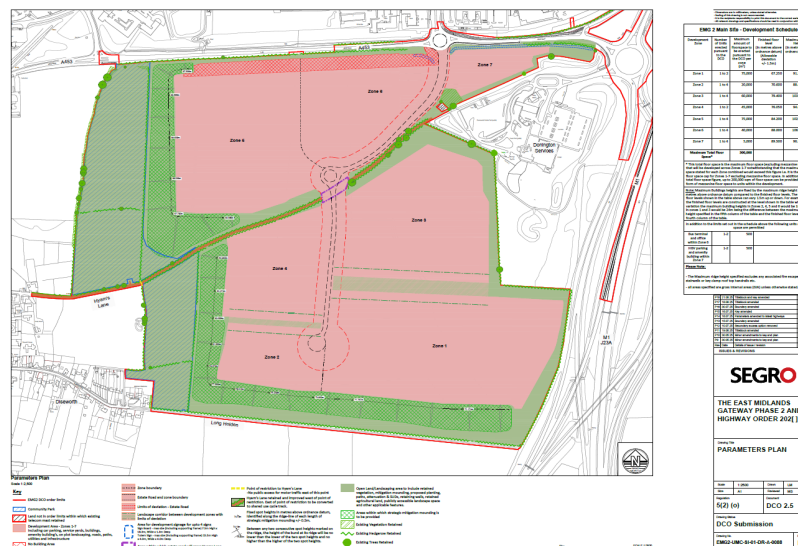


Figure 7 – Sept 2025 DCO Application Parameters plan.

- 4.26** As I have previously noted, I consider that the outstanding issues in respect of the Joint Application are capable of early resolution and I would expect the Joint Application to be in a form that could be considered by the Council Planning Committee in Summer 2026. Prologis' legal team are preparing a draft Section 106 Agreement and my Company will work with the Council to agree any relevant planning conditions and therefore I would anticipate that planning permission could be issued in Q2/3 2026.
- 4.27** I understand that the DCO Application (including the request for Compulsory Acquisition) is unlikely to be determined until early 2027 and that Prologis would be unlikely to proceed with built development or be able to obtain occupier commitments "at risk" under the shadow of Compulsory Acquisition. While the Joint Application provides a pathway to secure planning permission earlier, I am informed that the reality is that any prospective occupier, taking its own legal advice, would identify the risk associated with entering into an agreement for lease or committing to occupation where there remains a risk that the site could be subject to Compulsory Acquisition through the DCO. That is a fundamental commercial constraint. Prologis reputation and track record for delivering, is what provides its customers with the confidence to commit to significant capital investment with Prologis as their partner. Obtaining an Outline Planning permission for a scheme of this type would be the normal trigger point to give adequate confidence to commit.
- 4.28** What I understand Prologis can do, however, is to materially advance the Prologis/MAG site in the interim. That includes securing the Joint Application permission and progressing reserved matters so that the scheme is "oven-ready" and capable of responding immediately to market demand once the DCO position is resolved. The Joint Application therefore enables earlier planning certainty and site readiness, but not full implementation or occupation in advance of clarity on Compulsory Acquisition. In contrast, the DCO Application route delays even that preparatory progress and introduces a longer overall programme. Accordingly, while both routes are constrained by the same commercial reality around occupier commitment, the Joint Application still provides a materially more flexible and responsive pathway, allowing development to be mobilised much more quickly once the uncertainty of Compulsory Acquisition falls away. On this basis, Prologis anticipate that construction will commence in early 2027. The first development parcel will be operational in 2028 with the entire development fully operational by 2029/30. The Joint Application scheme can therefore be fully delivered within the Freeport Window.
- 4.29** In contrast, the DCO Application is unlikely to be determined until early 2027 with SEGRO stating in their planning statement that the EMG2 works will be completed by the end of 2031. I consider the latter date to be highly optimistic as the preparatory progress referred to above is unlikely to be achieved in advance of the DCO Application decision as the 'requirements stage' of submitting and determining detailed scheme designs is only likely to progress after the DCO decision in early 2027. The DCO Applicant would also have to undertake the Compulsory Acquisition process, which is likely to result in further delay as the Prologis Written Representation notes in paragraph 5.23 (c) "The DCO Scheme, by contrast, requires a favourable DCO decision (expected no earlier than Q1 2027 at best), followed by the CA critical path of security provision, general vesting declaration, service of notices, possession and compensation proceedings - steps that are entirely absent from the Joint Application route. It also assumes no challenge is brought under section 118(1) PA 2008".

4.30 I consider that the Joint Application route promoted by Prologis will facilitate the delivery of up to 135,000sqm of modern, sustainable industrial logistics floorspace within the Freeport 'Tax Site'. Importantly, the Joint Application is able to do this materially in advance of the DCO Application, with build-out rates expected to be comparable but with Prologis having a clear ability to commence development on land already within its control earlier than SEGRO could as it has to complete the Compulsory Acquisition of the Prologis/MAG Land. This earlier commencement will ensure that the Freeport benefits that would be delivered by the development proposed in the Joint Application are realised within the Government's stated window of Freeport tax relief which is due to expire in September 2031 ("Freeport Window"), thereby maximising economic value and supporting the objectives of the Freeport programme.

4.31 I consider that delivery of the 'public benefits' on the Prologis/MAG Land sought through the Freeport ambitions can be achieved through the Joint Application route. The Joint Application offers substantial economic, social and environmental benefits, including:

(a) Economic Benefits:

- (i) Up to 135,000 sqm of floorspace across 41 hectares / 102 acres, accommodating diverse businesses including high-growth sectors (life sciences, advanced manufacturing) and logistics.
- (ii) Addresses critical shortage of industrial units in a high-growth region, ensuring availability of modern, suitable premises for occupiers.
- (iii) Up to 186 construction jobs and 1919 occupational jobs.
- (iv) Enhances benefits through East Midlands Freeport designation, attracting forward-thinking industries and supporting regional economic growth.

(b) Social:

- (i) Dedicated Training Hub offering fully funded courses for school leavers, unemployed individuals, and career changers, linked directly to employers.
- (ii) Enhances cycle and pedestrian networks within and around the Prologis/MAG Land, prioritising safe, segregated routes and connectivity to Hyam's Lane and Diseworth.
- (iii) Community focused development (including a community park) delivered in line with Prologis' PARKlife scheme, creating amenity spaces and walking routes, reinforcing social and community benefits.

(c) Environmental:

- (i) Net carbon zero targeted by 2040, targeting EPC A+ energy efficiency and integrating solar panels across all buildings.
- (ii) Targeting BREEAM Outstanding for building design.
- (iii) Provision of onsite Public Transport Hub to support sustainable travel options for users and visitors.

- 4.32** The Joint Application also delivers Freeport benefits. The East Midlands Freeport Business Plan states that the Freeport should target securing investment from sectors within the logistics, life sciences and advanced manufacturing industries. The Joint Application seeks to deliver this and the Freeport's core objectives – long-term economic growth, high-quality jobs, and sustainable development – by attracting investment through the following Freeport benefits:
- (a) the Joint Application delivers a dedicated Transport Hub with integrated bus facilities, EV charging, and enhanced walking and cycling links, ensuring sustainable travel benefits;
 - (b) the Joint Application provides a Community Park alongside a landscape-led masterplan with significant public green space, biodiversity net gain, and the proven benefits of the PARKlife initiative to promote community access and wellbeing;
 - (c) the Joint Application offers dedicated training and upskilling via an on-site Training Hub directly linked to local employers and schools;
 - (d) in terms of sustainability, the Joint Application targets BREEAM Outstanding, EPC A+, and all-electric buildings with rooftop solar; and
 - (e) the Joint Application proposes a greater floorspace in respect of the Prologis/MAG Land as well as the potential for more units and a wider range of unit sizes than the DCO Application, this provides for a broader customer base from which it can secure investment.
- 4.33** As such, the Joint Application is capable in my view of delivering the Freeport objectives on the Prologis/MAG Land with a comprehensive benefits package across economic, social, and environmental aspects.

05 ‘Reasonable alternatives’ to Compulsory Acquisition.

- 5.1** Prologis are seeking to bring forward employment development upon the land that they control (Prologis/MAG Land) through a Town and Country Planning Act planning application route. I have demonstrated in the previous Section that I consider this to be entirely appropriate and that it has a strong prospect of securing planning permission which will enable Prologis to deliver employment development that aligns with the Freeport economic objectives within the Freeport Window.
- 5.2** SEGRO set out in Section 5 of their Statement of Reasons (‘SoR’) why they consider that there is a compelling case in the public interest for Compulsory Acquisition of the Prologis/MAG Land as in their view, it is required to carry out the development to which the DCO relates (SoR paragraph 5.7). They assert in SoR paragraph 5.68 that they have explored alternative options for the DCO scheme and concluded that there are no alternatives to the DCO Scheme which will deliver the benefits which are capable of being secured by the DCO Scheme. Within the SoR they identify a series of claimed ‘benefits’ arising from the DCO Application and from paragraph 5.57, they set out perceived ‘harms’ arising from ‘piecemeal development’ which they assert will arise from the grant of planning permission for the Joint Application proposal and its subsequent implementation.
- 5.3** I shall now address the issues raised by SEGRO as follows:
- Have SEGRO addressed all ‘reasonable alternatives’ to Compulsory Acquisition?
 - Does the Joint Application represent a ‘reasonable alternative’ to Compulsory Acquisition?
 - How do the adverse impacts of frustrating the Joint Application affect the case advanced by SEGRO to seek to justify Compulsory Acquisition?

Have SEGRO addressed all 'reasonable alternatives' to Compulsory Acquisition?

- 5.4** The SEGRO SoR (paragraph 5.68) states that “in Chapter 4: Assessment of Alternatives of the Environmental Statement (Document DCO 6.4), the DCO Applicant has explored alternative options for the DCO Scheme and has concluded that there are no alternatives to the DCO Scheme which will deliver the benefits which are capable of being secured by the DCO Scheme. The alternative of piecemeal development is not a feasible alternative for the reasons set out above”.
- 5.5** I consider that the reliance placed on Chapter 4 of the Environmental Statement is misplaced as that document serves a different and more limited purpose in fulfilling a specific requirement of the EIA Regulations concerning the environmental impacts of proposed developments. The consideration of alternatives in the Compulsory Acquisition context needs to be broader and reflect a positive obligation to consider alternative approaches such as negotiated agreements and changes to the scheme so as to avoid or reduce the need for the use of compulsory purchase powers. The obligation comes from a recognition of the draconian nature of Compulsory Acquisition and the serious adverse consequences it has for the human rights of those affected.
- 5.6** The Prologis Relevant Representation (paragraph 3.5) states that ‘realistic alternatives’ exist now and that each ‘reasonable alternative’ is capable of delivering the Freeport objectives without Compulsory Acquisition over the Prologis/MAG Land. It sets out five ‘reasonable alternatives’ that could and should have been properly considered and pursued by SEGRO prior to embarking on an approach that relies on Compulsory Acquisition and explains that even now many are still capable of earlier or materially more certain delivery than the development pursuant to the DCO Application. I address these in more detail below:
- “(a) excluding powers of compulsory acquisition over the Prologis/MAG Land and allowing Prologis/MAG to deliver similar commercial development under the Joint Application”. If the DCO Application is granted with the Compulsory Acquisition powers excluded, then I consider that with the threat of Compulsory Acquisition removed, Prologis would have certainty to develop out any planning permission granted pursuant to the Joint Application. In this scenario, both the DCO permission and Joint Application permission would exist but Prologis would implement the Joint Application permission. This would provide certainty of the realisation of the benefits associated with the Joint Application in an accelerated timescale (compared to that set out in the DCO Application). It would therefore provide certainty of delivery of the benefits associated with the Joint Application (on the Prologis/MAG Land) which as I will explain in my next Section are similar to or greater than those proposed for the Prologis/MAG Land as part of the DCO Application. It would not provide certainty for the delivery of employment development (with consequential benefits) on the Southern Land but the Joint Application scheme will however facilitate the Principal Access Corridor that could provide access to the Southern Land as I assess in alternatives (b) – (e) below.
 - “(b) providing no more than access across the Prologis/MAG Land (i.e. a vehicular tie-in via the Joint Application’s spine road which has been designed to enable development of the Southern Land) enabling SEGRO (or others) to bring forward the Southern Land in due course”. I have set out two alternative scenarios (b)(i) and (b)(ii) below:

- Scenario (b)(i). In this scenario, if the DCO Application is granted then it would be with the Compulsory Acquisition powers scaled back to only include the interests in the land necessary to tie the Joint Application Principal Highway Access Corridor into the Southern Land. I have highlighted this area indicatively on Figure 8 below which shows the Joint Application 'spine road land' in light blue and the area identified as 'link road access land' in salmon. Both these elements (light blue and salmon) would comprise the extent of the reduced Compulsory Acquisition area. This scenario would facilitate highway access through the Prologis/MAG Land to the Southern Land via a joint use of the Principal Highway Access Corridor.
- Scenario (b)(ii). In this alternative scenario reflecting the same principle, the Compulsory Acquisition powers would be scaled back to only the main access corridor identified in the DCO Application parameters plan. This alternative scenario would allow SEGRO to proceed to develop the Southern Land it currently controls pursuant to the development consent that would be granted by the DCO, to secure access to that land, and to construct and maintain the proposed access roads and associated infrastructure to facilitate that access. Prologis would be granted the requisite powers under the DCO approval to deliver the DCO approved development on the Prologis/MAG Land. In that scenario Prologis/MAG would be able to carry out the development proposed as part of the DCO scheme on their land rather than that proposed in the Joint Application. For reference, I have shaded the DCO main access corridor indicatively (below) on Figure 9 in dark blue.
- In both of these alternative scenarios, the relevant corridor or sufficient land rights would be compulsorily acquired by SEGRO but powers of Compulsory Acquisition would be removed from the rest of the Prologis/MAG Land. This would provide Prologis with the certainty to develop out the rest of the Prologis/MAG Land. This would deliver employment development on the majority of the Prologis/MAG Land to achieve the Freeport objectives on this part of the wider site. In this scenario, putting the Prologis concerns over viability of the DCO Application scheme aside, access would be capable of being compulsorily acquired by SEGRO to provide access to the Southern Land. This would allow the Southern Land to be brought forward by SEGRO.
- Under the first scenario (b)(i), the Joint Application development would commence in accordance with the timetable set out by Prologis (i.e. commencement on site in early 2027) with the first phase being operational in 2028 and the rest of the Joint Application development being operational by 2029/30. On the basis that the DCO Application is granted in early 2027 (with amended (reduced) Compulsory Acquisition powers), I would anticipate that SEGRO could then progress delivery of their scheme in accordance with their timetable. Putting aside the concerns over the timetable and the viability of the SEGRO scheme, this would allow SEGRO to develop the Southern Land within the Freeport Window. This would provide certainty and accelerated delivery of the benefits associated with the Joint Application scheme and provide the opportunity for SEGRO to deliver the benefits associated with development of the Southern Land within the Freeport Window if they could progress this viably.

- Under scenario (b)(ii), development may proceed at a slower pace than scenario (b)(i) but could proceed at the same pace as if the DCO is granted as sought. In practice however, delivery may be accelerated because of the positive effects of competition between developers building out their own land parcels.
- What these two sub-options (scenarios (b)(i) and (b)(ii)) have in common is that they confine the extent of Compulsory Acquisition to the land that could conceivably be argued as being needed to 'unlock' development of the Southern Land if all reasonable endeavours had been made to negotiate an agreement for the necessary access with Prologis/MAG and had proved unsuccessful.



Figure 8 - Reduced Compulsory Acquisition area highlighted in light blue and salmon (Scenario (b)(i)).

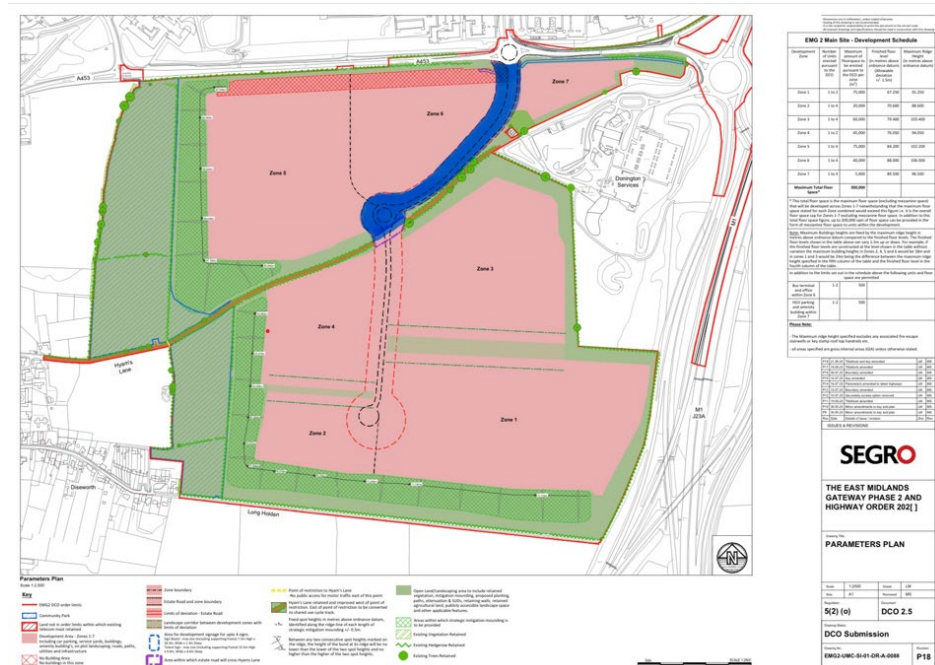


Figure 9 - Sept 2025 DCO Application Parameters plan with reduced Compulsory Acquisition area highlighted in dark blue (Scenario (b)(ii)).

- “(c) making the DCO without compulsory acquisition powers over the Prologis/MAG Land, so that Prologis/MAG receive the requisite powers under the DCO to deliver the DCO development on their own land in reliance on s.156 PA 2008”. In this scenario, the DCO Application would be granted (with the Compulsory Acquisition powers excluded). Prologis would however be granted the requisite powers under the DCO approval to deliver the DCO approved development on the Prologis/MAG Land. I would anticipate that the grant of development consent pursuant to the DCO could be combined with standard planning and commercial mechanisms such as a Joint Venture agreement which could be entered into between SEGRO and Prologis to allow Prologis to develop the Prologis/MAG Land and to allow SEGRO to develop the Southern Land in accordance with the DCO approval. Such a Joint Venture could address matters such as equalisation of the costs of development both in terms of off-site highway improvements and on site delivery of the main spine road through the Prologis/MAG Land along with any necessary utilities or other physical infrastructure requirements. This route would provide certainty of the realisation of the DCO Application scheme in full with all the benefits that SEGRO claim. It would allow these two highly experienced developers to deliver all the main claimed benefits without the Compulsory Acquisition of the Prologis/MAG Land interests. It would not however achieve the benefits which the Joint Application would deliver.
- “(d) targeted amendments to the DCO Application to substitute the Joint Application parameters for those currently proposed”. In this scenario the DCO Application would be granted (with the Compulsory Acquisition powers excluded). The DCO approval would however include targeted amendments to the DCO Application to substitute in, the Joint

Application parameters for the Prologis/MAG Land instead of the parameters currently proposed in the DCO Application. This substitution could for example confirm the Joint Application access arrangements off the A453 along with the Principal Highway Access Corridor to facilitate access to the Southern Land. It could also confirm the Joint Application development zones and western boundary 'strategic landscaping and public amenity areas', Country park and Training Hub in order to maximise the economic benefits of the EMG2 Wider Site. As in scenario (c), Prologis would implement the DCO approval with the targeted amendments on their own Prologis/MAG Land. I would anticipate that these DCO powers could be combined with standard planning and commercial mechanisms such as a Joint Venture agreement which could be entered into to allow Prologis to develop the Prologis/MAG Land and to allow SEGRO to develop the Southern Land in accordance with the DCO approval. Such a Joint Venture could address matters such as equalisation of the costs as I set out for scenario (c). This scenario would provide certainty of the realisation of the DCO Application scheme with the amended parameters described above. The process for substitution of the Joint Application parameters as targeted amendments into the DCO Application would address any potential incompatibilities between the two schemes as currently formulated, thereby allowing both elements to be implemented as part of this 'hybrid' approach. This process would also ensure that the environmental effects of this 'hybrid' scenario are fully assessed as part of the decision making to authorise this combined development approach for the whole EMG2 Main site. This would allow Prologis to implement their scheme parameters (as part of this hybrid DCO approval) on the Prologis/MAG Land and allow SEGRO to implement their scheme parameters for the Southern Land. This would achieve the main benefits that SEGRO claim along with the additional benefits from the Joint Application proposal including the associated benefits of the training hub. This would allow these two highly experienced developers to deliver the combined public benefits without the Compulsory Acquisition of the Prologis/MAG Land interests.

- "(e) a joint venture arrangement to bring forward the development comprised in the DCO Application with such variations to be agreed between the parties including enhanced benefits from the Joint Application". In this scenario the DCO Application would be granted (with the Compulsory Acquisition powers excluded) and the whole DCO scheme would be jointly implemented by SEGRO and Prologis through a Joint Venture vehicle. This Joint Venture vehicle may choose to include amendments to the DCO Application to reflect the Joint Application parameters where appropriate but any such amendments would be the subject of an agreement between both parties through a Joint Venture arrangement. In this scenario, Prologis would not be tied to implementing development solely on the Prologis/MAG Land and SEGRO on the Southern Land, rather the Joint Venture vehicle would implement the whole DCO scheme irrespective of current land ownerships / controls. Such a Joint Venture would therefore address all combined cost matters to ensure that the comprehensive scheme can be developed out. This route would provide certainty of the realisation of the DCO Application scheme which would achieve all the benefits that SEGRO claim along with any additional benefits agreed by the Joint Venture vehicle including those reflected in the Joint Application proposal. This would allow these two highly experienced developers to deliver the combined public benefits through a Joint Venture agreement without the Compulsory Acquisition of the Prologis/MAG Land interests

- 5.7** I consider that each of these ‘reasonable alternative’ scenarios demonstrates that the Freeport objectives can be achieved without Compulsory Acquisition over the whole of the Prologis/MAG Land. SEGRO’s SoR sets out criticisms of the Joint Application approach but it does not directly address any of the above ‘reasonable alternative’ scenarios or even suggest that they were given proper detailed consideration before the decision was made to proceed to seek Compulsory Acquisition. Instead, it appears that SEGRO decided to seek powers of Compulsory Acquisition from the outset, rather than only deciding to seek them as a last resort once other options had been fully explored and discounted. Within this context, I will however now assess whether the criticisms levelled against the Joint Application approach in the SEGRO SoR Section 5 are justified.

Does the Joint Application represent a ‘reasonable alternative’ to Compulsory Acquisition?

- 5.8** As I have set out in paragraph 5.6 above, it is my clear opinion that several ‘reasonable alternative’ approaches exist now and that they are capable of achieving the same or very similar public interest benefits. Reasonable alternative scenarios (a) and (b)(i) would involve implementing the Joint Application scheme, if planning permission is forthcoming. Scenarios (b)(ii), (c), (d) and (e) would involve implementing the DCO scheme and in some cases substituting some or all of the parameters established through the Joint Application into the DCO scheme. As I have set out in Section 2 of my Written Report, I consider that the EMG2 Main Site has significant locational and fiscal advantages through its proximity to the Strategic Road Network as well as being part of the Freeport Tax site, which means that it is a highly attractive opportunity for Logistics and Advanced Manufacturing. In this context, I have demonstrated that in scenario (a) the certainty of delivering the public benefits on the Prologis/MAG Land is enhanced (compared to the DCO Scheme) but that whilst the certainty of achieving all the public benefits of the DCO comprehensive development across the whole EMG2 Main Site is diminished, the locational advantages above mean that I would anticipate that the Southern Land would still be brought forward for development by another means. In scenario (b)(i) the certainty of delivering the public benefits on the Prologis/MAG Land is maintained and the potential for realising the public benefits through the development of the Southern Land is enhanced. In scenarios (b)(ii), (c), (d) and (e) the DCO scheme would be implemented either by Prologis and SEGRO separately or through a formal Joint Venture and hence the public benefits of the DCO scheme would be achieved in full and in scenarios (d) and (e) these public benefits could be enhanced through the substitution of some or all of the parameters of the Joint Application scheme into the DCO. None of these scenarios require the full Compulsory Acquisition of the Prologis/MAG Land. I therefore now assess the Joint Application scheme in this context.
- 5.9** In scenarios (a) and (b)(i), the Joint Application development would be delivered by Prologis on the northern Prologis/MAG Land. It is a policy-compliant, deliverable development. The benefits of the Joint Application are readily realisable once planning permission is granted and the DCO decision is issued confirming exclusion of Compulsory Acquisition powers, as the required land ownership / contractual control has already been secured and I understand that the viability of the development is robust. The Joint Application has been specifically designed to provide the opportunity for an appropriate access corridor through to the Southern Land to facilitate the delivery of the Southern Land development by SEGRO.
- 5.10** Below I consider the ‘public benefits’ claimed by SEGRO in their SoR (paragraphs 5.12 – 5.56) and assess whether those benefits are overstated and whether the Joint Application can

deliver equivalent benefits, proportionate to the Prologis/MAG site area. My response should be read alongside the SoR and for ease I have utilised the headings within the SoR and have identified the relevant SoR paragraph numbers in brackets.

- 5.11** Need for industrial and logistics development (SoR paragraphs 5.16 – 5.22). SEGRO state that the EMG2 Main Site is one of the best locations for industrial and logistics in the UK, that the sector's economic potential is constrained by a lack of supply and that the DCO Scheme represents a major and prime opportunity to deliver a significant contribution to meet the shortfall in supply of industrial and logistics floorspace. I concur with this conclusion but recognise that this conclusion is based upon the locational advantages of the site which are the same for the both the DCO Application scheme and the Joint Application scheme.
- 5.12** The DCO Application seeks approval to deliver a maximum of 300,000 sqm of floorspace across the entire site, with a maximum of 120,000 sqm delivered within the 3 Development Zones within the northern extent of the site. This is in addition to 200,000 sqm of mezzanine space which will be provided across Zones 1-7. The Joint Application seeks to deliver up to a maximum of 135,000sqm, of which 80% is Use Class B8 (storage or distribution) and 20% Use Class B2 (general industrial). A maximum of 10% of the total floor space within the units is expected to be the ancillary office use. From the above, it is clear to me that the Joint Application scheme could deliver more employment space on the Prologis/MAG Land (135,000sqm) than the DCO Application (120,000sqm) but I recognise that the disposition of the DCO Application mezzanine space could affect this. I have however not seen a breakdown of the disposition of the mezzanine space for the DCO scheme solely within the 3 Development Zones within the northern extent of the site. Subject to clarification from SEGRO on how much mezzanine space will be delivered within the 3 Development Zones within the northern extent of the site, I conclude that the Joint Application could deliver more employment floor space within the Prologis/MAG Land than the DCO Application scheme and hence that it could deliver a greater amount of employment development than the DCO Application to maximise its locational advantages.
- 5.13** SEGRO indicate that the EMG2 Main Site would be anchored by a new centralised UK operation for Maersk, one of the world's largest integrated shipping and logistics companies, which could potentially make up a third of the EMG2 Main Site. The DCO Application is for a Scheme which comprises the East Midlands Gateway Phase 2 (EMG2) Works for a Business and Commercial component and a Highways Works component. The DCO Application seeks outline approval for Logistics (B8) and Advanced Manufacturing (B2) uses and hence is not specifically designed for Maersk. The Section 35 Direction refers to a logistics and manufacturing hub, including a substantial carbon neutral campus / headquarters including co-located head office functions. I note from the Planning Statement for the DCO Application that Maersk is referred to as an "intended occupier" (paragraphs 3.7 and 3.63 – 3.65). I have read the Maersk letter attached to the Planning Statement and note their support for the EMG2 project but I have seen no firm contractual commitment from Maersk to deliver their operation through SEGRO as part of the DCO Application proposal. I have also not seen a plan of where Maersk would be located within the EMG2 Main Site but since SEGRO indicate that Maersk could potentially make up a third of the EMG2 Main Site then I consider that in physical terms, this scale of requirement could be accommodated on either the Southern Land or the Prologis/MAG Land as either are likely to be of sufficient size. In the absence of any firm commitment, I therefore question whether this benefit will actually be delivered in the event

that the DCO is granted and hence due to this significant uncertainty, I consider that it can attract only limited weight. Furthermore, if it is a benefit then I consider that it could be achieved equally through the Joint Application or DCO Application route and it therefore cannot properly be said to weigh in favour of justifying Compulsory Acquisition.

- 5.14** SEGRO also indicate that the proximity of the EMG2 Main Site to the rail terminal at EMG1 is also a key advantage and that Maritime, the operators of the EMG1 rail terminal, have expressed their strong support for the DCO Scheme. They indicate that the DCO Scheme, given its proximity to the rail terminal will further increase the demand for rail. Again I consider that this is a benefit of proximity of the EMG2 Main Site to the EMG1 rail terminal which applies equally to the development proposed in the Joint Application.
- 5.15** Investing in the local, regional and national economy (SoR paragraphs 5.23 – 5.31). SEGRO also indicate that the EMG2 Main Site benefits from the Freeport designation. I concur with this conclusion as I have set out in Section 2. SEGRO confirm that the DCO Application aligns with the objectives of the Freeport designation. As I will set out below, the Joint Application scheme provides similar or greater economic benefits compared to the DCO Application scheme for the equivalent Prologis/MAG site area. The SoR paragraph 5.26 sets out the construction and operational stage jobs, and gross added value benefits of the DCO Application.
- 5.16** The Joint Application also sets out the construction and operational stage jobs, and gross added value benefits as follows:
- During the construction phase: approximately 186 construction jobs; an estimated 153 net additional construction jobs on and off-site per annum (once displacement and multipliers are accounted for) and an estimated £120 million temporary gross value added (GVA).
 - During the operational phase: up to 1,919 jobs (gross). An estimated net local employment totalling up to 790 jobs and regional operational employment totalling up to 1,938 equating to 2,728 net additional jobs once displacement and multipliers are accounted for. The annual gross contribution to GVA from operational employment is estimated to be up to £124 million per annum. An estimated £4.84 million total business rates income per annum.
- 5.17** The SoR does not break the DCO Application assumptions down between the Prologis/MAG Land and the Southern Land and hence I cannot accurately disaggregate the DCO Application scheme benefits for solely the Prologis/MAG Land. I have however undertaken a high level disaggregation based on floor area. In terms of floor area for the DCO Application, the Prologis/MAG Land area of the site could accommodate up to 120,000 sqm (out of a total of 300,000 sqm – excluding mezzanines). This equates to 40% of the floor area though I recognise that this may increase if the mezzanines were disaggregated. In the absence of this disaggregation, I have applied this ratio of 40% to the 360 total construction jobs for the DCO Application which equates to 128 construction jobs. Applying the same ratio to the 4,000 total operational jobs, this equates to 1600 operational jobs. It is therefore evident to me that the Joint Application equivalent figures of 186 (construction) and 1,919 (operation) are higher than those for the DCO Application which is likely to be due to the greater floor area that the Joint Application achieves. I do not therefore consider that the above socio-economic benefits can

only be attributed to the DCO Application. Indeed based upon my high level calculation, the socio-economic benefits of the Joint Application could in fact be proportionately higher for the Prologis/MAG Land.

- 5.18** The Statement of Reasons recognises that these jobs can be high value, well paid and require a diverse range of advanced skills and that SEGRO will seek to ensure that the employment and skills opportunities from the DCO Scheme are maximised. SEGRO propose that 'employment schemes' will be prepared by them; that an 'Employment and Skills Group' will be formed; and that a 'Community Investment Plan' will be prepared and implemented.
- 5.19** Prologis are also committed to ensuring that the employment and skills opportunities from the Joint Application scheme are maximised and they are also committed to providing for 'employment schemes' to be prepared and approved by the Council both before construction and before occupation of a completed building. Prologis are also committed to delivering a Training Hub on site which is a purpose-built centre for logistics training and education and other uses incidental to the wider management of the park. This is a dedicated focus to help young people and unemployed residents across Leicestershire to gain the skills, knowledge and competencies needed to access employment and build long-term careers in the logistics sector. This would be modelled upon Prologis' successful DIRFT Training Hub in Northamptonshire which has already supported the training of over 2500 individuals. The facility will act as the social and operational heart of the development, providing a dedicated space for occupiers to deliver workforce training and professional development. The Training Hub would deliver significant socio-economic benefits. It will provide targeted programmes for school leavers, young people not in education, employment or training, individuals seeking to reskill, and those furthest from the labour market, including ex-offenders. Through partnerships with local schools, colleges and employment support agencies, the Hub would foster inclusive access to high-quality training, create clear pathways into logistics careers and strengthen the social value contribution of the development. By embedding workforce development within the site, the Training Hub will play a vital role in supporting local employment growth, enhancing productivity and promoting long term economic resilience across the region.
- 5.20** I therefore consider that both the Joint Application and DCO Application routes could achieve similar proportionate employment and skills benefits for the Prologis/MAG site area but that the Joint Application Training Hub offers greater specific benefits through a dedicated on-site focussed resource.
- 5.21** A second phase of EMG1 (SoR paragraphs 5.32 – 5.39). SEGRO indicate that the development proposed on the EMG2 Main Site will be a fully functional second phase to EMG1 and will be operated as a fully integrated extension with shared operational management and ownership. SEGRO indicate that the benefits of this approach are that it will be responsible for the maintenance of the internal estate roads, landscape areas, footpaths/cycleways and community public open space and the Country Park.
- 5.22** As part of the Joint Application scheme, Prologis will be responsible for the maintenance of the internal estate roads, landscape areas, footpaths/cycleways and community public open space proposed on the Prologis/MAG Land including the proposed strategic landscaping and public amenity area. Prologis will manage these areas under their PARKlife scheme which is a scheme pioneered by them which recognises the requirement to build trusted relationships with local communities. Prologis PARKlife will provide a range of services and amenities,

including park-wide security, community parks and green spaces, and extensive new networks of paths and cycleways. I therefore consider that in relation to the Prologis/MAG Land, the benefits of provision, maintenance and management of the on-site areas can be equally delivered through the DCO Application or Joint Application routes. Whilst I recognise that the Prologis approach will not be linked to EMG1, I consider that the Council can ensure through their consideration of the relevant Landscape and Environmental Management Plans that all such schemes are compatible as far as is necessary and hence I do not consider this to be a disadvantage.

- 5.23** SEGRO also indicate that EMG2 occupiers will be able to access the rail freight terminal at EMG1. Prologis have extensive experience in this sector through their operation of the DIRFT rail terminal within Northamptonshire. I understand that occupiers on the EMG2 Main Site (whether through the DCO Application or Joint Application schemes) would have access to the EMG1 rail freight terminal and hence this is a locational benefit which is equal for the DCO Application and the Joint Application.
- 5.24** SEGRO indicate that the existing EMG1 'Sustainable Transport Working Group' will be expanded to incorporate the EMG2 Main Site and that their proposal will include a 'Gateway Shuttle Bus' service.
- 5.25** Prologis are committed to delivering a Transport Hub, and supporting bus provision. The on-site Transport Hub will be located on the development spine road and consist of the following;
- Passenger transport interchange building, which will provide passenger shelter and travel information.
 - Boarding and alighting bay for a 20-seater shuttle bus (12m).
 - One boarding and alighting bay for a public service bus (15m).
 - A lay-by facility to allow a 20-seater shuttle bus (12m) to lay-over at any given time.
 - Designated waiting area for one public service bus (15m) for lay-over use.
 - Shuttle bus electric charging facility.
- 5.26** An EV shuttle bus is also proposed to be provided at the site which is to facilitate movement around the site, in addition to facilitating seamless integration with existing public transport services. To facilitate this, several bus stops are proposed in key locations across the site. It is the intention that the EV shuttle bus will serve the on-site bus stops. While this strategy allows for appropriate transport options for those using the site, the on-site lay-over facilities at the site are expected to ease pressure on existing stands at EMA and facilitate the extension of services into the site. As well as benefiting the proposed site, such facilities will also be of benefit to the wider communities and other proposed developments in the area.
- 5.27** I therefore consider that in respect of the Prologis/MAG site, these sustainable transport benefits could be achieved equally through the Joint Application or DCO Application route.

- 5.28** SEGRO indicate that through their common ownership and management, EMG1 and EMG2 will be able to achieve financial and environmental savings. I have evaluated each of the individual benefits asserted by SEGRO in this regard and concluded that for the Prologis/MAG site, the Joint Application can achieve similar outcomes. I have seen no evidence of the financial and environmental savings asserted by SEGRO nor any independent assessment to justify their conclusion that this is a significant advantage over smaller individual developments. I therefore conclude that the benefits associated with proximity to EMG1 could be achieved equally through the Joint Application or DCO Application route.
- 5.29** Exemplar scheme (SoR paragraphs 5.40 – 5.45). SEGRO set out their history, sectors and other large schemes and that they are committed to furthering sustainability through their 'Responsible SEGRO framework'.
- 5.30** As I have set out in Section 4, Prologis is the leading global provider of distribution facilities and services. In 2021 Prologis was awarded the inaugural Terra Carta Seal at the COP26 summit by the then HRH The Prince of Wales, in recognition of its commitment to, and momentum towards, the creation of genuinely sustainable markets. Prologis was the only property company to receive this award.
- 5.31** Prologis puts people at the very centre of its approach, helping to create a sense of place and belonging. The importance of providing the very best spaces and places in which to work is not underestimated by Prologis and it places great emphasis on sustainability, health and wellbeing in the design, delivery and operation of its developments. Prologis' approach to sustainability is set out as follows;

"Sustainability is built into the fabric of every one of our buildings. We place people, communities and the future of the planet at the forefront of our design process to create buildings that are great places for our customers to work, and that are flexible and efficient to operate from.

All-electric Buildings

We're already constructing all-electric buildings with smart metering as standard. This future proofing measure means that through a combination of on and off-site renewable energy, our new buildings are ready to operate without the use of fossil fuels.

Reducing Energy Demand

Energy efficiency is a priority across all our developments and is a focus in all of our buildings, making them cost less to operate and perform for the environment.

Passive Design

By maximising daylight, using clever floor space planning, improving air tightness and using roofing systems that avoid wasted space, we help our customers reduce their energy demands through passive design.

Active Design

Our buildings are at the forefront of energy saving innovation, with active design features such as energy-efficient smart LED light fittings, water conservation measures, heat pumps and solar and storage.

Solar

Our rooftop solar solutions meet 100% of our buildings' regulated energy demand, earning them the highest EPC A+ ratings. This meets the UK government definition of net zero (for regulated energy) and typically uses around 15% of the available roof area. These base build arrays can be further expanded across the entire roof to help meet customers' needs.

Embodied Carbon

We're committed to measuring, reducing and mitigating our carbon emissions and we know that third party certification matters. We have conducted independently verified Carbon Lifecycle Assessments for all our new developments for over a decade. This data will help us to consistently reduce embodied carbon as we move towards net zero by 2040.

Water and Waste Reduction

Using recycled concrete, steel, asphalt and other materials during construction reduces transport-related greenhouse gas emissions and diverts large amounts of construction waste from landfill. Our finished developments have areas for onsite recycling and water conservation measures to help our customers further reduce their impact on the environment.

BREEAM Outstanding

All of our buildings built since 2008 have BREEAM certificates, with more than 25 million sq ft of our UK portfolio achieving BREEAM Excellent or Outstanding rating. This means sustainability has been considered at every stage of the design and build, and will endure for the life of the building. Building on our extensive experience we target, wherever possible, BREEAM Outstanding for all new developments. BREEAM Outstanding lets you know you're achieving exemplary best practice and are among the best 1% of UK buildings."

- 5.32** Prologis' vast experience and strong track record of the delivery of similar schemes and in line with their approach and examples of their work, means that the Joint Application development would be completed to the highest of building standards, with themes of sustainability and community taking a central role in the finalisation of unit plans.
- 5.33** I therefore consider that that in respect of the Prologis/MAG Land, the benefits associated with an Exemplar scheme could be achieved equally through the Joint Application or DCO Application route.
- 5.34** Highways works (SoR paragraphs 5.46 – 5.50). The SoR indicates that the DCO Scheme includes the Highway Works which include a package of strategic highways improvements which are part of a wider scheme for Junction 24 of the M1. The DCO Application Highways Works include offsite highway works to the A453 EMG2 access junction works, improvements at Junction 24 of the M1, works to the wider highway network including the Active Travel Link,

Hyam's Lane Works, L57 Footpath Upgrade, A6 Kegworth Bypass/A453 Junction Improvements and Finger Farm Roundabout Improvements.

- 5.35** The Joint Application Transport Assessment is evaluating the traffic impact of the Joint Application proposals and has proposed a package of highways works including improvements to the Finger Farm Roundabout to mitigate the traffic generated by the Joint Application development. In my opinion this approach of mitigating traffic impact such that it does not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network, following mitigation, would not be severe (in terms of the National Planning Policy Framework requirements, paragraph 116) is appropriate for the Joint Application to secure planning permission.
- 5.36** SEGRO indicate that without the DCO Scheme, other development schemes across the region will continue to be constrained. They further indicate that they are committed to delivering their Highways Works but that this is only possible with Compulsory Acquisition powers. The DCO Application is not supported by any viability evidence to support the assertion that the whole of the DCO Application development is required to fund the Highway Works that SEGRO propose. Also as I have shown in my paragraph 5.6 in relation to other 'reasonable alternatives' to Compulsory Acquisition, even if such evidence did exist, there are other 'reasonable alternative' routes (scenarios (b)(ii), (c), (d) and (e)) which can deliver the DCO Application development and thereby fund the Highways Works (in line with SEGRO's statements in SoR). These, however, do not require the Compulsory Acquisition of the whole Prologis/MAG Land to achieve this outcome.
- 5.37** Benefits for the local community (SoR paragraph 5.51). SEGRO indicate that the DCO Scheme will deliver significant benefits to the local community including a new 14.3 ha (35 acre) Community Park; improvements to the local public right of way network; a HGV park; a new bus interchange and a private electric shuttle bus; measures to limit vehicular access to Hyam's lane; and a community liaison group.
- 5.38** The Joint Application Scheme will also deliver significant benefits to the local community including to residents of Diseworth. These benefits include (in the same order as the SoR list):
- A new 9.76ha (24acre) strategic landscaping Community Park and public amenity area which will be landscaped and made available for the purposes of recreation and play by the public in perpetuity (in accordance with the Prologis PARKlife approach). There is no specific size of landscape / amenity area prescribed other than it is to mitigate landscape and environmental impacts and to provide for enhanced amenity areas for residents of Diseworth and employees of the employment units. The DCO Application also indicates that their Community Park is to accommodate specific skylark ecological mitigation as well as landscaping and recreation. I am aware that a question has been raised about the suitability of this in EXQ1 and that the DCO Applicants must respond by Deadline 1. Whilst the Joint Application Community Park, landscape / amenity area is physically smaller than that proposed through the DCO Application for the Prologis/MAG Land, the Joint Application strategic landscaping and public amenity area fulfils the role and function required of this area and does not seek to accommodate skylark mitigation.

- A package of significant improvements to the local public right of way network including the provision of new public footpaths and cycleways.
- HGV Parking strategy. The Joint Application HGV parking strategy utilises on plot HGV parking which will include early arrival waiting areas and welfare facilities. The precise details of the HGV parking strategy will be determined at the reserved matters stage.
- New Transport Hub comprising a passenger transport interchange building (which will provide passenger shelter and travel information); boarding and alighting bay for a 20-seater shuttle bus; one boarding and alighting bay for a public service bus; a lay-by facility to allow a 20-seater shuttle bus to lay-over at any given time; designated waiting area for one public service bus for lay-over use and a shuttle bus electric charging facility. An EV shuttle bus will be provided to facilitate movement around the site. The on-site lay-over facilities at the site are expected to ease pressure on existing stands at EMA and facilitate the extension of services into the site. As well as benefiting the proposed site, such facilities will be of benefit to the wider communities and other proposed developments in the area
- Limit access to Hyam's Lane – Hyam's lane is outside of the 'red line' for the Joint Application and no works are specifically proposed to it as part of the Joint Application proposals but this does not preclude such controls in the future either through Traffic Regulation Orders or as part of the development of the Southern Land.
- Prologis have committed to forming a Community Liaison Group where Prologis will work with the local community to support local projects, schools and skills initiatives.

5.39 Whilst some of the above community benefits are being delivered in a different way through the Joint Application (from the DCO Application), I consider that they achieve the same main outcomes for the community and hence the community benefits to be derived from the Prologis/MAG Land could be achieved equally through the Joint Application or DCO Application route.

5.40 From my above assessment of the 'public benefits' put forward by SEGRO to justify the need for Compulsory Acquisition I conclude that:

- Some of the benefits (e.g. a second phase to EMG1) asserted in the SoR are locational or proximity benefits that can be achieved equally by either the DCO Application or Joint Application route.
- Some of the benefits (e.g. need for industrial and logistics development; investing in the local, regional and national economy; and highway works) put forward as part of the DCO Application are proportionately similar to those that the Joint Application can achieve in respect of the Prologis/MAG Land, though in some cases the DCO Application does not disaggregate the benefits to allow me to fully quantify the differences and hence in some instances the Joint Application may deliver greater proportionate benefits.

- Some of the benefits (e.g. an exemplar scheme; benefits for the local community) put forward for the DCO Application can be achieved through an alternative mechanism as part of the Joint Application scheme but in my view the alternative mechanisms achieve similar outcomes.

5.41 I also recognise that some of the benefits may only be fully realised through the development of the whole EMG2 Main Site if the DCO Application proves to be viable and deliverable (e.g. the delivery of all the employment land within EMG2 Main Site, realisation of all of the socio-economic benefits and subject to viability, funding of the SEGRO Highways Works package). I do not however accept that this can only be achieved through the Compulsory Acquisition of the whole of the Prologis/MAG Land. Rather I have demonstrated in my paragraph 5.6 that there are other 'reasonable alternative' routes (scenarios (b)(ii), (c), (d) and (e)) which can deliver the DCO Application development that do not require Compulsory Acquisition of the whole of the Prologis/MAG Land to achieve this outcome.

5.42 Maximising public benefits through comprehensive development (SoR paragraphs 5.52 – 5.66). The SoR sets out that these 'public benefits' will only be maximised through comprehensive development and that the Joint Application approach is perceived by SEGRO to be 'piecemeal development'.

5.43 I do not accept that the Joint Application approach can fairly be described as 'piecemeal development'. As I will elaborate below, the whole EMG2 Main Site:

- is under the control of only two experienced developers.
- comprises two land parcels which are both large in scale and divided by an existing, natural feature (Hyam's Lane) which comprises both natural green infrastructure and a sustainable travel link between them.
- both land parcels could be accessed off the A453 by a single main spine road (Principal Highway Access Corridor) that connects both elements.
- both will deliver on site HGV parking, sustainable transport measures and footpath and cycleway improvements.
- both will deliver a western landscape and public amenity area to buffer the impact upon Diseworth.
- both will deliver high quality employment development within the same use classes and of a similar exemplar nature.
- both will deliver socio-economic benefits and training opportunities.

5.44 In my experience, 'piecemeal development' means a form of development that is delivered without a comprehensive view of the whole that is done in separate, often disconnected pieces. I do not consider that the delivery of this large employment scheme by two experienced developers in two elements with well thought out connecting transport and green infrastructure linkages comprises 'piecemeal development'. Rather the above approach is entirely usual in my experience for sites such as this. What is unusual in my experience is where one developer

is seeking to secure the Compulsory Acquisition of another developer's land to achieve these outcomes. Within this context I will now address the SoR specific criticisms.

- 5.45** SEGRO assert that as the EMG2 Main Site is within the Freeport then if the DCO is made it will secure the fast-track delivery of development and without the DCO Scheme and Compulsory Acquisition powers, development of the EMG2 Main Site remains uncertain. They assert that it is very likely that the entirety of the EMG2 Main Site may never come forward or may not come forward before the Freeport window closes in 2031 which could lead to the loss of employment land within the region.
- 5.46** I agree with SEGRO that this DCO Application site is a highly attractive and suitable site for employment development within the Freeport as I have set out in Section 2. I recognise that the DCO route seeks to secure fast-track delivery of development but as I have previously noted I consider that SEGRO's timeline for commencement of development on site is highly optimistic as they do not control the Prologis/MAG Land which would have to be secured. The Joint Application route however does provide certainty of delivery of the Prologis/MAG Land within a fast track timescale (as I set out in my paragraph 4.28) such that I consider that the Joint Application route provides more certainty of fast track delivery of the Prologis/MAG Land than the DCO Application route.
- 5.47** In respect of the perceived uncertainty associated with the delivery of development across the whole EMG2 Main Site, I have set out in paragraph 5.6 that Prologis have identified five 'reasonable alternative' approaches that exist now and that are capable of achieving some or all the Freeport objectives without the need for Compulsory Acquisition of the whole of the Prologis/MAG Land. I have also set out in my paragraph 5.8 my view that the EMG2 Main Site has significant locational and fiscal advantages through its proximity to the Strategic Road Network as well as being part of the Freeport Tax site, which means that I consider that it is a highly attractive opportunity for Logistics and Advanced Manufacturing and will be brought forward for employment development. I do not therefore accept that Compulsory Acquisition powers are required to ensure that the EMG2 Main site is developed as the 'reasonable alternative' routes identified by Prologis provide the certainty that SEGRO highlight.
- 5.48** SEGRO consider that a consequence of uncertainty over delivery is that employment land could be lost from within the region to other unspecified regions that provide more certainty. I have seen no evidence to justify this claim and I am also not aware of any evidence to point to a conclusion that there are other sites in the region that can accommodate the scale of employment envisaged on the DCO Application site. I have already shown in Section 2 that the emerging Local Plan is seeking to allocate the DCO Application site following the thorough evaluation (as part of the Leicester & Leicestershire Strategic Distribution Needs and Apportionment Study (2025)) of alternative sites within the region. I note that even if there were other sites elsewhere within the region or within other regions, they would not achieve the Freeport benefits which are locationally specific.
- 5.49** SEGRO allege that in the absence of Compulsory Acquisition powers, the EMG2 Main Site will have 'fragmented land ownership'. They state in paragraph 5.56 of the SoR that this comprises land to the north of Hyam's Lane being in the control of a third-party developer (Prologis) and the land to the south of Hyam's land being under their own control. This confirms that the whole of EMG2 Main Site is controlled by only two very experienced developers. In my opinion this is very far from 'fragmented land ownership', but rather is a situation that is

common across many large scale development sites whereby experienced developers secure control over parcels of land within a larger development area and then they work collaboratively with each other and the Local Authority to bring forward development on their individual parcels that delivers a comprehensive development scheme for the whole site.

- 5.50** SEGRO allege that the Joint Application, if granted, “would not facilitate development of the southern part of the EMG2 Main Site because, amongst other reasons, it makes no provision for a compatible vehicular access to be provided to the southern part of the site”. As I have shown in my Section 4, this is factually untrue. The Joint Application Parameters Plan includes a Principal Highway Access Corridor (which will include vehicle circulation, pedestrian and cycle circulation and ancillary landscape planting, drainage features and other associated infrastructure) specifically to provide access to the Southern Land. I have further shown that the broad location of the Principal Highway Access Corridor access across Hyam’s Lane remains compatible with the DCO Application parameters at this point such that SEGRO development on the Southern Land marries with the Joint Application development on the Prologis/MAG Land.
- 5.51** SEGRO further allege that even if it did make provision for a deliverable vehicular access, development of the southern part of the EMG2 Main Site would not be viable or deliverable as standalone development. I have seen no specific evidence to justify this claim.
- 5.52** SEGRO then allege that even if viability and deliverability issues could be overcome, development of the Southern Land would be significantly delayed beyond the Freeport Window of 2031 because development of the northern Prologis/MAG Land would need to come forward first and there is no certainty as to when or if development of the northern land will be achieved. I have already demonstrated that subject to the grant of planning permission in Summer 2026 and the DCO decision in early 2027 confirming exclusion of Compulsory Purchase powers, there is significant certainty of the delivery of the Joint Application scheme by Prologis on the Prologis/MAG Land and that commencement of development could occur in early 2027. This will include delivery of a main vehicular access within the Principal Highway Access Corridor to enable development of the Development Parcels within the Joint Application scheme. I have shown in scenario (a) of the five ‘reasonable alternative’ scenarios that if the DCO Application is refused or not progressed then development of the Southern Land (viability aside) could still be progressed. I accept that this may be later than through the DCO Application timescale. This, however, would be a situation of SEGRO’s own making through their pursuit of Compulsory Acquisition powers over the Prologis/MAG Land. In my opinion this should not be a justification for the Compulsory Acquisition of the Prologis/MAG Land especially as I have noted that in other scenarios ((b)(ii), (c), (d) and (e)) the DCO scheme would be implemented either by Prologis and SEGRO separately or through a formal Joint Venture and hence the public benefits of the DCO scheme would be achieved in full and in scenarios (d) and (e) these public benefits could be enhanced through the substitution of some or all of the parameters of the Joint Application scheme into the DCO.
- 5.53** SEGRO also allege that “piecemeal development would further be a compromised form of development and would not maximise the opportunity which was envisaged by its Freeport status”. They provide no justification for this statement and as I have demonstrated above, it is simply not the case. I have shown that the Joint Application could deliver a greater quantum of employment development on the Prologis/MAG Land and hence will maximise the opportunity envisaged by the Freeport status. I have further shown that the strategic

landscaping and public amenity areas proposed through the Joint Application are fit for purpose and effective in mitigating landscape and amenity impacts upon Diseworth. I do not accept that the Joint Application is a compromised form of development and I have seen no evidence to justify this claim.

- 5.54** SEGRO also allege that the Joint Application approach would not realise the full benefits that the DCO Scheme will provide. I have already analysed the benefits that SEGRO have put forward and compared them to those of the Joint Application approach. I have concluded that these 'public benefits' cannot only be delivered through the DCO Application with Compulsory Acquisition but rather that the Joint Application delivers equivalent or greater proportionate benefits for the Prologis/MAG Land and that the Prologis 'reasonable alternative' scenarios can achieve equal or greater benefits in total (without full Compulsory Acquisition). SEGRO use the DCO Highway Works as an example to justify their conclusion, arguing that these Highways Works will not be deliverable without the scale and quantum of the DCO Scheme. I have addressed this in detail my paragraphs 5.34 – 5.36.
- 5.55** SEGRO also indicate that "it is not known what highway mitigation may be proposed in respect of the northern part of the EMG2 Main Site because the current planning application does not provide that information". Again I have addressed this in my paragraphs 5.34 – 5.36. SEGRO also set out three other benefits which they allege would be undeliverable by piecemeal development i.e. the proposed HGV park; the bus interchange; and the community park. I have already confirmed that comparative equivalents to these benefits are provided for within the Joint Application namely HGV parking will be provided relative to each individual unit; an on-site sustainable Transport Hub including a passenger transport interchange building; and the provision of the strategic landscaping and public amenity areas with Prologis PARKlife initiative.
- 5.56** It is my experience that different developers have different ways of delivering resolution to issues of HGV parking and welfare for drivers; public transport provision to and within employment parks; and landscaping to mitigate the impact of development on any nearby receptors along with enhanced public access to these areas. I can see no evidence from SEGRO to justify their allegations that these benefits will be lost but rather I can see that the Joint Application proposal delivers equivalent benefits but in a different way.
- 5.57** SEGRO assert that piecemeal development is generally a less efficient and effective use of land, which can sometimes lead to design compromises to achieve the necessary scale of development. As I have set out Prologis will deliver the Joint Application scheme on the Prologis/MAG Land and I have shown that it could deliver a greater quantum of employment development on the Prologis/MAG Land and hence will maximise the opportunity envisaged by the Freeport status. I have further shown that this will include delivery of a main vehicular access within the Principal Highway Access Corridor to enable development of the Development Parcels within the Joint Application scheme and safeguarding of the southern extent of this Corridor to allow access to the Southern Land. I do not therefore accept that the Joint Application is a less efficient and effective use of land and I have seen no evidence to justify this claim.
- 5.58** SEGRO also assert that piecemeal development can sometimes lead to design compromises to achieve the necessary scale of development and they use the example of strategic landscaping to justify their conclusion.

- 5.59** The Joint Application will deliver the strategic landscaping and public amenity areas which are fit for purpose and effective in mitigating impacts upon Diseworth. The Joint Application demonstrates that the quantum of floorspace proposed can be delivered within a landscape led setting. The updated Parameters Plan delivers amendments to the landscape buffer to the western extent of the site, including bunding/fencing (3m and 4 m above the development parcel), reductions to the finished floor levels and inclusion of a Principal Highway Access Corridor within the site. A number of illustrative site sections have been submitted as part of the Joint Application to demonstrate how the proposed landscaping will look from a number of viewpoints. The submitted LVIA confirms that the effects of the Joint Application proposals will be limited and localised, with updates that have refined the building design and massing to minimise visibility. The updated Planning Statement states that *“The LVIA concludes that after 15 years, effects on the Langley Lowlands Character Area will reduce to Moderate / Minor (not significant), with the surrounding countryside retaining strong connectivity and visual continuity. Similarly, effects on the Diseworth Conservation Area will be limited and not significant, with the village’s immediate rural setting preserved and the development not visible from within its core.”* The LVIA also confirms no adverse impacts on designated heritage assets.
- 5.60** A review of the LVIA has been undertaken on behalf of the Council which confirms that the LVIA was prepared on the basis of an appropriate methodology and assumptions and that the minimum widths for planting to Hyam’s Lane have been achieved. Furthermore, a Heritage Impact Assessment was submitted to support the Joint Application, and in response, the Council Conservation Officer has confirmed that they *“agree with the findings of the HIA (Orion Heritage 2025) , in that there will be a degree of less than substantial harm towards the lower end (albeit still low) to the significance of the Diseworth Conservation Area through changes to its setting in so far as it contributes to the significance of the asset; and less than substantial harm (low) to the significance of the Church of St Michael; and a low level of less than substantial harm to the significance of the Old Farmhouse; with no harm identified for other assets whether designated or non-designated”*. The Updated Planning Statement sets out a series of substantial public benefits and concludes that they clearly outweigh the less than substantial harm that has been identified. I therefore conclude that the Joint Application landscaping and public amenity areas have been carefully designed to mitigate the impact of the Joint Application proposals and that they have been determined to be suitable by the Council consultees. I do not therefore accept that these are design compromises to achieve “the necessary scale of development”, rather they are a fully considered an appropriate design response as part of a comprehensive masterplanned solution for the Prologis/MAG Land.
- 5.61** SEGRO also allege that other design compromises have been made, referring to the greater building heights in the Joint Application and arguing these are proposed in order to achieve an appropriate scale of development. The premise of their assertion is that piecemeal development results in inefficient use of land resulting in the need to compensate for this through increased building heights that may themselves be inappropriate. I have already shown that the Joint Application could deliver a greater quantum of employment development on the Prologis/MAG Land (than the DCO Application) and hence that it will maximise the opportunity envisaged by the Freeport status. The SEGRO basic premise is therefore not justified. The Joint Application Parameters Plan establishes three Parcels (A1 – A3) within the western part of the Prologis/MAG Land. Within these parcels, building finished floor levels, overall maximum building heights and maximum external building heights are set out. The

overall maximum building height in Parcel A1 is 104m AOD (external building height of 22m) whilst within Parcel A3 which is closest to Diseworth, the overall maximum building height is 98m AOD (external building height of 19m). The Parameters Plan also identifies an area to the north west of Development Parcel A1 as a 'Development Restriction Zone' wherein development will be restricted to car parking, structures, service yards and buildings up to a maximum of 6m in height. This demonstrates a sensitive development solution to balance the efficient use of the employment opportunity with effective mitigation to Diseworth and the wider landscape. This results in an appropriate scale of development as confirmed by the consultee responses that I refer to above. This is not a design compromise resulting from a separate planning application route. The building heights proposed are appropriate and acceptable in planning terms and make effective and efficient use of the land being developed. In my view this represents good design.

- 5.62** Whilst SEGRO are correct that in respect of the western part of the site the Joint Application Parameters shows built development closer to and higher than the DCO Application proposals as I have shown above these relationships are appropriate and achieve the necessary mitigation and this has been confirmed through the consultee responses to the Joint Application. Since I have shown that the Joint Application proposals in the western part of the site are an appropriate form of development, then the DCO Application proposal to offer an alternative way of also achieving an appropriate solution should not attract any significant weight when deciding if the public interest decisively demands that Compulsory Acquisition should be authorised.
- 5.63** SEGRO also conclude that the DCO Scheme will enable the EMG2 Main Site to be brought into one ownership and to be delivered as a single-phase development which will maximise the benefits and lessen the impacts on the local area / community. I have shown that single ownership is not a pre-requisite of maximising the benefits of development or minimising its impacts. I also do not accept that a single phase development provides any greater certainty of delivery. Phasing across large developments allows for phased implementation of infrastructure and flexibility to react to market demand. A phased approach is entirely usual in my experience for developments of this nature. In respect of the Prologis/MAG Land, the Joint Application delivers equivalent or greater benefits with a greater floor area of development than the DCO Application. I have also shown that the impacts upon the local area / community arising from the Joint Application have been mitigated to an appropriate degree. I have seen no evidence to justify SEGRO's statement that there would be 'years of on / off disruption', rather the Joint Application Environmental Statement assesses the environmental impacts of the Joint Application scheme and puts forward appropriate and effective mitigation.
- 5.64** SEGRO indicate that comprehensively planning and developing large sites is recognised as good planning in contrast to a 'piecemeal approach'. I have demonstrated that delivery of employment development through the Joint Application on the Prologis/MAG Land does not constitute 'piecemeal development' but rather than the Joint Application scheme has been specifically conceived to ensure that a comprehensive approach can be achieved to facilitate the development of the Southern Land. This approach will therefore encourage and secure holistic and integrated development as SEGRO highlight.
- 5.65** SEGRO also indicate that it is important in developing a single large site that there is the ability to equalise the costs of development across the site. As I have noted in paragraph 5.6, in several of the Prologis 'reasonable alternative' scenarios, the DCO scheme would be

implemented either by Prologis and SEGRO separately or through a formal Joint Venture and hence the public benefits of the DCO scheme would be achieved in full and in scenarios (d) and (e) these public benefits could be enhanced through the substitution of some or all of the parameters of the Joint Application scheme into the DCO. In these scenarios, the Joint Venture would address the issue of equalising the costs of development across the site. None of these scenarios require Compulsory Acquisition.

- 5.66** I therefore conclude that the arguments put forward by SEGRO to suggest that full Compulsory Acquisition is required as part of the DCO Application are not made out. I have assessed the allegations that these public benefits will only be maximised through comprehensive development and that the Joint Application would constitute ‘piecemeal development’ which SEGRO asserts comes with significant drawbacks. I have concluded that these alleged drawbacks have not been substantiated and that the Joint Application would not constitute ‘piecemeal development’ but rather that the Joint Application approach would lead to more certainty of delivery in a shorter timescale than the uncertainty of approach through the DCO Application (with Compulsory Acquisition) route. In light of the above, I conclude that the Joint Application scheme forms part of the case to demonstrate that there are other ‘reasonable alternatives’ to Compulsory Acquisition that undermine SEGRO’s argument that the public interest decisively demands that Prologis and MAG be deprived of their land by compulsion so that SEGRO can develop it instead.

How do the adverse impacts of frustrating the Joint Application affect the case advanced by SEGRO to seek to justify Compulsory Acquisition?

- 5.67** I shall address this issue by means of considering three scenarios each of which relates to the variables on the timescales for, and the likelihood of, the DCO Application scheme being developed. I have already confirmed that in my view the Joint Application should be supported by the Council and hence that it should be granted planning permission irrespective of the outcome of the request for Compulsory Acquisition of the Prologis/MAG Land through the DCO Application.
- 5.68** If, however, the DCO Application is confirmed with Compulsory Acquisition powers then I consider that it would frustrate the Joint Application proposal as the Joint Application could not be brought forward by Prologis and the benefits that flow from it would not be realised. This would have adverse impacts that I set out below:

Adverse consequences if Joint Application scheme is frustrated and DCO development goes ahead as envisaged by SEGRO.

- 5.69** In this scenario, the Joint Application scheme would not be delivered and the benefits associated with it would also not be delivered. The certainty and speed of the Joint Application would be lost. As I have previously explained, the DCO development could also deliver less employment floorspace on the Prologis/MAG Land than the Joint Application. Even making the assumption that it does come forward in line with SEGRO’s over optimistic assumptions, this is still more slowly than that envisaged for the Joint Application by Prologis. Whilst the benefits associated with the DCO Application would therefore be realised, they would be achieved in a longer period than could be achieved through implementing the Joint Application. Prologis’ has raised significant concerns over whether this outcome is likely to be realised both in terms of achieving the programme and also over viability concerns. I also note that these

benefits should also only be seen as beneficial on a 'net' basis i.e the DCO Application benefits emanating from the Prologis/MAG Land will only replace those from the Joint Application rather than being in addition to them. Even on this most optimistic basis for SEGRO, Prologis have demonstrated that there are other 'reasonable alternative' routes to achieving these benefits. In scenarios (b)(ii), (c), (d) and (e), the DCO scheme would be implemented either by Prologis and SEGRO separately or through a formal Joint Venture and hence the public benefits of the DCO scheme would be achieved in full and in scenarios (d) and (e) these public benefits could be enhanced through the substitution of some or all of the parameters of the Joint Application scheme into the DCO. None of these scenarios require full Compulsory Acquisition of the whole of the Prologis/MAG Land.

Adverse consequences if Joint Application scheme is frustrated and DCO development goes ahead more slowly.

- 5.70** In this scenario, the Joint Application scheme would not be delivered and the benefits associated with it would also not be delivered. The certainty and speed of the Joint Application would be lost. As I have previously explained, the DCO development could also still deliver less employment floorspace on the Prologis/MAG Land and in this scenario it would be even further behind the realisation of the benefits envisaged for the Joint Application. In this scenario, the DCO Application scheme would still come forward but it would be more slowly than envisaged by SEGRO and more akin to that which I set out in my paragraphs 4.28 – 4.29. As above, Prologis has raised significant concerns over whether this outcome is likely to be realised due to viability concerns and I have also noted that these benefits should also only be seen as beneficial on a 'net' basis i.e. the DCO Application benefits emanating from the Prologis/MAG Land will only replace those from the Joint Application rather than being in addition to them. The comparative 'net' benefits associated with the DCO Application in this scenario would therefore be realised but they would be achieved in a longer period than could be achieved through the Joint Application route. This outcome would delay the realisation of the benefits of the DCO Application development and could therefore delay the extent of occupied buildings within the Freeport Window. The comparative benefits of the DCO Application in this scenario would be reduced (due to the 'net' discount of the Joint Application scheme) and delayed (and therefore frustrate some economic outcomes envisaged through the Freeport Window). As I have explained in paragraph 5.8, the locational advantages of the EMG2 Main Site mean that I would anticipate that the Southern Land would still be brought forward for development by another means. I consider that the envisaged benefits would still be achieved but without Compulsory Acquisition and any comparative difference in terms of speed and certainty would be limited and not such as to justify Compulsory Acquisition. Similarly, Prologis have demonstrated that there are other 'reasonable alternative' routes to achieve these benefits. In scenarios (b)(ii), (c), (d) and (e), the DCO scheme would be implemented either by Prologis and SEGRO separately or through a formal Joint Venture and hence the public benefits of the DCO scheme would be achieved in full and in scenarios (d) and (e) these public benefits could be enhanced through the substitution of some or all of the parameters of the Joint Application scheme into the DCO. None of these scenarios require full Compulsory Acquisition of the whole of the Prologis/MAG Land.

Adverse consequences if Joint Application scheme is frustrated and DCO development does not go ahead as it is not commercially viable.

- 5.71** In this scenario, the DCO Application (including Compulsory Acquisition powers) would be granted and hence the Joint Application scheme would be frustrated but the DCO Application scheme would also not come forward due to adverse viability. In this scenario neither the benefits from the Joint Application nor those from the DCO Application would be realised. Rather the land would remain undeveloped, contrary to the objectives and tax benefits of the Freeport; contrary to the emerging Local Plan objectives and draft allocation; and contrary to the Government's growth agenda.
- 5.72** I conclude therefore that in each of the above scenarios, there would be significant adverse impacts of frustrating the Joint Application. These adverse impacts of frustrating the delivery of the Joint Application scheme are 'real world' consequences that:
- Delay or preclude the realisation of the Government's policy objectives through the Freeport initiative and add to the doubt that substantial occupation / letting of units can be achieved within the Freeport Window.
 - Delay or preclude the delivery of employment land in an area with excellent locational advantages and where there is an acknowledged shortage of land.
 - Delay or preclude the realisation of the socio-economic benefits.
 - Adversely affect the private interests of Prologis who have progressed the Joint Application proposal in accord with both the Freeport ambitions and the framework of the emerging Local Plan.
- 5.73** SEGRO has failed to demonstrate that the scheme under the DCO Application is viable and deliverable, and what is said in its SoR raises real doubts as to its commercial viability. Nor have they demonstrated (with evidence) that development on the Southern Land is not viable as a standalone phase if development on the Prologis/MAG Land proceeds independently. I have therefore seen nothing to support their assertion in the SoR (paragraph 5.50) that SEGRO's commitment to delivering the Highway Works can only be made possible through the DCO scheme which can only be delivered with Compulsory Acquisition powers. Therefore as I set out above, there is no certainty that the adverse consequences of frustrating the Joint Application would in fact be mitigated by the delivery of the DCO Application. I consider that this reinforces my conclusion that there is no compelling case in the 'public interest' to justify Compulsory Acquisition of the Prologis/MAG Land. I understand that SEGRO are due to provide viability evidence at D1 and it will therefore be necessary to revisit these issues once there has been a proper opportunity to review that evidence.

06 Conclusions

- 6.1** In my Written Report I have confirmed the importance of the strategic location of the DCO Application site to help to address both the need for and recognised shortfall of employment land and buildings. I have shown that the site also benefits from its location within the East Midlands Freeport and that as a 'Tax site' it can also deliver financial rewards for occupiers if units are substantially occupied within the Freeport Window. I have also shown that the site is important to help to achieve the economic objectives of the emerging Local Plan and that it will be a draft employment allocation in the next stage of the emerging Local Plan. I have however shown that neither the Freeport nor the emerging Local Plan is prescriptive over how this should be achieved.
- 6.2** I have also demonstrated that the Joint Application provides a clear, detailed, and deliverable framework for a future development scheme which will provide enhanced certainty in terms of timely delivery of development and hence it aligns with and supports the Freeport objectives. I have further demonstrated that it does not frustrate other development within the EMG2 Wider Site. I have shown it accords with the relevant Development Plan (as a whole) and that there are no other material considerations (including objections from SEGRO) that outweigh this plan-led presumption such that in my opinion, once the final outstanding matters are resolved, it should be approved without delay. I have therefore shown that it should be determined in Summer 2026.
- 6.3** I have evaluated the case made by SEGRO (set out in Section 5 of their SoR) in which they consider that there is a compelling case in the public interest for Compulsory Acquisition of the Prologis/MAG Land. Within it they identify a series of claimed 'benefits' arising from the DCO Application and perceived 'harms' arising from 'piecemeal development' which they assert will arise from the grant of planning permission for the Joint Application proposal.
- 6.4** I have assessed the five 'reasonable alternative' routes identified by Prologis to achieve the delivery of the public benefits. I have demonstrated that each of these 'reasonable alternative' scenarios demonstrates that the public interest objectives can be achieved without full Compulsory Acquisition over the Prologis/MAG Land. SEGRO's SoR sets out criticisms of the Joint Application approach but it does not directly address any of the above 'reasonable alternative' scenarios. Having assessed the criticisms by SEGRO in detail, I have concluded that the public benefits put forward by them cannot only be delivered through the Compulsory Acquisition of the Prologis/MAG Land as part of the DCO Application but rather that there are other 'reasonable alternative' routes which can achieve equivalent or greater benefits. I have also assessed the allegations that these public benefits will only be maximised through comprehensive development and that the Joint Application would constitute 'piecemeal development' which SEGRO asserts comes with significant drawbacks. I have assessed these allegations and concluded that these alleged drawbacks are not justified and that the Joint Application route would not constitute 'piecemeal development' but rather that the Joint

Application approach would lead to more certainty of delivery in a shorter timescale than the uncertainty of approach through the DCO Application route. In light of the above, I have concluded that the Joint Application scheme is a compelling route to achieve certainty and early delivery of development on the Prologis/MAG Land. I have shown however that this is only one 'reasonable alternative' route that does not require Compulsory Acquisition and that there are others that involve the implementation of the DCO Application. In Prologis' scenarios (b)(ii), (c), (d) and (e), the DCO scheme would be implemented either by Prologis and SEGRO separately or through a formal Joint Venture and hence the public benefits of the DCO scheme would be achieved in full and in scenarios (d) and (e) these public benefits could be enhanced through the substitution of some or all of the parameters of the Joint Application scheme into the DCO. None of these scenarios require full Compulsory Acquisition of the whole of the Prologis/MAG Land.

- 6.5** I have therefore concluded that they comprise additional 'reasonable alternatives' to full Compulsory Acquisition that have not been explored by SEGRO which means that the DCO Application does not meet the requirements of the Guidance that supports Section 122 PA 2008.
- 6.6** Finally I have considered whether there are adverse impacts of frustrating the Joint Application such as to mean there is no compelling case in the public interest to justify Compulsory Acquisition. I have addressed three scenarios each of which relates to the variables on the timescales for, and likelihood of, the DCO Application scheme being developed. I have concluded that in each of the scenarios, there would be adverse impacts of frustrating the Joint Application and that these adverse impacts have 'real world' consequences. I have further noted that SEGRO have failed to demonstrate that the scheme under the DCO Application is viable and deliverable nor have they demonstrated that development on the Southern Land is not viable as a standalone phase if development on the Prologis/MAG Land proceeds independently. Furthermore, SEGRO has provided no evidence to demonstrate that it gave serious consideration to alternative approaches such as negotiating a Joint Venture or other contractual cost-sharing arrangement with Prologis/MAG before deciding to seek powers of Compulsory Acquisition over their land. I have therefore seen nothing to support their assertion in the SoR (paragraph 5.50) that SEGRO's commitment to delivering the Highway Works can only be made possible through the DCO scheme which can only be delivered with compulsory acquisition powers.
- 6.7** I understand that SEGRO are due to provide viability evidence at deadline D1 and it will be necessary to consider and respond to this evidence once it is available. On the evidence before the Examination, there is no certainty that the adverse consequences of frustrating the Joint Application would in fact be mitigated by the delivery of the development contemplated by the DCO Application. I consider that this reinforces my conclusion that there is no compelling case in the 'public interest' to justify Compulsory Acquisition of the Prologis/MAG Land.

Appendix 1: Summary Table of Planning Applications in the vicinity of the Joint Application site.

Planning History

The following table includes details of the planning history of the Joint Application Site and that of the submitted DCO application and hence is inclusive of land both to the North and South of Hyam's Lane.

Planning reference number	Location	Description of Development	Notes
22/00938/EAS	Phase 2 East Midlands Gateway Development Ashby Road Castle Donington	Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of the development of a logistics/industrial park (use class B2 and B8), with ancillary offices and associated parking, highway infrastructure and landscaping	Scoping Opinion Issued 22/12/2022
24/00072/EAS	Land South Of A453 East Midlands Airport Ashby Road Castle Donington	Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of industrial and logistics development	Scoping Opinion Issued 27/03/2024
PCU/NSIP/G2435/3337533	Land to the south of east midlands airport and south east of M1 junction 23a	Construction of buildings for storage and distribution of goods, industrial processes and offices that fall within a business or commercial project of prescribed description for the purposes of section 35(2)(a)(ii) of the Planning Act 2008 and Regulation 2 of the Infrastructure Planning (Business and Commercial Projects) Regulations 2013	Direction provided 21/02/2024

Surrounding Area Planning History – North West Leicestershire Planning History Search

East Midlands Gateway Rail Freight Interchange

- The East Midlands Gateway Rail Freight Interchange was granted a Development Consent Order (DCO) for a Strategic Rail Freight Interchange (SRFI) in 2016. The Secretary of State for Transport granted the development consent order for the strategic rail freight

interchange (SRFI) on land north of East Midlands Airport near Castle Donington, Leicestershire on Tuesday 12 January 2016. The proposals were as follows:

- Up to 547,414 sq metres of warehousing and service buildings served by railway.
- An intermodal freight terminal accommodating up to 16 trains per day, with trains up to 775 metres long and including container storage and HGV parking
- A new rail line connecting the terminal to the Castle Donington Branch freight-only line
- New road infrastructure and works to the existing road infrastructure
- Demolition of existing structures and structural earthworks to create development plots and landscaped zones
- Strategic landscaping and open space, including alterations to public rights of way and the creation of new publicly accessible open areas
- Bus interchange.

The following table includes the recent planning history associated with the East Midlands Gateway Rail Freight interchange (It does not include the details of the current MCO application)

Planning reference Number	Location	Description of Development	Notes
17/01165/FULM	Unit 2 Zone A2 East Midlands Gateway Leicestershire	Construction of B8 warehouse together with ancillary buildings with associated access, parking, service and yard areas and landscaping	The application is for a B8 logistics building of 60,693 square metres. A planning application is submitted because the future occupiers of the unit require a bespoke warehouse which exceeds some of the parameters set by the DCO.
18/02146/NMA	Unit 2 Zone A2 East Midlands Gateway Leicestershire	Non-material amendment to planning permission 17/01165/FULM to make minor alterations to elevations and external buildings as well as landscaping.	
18/01624/ADC	East Midlands Gateway Development Land North Of East Midlands Airport Castle Donington	Display of one non-illuminated totem sign and 10 internally illuminated totem signs.	
18/01527/FULM	Zone C East Midlands Gateway	Container storage area with containers	This application is submitted in order

	Development Castle Donington	stored up to 15 metres high (5 containers) together with rail terminal lighting columns at 25 metres high	to accommodate the bespoke operating requirements of the identified rail operator for the EMG Rail Terminal. A planning application is submitted because the specific operating requirements necessitate development which exceeds some of the parameters set by the DCO.
19/00779/FULM	Zone C East Midlands Gateway Development Castle Donington	Erection of Rail Terminal Building (Use Class B1) with associated access, parking, service and yard areas and landscaping, within Zone C of the East Midlands Gateway development	This application is submitted in order to accommodate the bespoke operating requirements of the identified rail operator for the EMG Rail Terminal. A planning application is submitted because the specific operating requirements necessitate development which exceeds some of the parameters set by the DCO.
23/00128/VCUM	Zone C East Midlands Gateway Development Castle Donington	Removal of condition 3 and variation of conditions 2, 8, 9, 11, 12, 13, 14, 17, 18, 22 and 23 of 19/00779/FULM so as to amend the design, scale and layout of the rail terminal building as well as approving hard and soft landscaping and cycle parking details.	Variation/removal of conditions of above.
23/01094/DIS	Zone C East Midlands Gateway Development Castle Donington	The approval of details reserved by condition 4 (CEMP) relating to planning	

		permission reference 23/00128/VCUM.	
23/01261/DIS	Zone C East Midlands Gateway Development Ashby Road Castle Donington	The approval of details reserved by condition 3 (Travel Plan) relating to planning permission ref: 23/00128/VCUM.	
23/01688/DIS	Zone C East Midlands Gateway Development Castle Donington	The approval of details reserved by condition 18 (Mechanical and Ventilation Plant) relating to planning permission reference 23/00128/VCUM.	
24/00131/DIS	Zone C East Midlands Gateway Development Ashby Road Castle Donington	The approval of details reserved by condition 24(d) (Aviation Safety) relating to planning permission ref: 23/00128/VCUM.	
19/01404/FULM	East Midlands Gateway Development Ashby Road Castle Donington	Erection of natural gas refuelling station together with ancillary buildings within associated access, service and yard areas and landscaping within Zone B of the East Midlands Gateway Development.	Planning application submitted because the DCO does not include for a natural gas refuelling station, and, as such, the station is outside the parameters of the DCO.
20/00718/FULM	Plot 12 East Midlands Gateway Development Ashby Road Castle Donington	Construction of B8 warehouse together with ancillary buildings and associated access, parking, service and yard areas and landscaping.	The application is for a B8 logistics building of 64,483 square metres. A planning application is submitted because the future occupiers of the unit require a bespoke warehouse which exceeds the height parameters set by the DCO.
20/01307/DIS	Plot 12 East Midlands Gateway Development Ashby Road Castle Donington	The approval of details reserved by conditions 6 (CEMP) and 29 (Windshear) relating to planning permission reference 20/00718/FULM.	

20/02006/DIS	Plot 12 East Midlands Gateway Development Ashby Road Castle Donington	The approval of details reserved by condition 30 (Airport Safeguarding - Part D Only) relating to planning permission reference 20/00718/FULM.	
21/01472/NMA	Plot 12 East Midlands Gateway Development Ashby Road Castle Donington	Non-material amendment to planning permission 20/00718/FULM to make minor amendments to the elevations, external areas and lighting scheme.	
21/01473/DIS	Plot 12 East Midlands Gateway Development Ashby Road Castle Donington	The approval of details reserved by conditions 4 (Travel Plan) and 30 (Airport Safeguarding: Parts B and D only) relating to planning permission reference 20/00718/FULM.	
23/00552/NMA	Plot 12 East Midlands Gateway Development Ashby Road Castle Donington	Non material minor amendment to planning permission 20/00718/FULM so as to introduce Euro Docks to the eastern elevation.	
23/00090/FULM	East Midlands Gateway, Zone B (Intermodal Area) East Midlands Airport Castle Donington DE74 2SA	Intermodal area (Zone B) with containers stored at up to 15 metres high (5 containers) together with intermodal area lighting columns at 25 metres high.	This application is submitted in order to accommodate the bespoke operating requirements of the operator for the EMG Intermodal Area. A planning application is submitted because these requirements necessitate development which exceeds some of the parameters set by the DCO.

Other notable applications (surrounding area)

The table below details other notable recent applications in the immediate surrounding area.

Planning reference number	Location	Description of Development	Notes
25/00865/OUTM	Isley Woodhouse Land South Of Donington Park And East Midlands Airport	Outline application with all matters except part access reserved for a new settlement of up to 4,250 new houses, including employment space with ancillary offices, a local centre and two neighbourhood centres, a new secondary school and two new primary schools, residential institutions, hotels, demolition of existing structures, with associated infrastructure, including strategic highway improvements, drainage, ground modelling, landscaping, open space, sports facilities with changing and parking facilities, and access (including the realignment of the A453).	This application is still pending consideration – noted due to close proximity to Site.

Appendix 2 – SEGRO's Objection to the Joint Application

Our ref: kb/mt/dmj

5 January 2026

North West Leicestershire District Council
PO Box 11051
Coalville
Leics.
LE67 0FW

SEGRO Properties Limited

12th Floor
Two Friargate
Station Square
Coventry
CV1 2GN

SEGRO.com
T: +44(0) 2475 529730

FAO Adam Mellor, Principal Planning Officer (Major Projects) | Planning and Development

Dear Sirs

Land South of A453, East Midlands Airport – Outline Planning Application (Reference 24/00727/OUTM)

Objection on behalf of SEGRO

SEGRO Properties Ltd objects to the above planning application (the MAG application) originally submitted by Manchester Airport Group (MAG) in June 2024 and now being progressed in partnership with Prologis UK Limited. This objection is made following the recent submission of amended plans and additional supporting material. That material is incomplete and, in any event, fails to address the deficiencies of the application both in terms of its piecemeal nature and its detailed impacts. This objection has been informed by the advice of SEGRO's consulting team.

Introduction

The land covered by the MAG application site lies immediately to the south of the A453 (south of East Midlands Airport (EMA)) and forms part of a wider site that is identified both as a proposed allocation in the emerging Local Plan and as a Freeport site within the East Midlands Freeport EMAGIC cluster. Furthermore, the proposals put forward by SEGRO for a second phase of its East Midlands Gateway rail freight interchange which include the development of the wider site (the "EMG2 Main Site"), have been identified as a project of national significance by the Government and are to be consented through the Development Consent Order (DCO) process.

As well as some fundamental deficiencies with the MAG application itself, which this objection will identify, the proposition by Prologis and MAG, that the MAG application can form a first phase of the delivery of the EMG2 Main Site is flawed. The development of the site in a piecemeal fashion will prejudice the development of the EMG2 Main Site as a whole,

undermining the delivery of a project of national significance, the Freeport objectives, and the aims of the emerging Local Plan. This is prejudicial not only to the form of development but also to the ability of the entirety of the site to come forward.

On this basis and for the reasons set out below, the MAG application should be refused.

The objections detailed in this correspondence can be summarised as follows:

- I. The development proposed in the MAG application is piecemeal development prejudicial to the comprehensive development of the wider EMG2 Main Site which, planned as a whole, can most effectively maximise the benefits of the development whilst minimising its environmental effects and manage the delivery and future operation of the site.
- II. The development proposed by MAG is incompatible with the proper planning of the whole site and therefore with the DCO proposals for the EMG2 Main Site. Accordingly, the MAG proposals, if consented and built, would result in the loss of certainty over the timeline and delivery of the whole site provided by the DCO consenting route. This is to the detriment of the timely delivery of the proposed local plan allocation and the delivery of the entirety of the Freeport Site within the Freeport window (i.e. by 2031).
- III. The concept of the balance of the wider site to the south of Hyam's Lane representing a "Phase 2" (with the MAG application forming "Phase 1") is disingenuous and flawed for the following reasons:
 - a) The plans and consenting route for the balance of the site would have to change – a new planning application would have to be prepared for the land to the south of Hyam's Lane.
 - b) The content and form of development would have to be re-considered dependent on the final form of the "Phase 1" development.
 - c) There would be significant delay arising from the required re-plan arising from the ongoing uncertainty as to whether and when any Phase 1 might come forward and in what form. Both the content and timing of any development south of Hyam's Lane would be dependent upon the final content and timing of the MAG proposals which is not yet known.
 - d) Mitigation required for the balance of the wider site (to the south of Hyam's Lane) would need to be re-considered. This would include:
 - Revised highway mitigation which would need to be identified and re-modelled, the outcome of which is uncertain. This would need to follow the identification of the MAG application's highway mitigation which is, as yet, incomplete

- The site layout and strategic landscaping proposals would need to be changed to reflect the inability to provide the Community Park as previously envisaged.
 - e) The delivery of the “green package”¹ as a key first element to the strategic solution required to address the constraints on growth at M1 J23A/J24/J24A would not happen. A DCO would be required to deliver that element. Development on land to the south of Hyam’s Lane could not promote such a DCO since that development could not viably deliver the “green package”.
 - f) Due to all the uncertainties and attendant risks, the viability of the delivery of land to the south of Hyam’s Lane would be compromised to the point that it may never be delivered.
- IV. Although the highway assessment for the MAG application has not yet been completed there is no suggestion within the application documents that the MAG proposals intend to make a meaningful contribution to the ultimate delivery of a strategic solution to the constraints arising from the current issues at M1 J23A/J24/J24A. The loss of the delivery of the “green package” as part of the DCO application due to the MAG proposals will be a direct result of the piecemeal approach to the development proposed by MAG and Prologis. The loss of such a key first element required to address the constraints to planned growth will put in jeopardy much of the planned growth in the area proposed in the local plan and through the Freeport initiatives.
- V. The MAG application does not satisfactorily address the relationship of the development to Diseworth which is best addressed through a comprehensive approach to the strategic landscaping of the entire site.
- VI. The MAG application involves sub-optimal approaches to the provision of highway mitigation, drainage, sustainable travel, HGV parking and layout.
- VII. The information provided with the MAG application is incomplete in relation to the traffic impacts of the proposal.
- VIII. The development proposed in the MAG application would prejudice the delivery of the entire site, and wider planned growth, resulting in a substantial loss in economic growth in the region.

The above points are expanded upon below.

We may wish to make additional comments when any further information is submitted in relation to highway mitigation or indeed any other matter and reserve our position in that respect.

¹ The main element of the “green package” is a new grade separated link at M1 J24 between M1 north and the A50 west which will significantly assist with the safety and capacity issues at M1 J23A/J24/J24A

EMG2 DCO Context

An application has been submitted and accepted for a DCO to authorise, amongst other works, the development of the entirety of the Freeport Site south of the A453 and proposed local plan allocation, for advanced manufacturing/logistics development (identified in the DCO application as the EMG2 Main Site). The land concerned is part of a wider project, known as EMG2, being a second phase of the highly successful East Midlands Gateway Logistics Park (EMG1) which is located to the north of East Midlands Airport.

The identification of the EMG2 scheme as a project of national significance and the application for a DCO for the EMG2 scheme are material considerations which should be afforded very significant weight in the determination of the MAG application.

In the Planning Act 2008 a new system of consenting large, nationally important, infrastructure projects was introduced. Those projects are required to be approved by a DCO for which application is made to the Planning Inspectorate direct and the application is determined by the relevant Secretary of State.

The reason a new consenting process was brought in was to overcome the continuing problem of nationally significant infrastructure projects being delayed through issues such as local opposition, lack of control of land and the need to deal with multiple consenting processes. The overall aim being to speed up the delivery of these important schemes and provide certainty of delivery.

In 2013, the DCO process was extended to cover commercial and business developments which are adjudged by the Secretary of State to be of national significance so that the benefits of certainty of delivery and certainty of timeline can be applied to those important schemes too.

In February 2024, the Secretary of State directed that the EMG2 proposals were a project of national significance and should be consented through the DCO process. The proposed highway mitigation which accompanies the proposals is also, of itself, a nationally significant infrastructure project. The purpose of directing that the EMG2 proposals be consented through the DCO process was to enable the scheme to benefit from the certainty of delivery and certainty of timeline which applies uniquely to schemes authorised by a DCO. A key reason for the SoS's decision was the economic benefits that will arise from the development and, in particular, the opportunity to maximise the benefits of the Freeport designation. Given that the 'Freeport window' is time limited (it ends in 2031) the certainty of delivery and certainty of timeline provided by the DCO process are key to realising those benefits.

An approval of the MAG application would undermine the DCO process and the SoS's direction that the EMG2 scheme is a project of national significance. A piecemeal approach to the planning and delivery of the EMG2 Main Site means that the benefits of the DCO would

be lost (with neither the certainty of delivery or certainty of timeline being secured), the alternative being a wholly uncertain consenting route both in terms of delivery and timeline.

If the site were to be split into Phase 1 for land north of Hyam's Lane and Phase 2 for land south of Hyam's Lane, it would be necessary for the consenting process for "Phase 2" to change. It would no longer be possible to proceed with the DCO application. Land to the south of Hyam's Lane of itself does not comprise a project of national significance and would need to be authorised by a planning application. The highway NSIP (principally "the green package") included within the current DCO application would no longer be progressed because it could not be delivered by the "Phase 2" development in isolation and there are no proposals in the MAG application to deliver such strategic highway improvements.

The differences between the MAG application and the EMG2 proposals are very significant. This is in terms of proposed highway access, highway mitigation, environmental mitigation (in particular in respect of the impact on Diseworth) and proposals for sustainable travel. There would inevitably be considerable delay to submission of a new planning application for a purported "Phase 2". The scheme would need to be substantially amended resulting in a sub-optimal scheme requiring new environmental assessment (including transport modelling), the production of a new environmental statement and consultation.

Any re-plan would be dependent upon the consideration and determination of the MAG application by the local planning authority and highway authorities and would need to include, as yet unidentified, highway mitigation. There is no certainty of outcome of that process. Delay would be significant. It is noted that Prologis became involved with the MAG application in November 2024 and it has taken 12 months for a revised scheme to be identified, assessed and submitted, and there remain important matters still to be resolved, such as highway mitigation.

Proceeding with a phased approach would result in the certainty of timeline afforded by the recently accepted DCO application and certainty of delivery achieved by the powers sought in the application being lost and the development of the entirety of the Freeport site/proposed local plan allocation being severely, if not fatally, compromised.

Other Disadvantages of Phased Development

There are additional uncertainties which arise from a phased approach with separate developers developing different parts of the site. These uncertainties will have a detrimental effect on the timescale within which it could be expected that the whole site would be available, and some affect the feasibility/viability of development of land to the south of Hyam's Lane being delivered at all.

In order to develop land to the south of Hyam's Lane, through Phase 1 as proposed by Prologis/MAG, even if Phase 1 has a permission and other necessary consents, uncertainties remain. There remains the need for there to be certainty that land to the south

of Hyam's Lane will have an appropriate access ready when needed along with all other services and utilities infrastructure that are reliant on Phase 1. There is currently no certainty when an access and other infrastructure would be available and if there would be rights to use them.

There are several other unknowns which would be involved in the delivery of a separate "Phase 2". It is not known what the planning permission for Phase 1 will comprise of until that application is determined. It appears that the highway mitigation to be proposed for Phase 1 is currently confined to works to the Finger Farm roundabout and the new site accesses, although as we have set out below it is unlikely that approach will be acceptable to the highway authorities. Notwithstanding, based on the current Prologis/MAG proposals, the highway mitigation proposed for the EMG2 Main Site in SEGRO's DCO application will not be viable and the mitigation which would be required for land to the south of Hyam's Lane as a "Phase 2" has yet to be investigated and identified.

Without highway mitigation having been identified, and its deliverability (including viability) ascertained it is wholly uncertain as to whether land south of Hyam's Lane could/would come forward at all.

The combination of uncertainty regarding the form and timeline of Phase 1, the uncertainty regarding access to land south of Hyam's Lane through the third party land; and the uncertainties regarding the cost of, and mitigation for, land to the south of Hyam's Lane as a "Phase 2" mean that there is a significant prospect of a phased approach resulting in only a single phase (Phase 1) being developed with land to the south of Hyam's Lane not being deliverable.

Comprehensive Development compared to a Piecemeal Approach

A comprehensive, rather than piecemeal, approach to the masterplanning, assessment and delivery of the site as a whole, is essential to enable the full benefits of the development, envisaged by both the Freeport and in the draft Local Plan, to be achieved and for key impacts to be properly assessed and addressed.

The comprehensive planning of the site as a whole set out in the EMG2 DCO application, has resulted in a carefully considered form and content of development which maximises the benefits of the scheme and appropriately mitigates its impact. The phased approach does not achieve this.

The MAG application is distinctly and materially inferior. There are individual elements that are unacceptable arising from the lack of comprehensive development of the whole site, such as the relationship with Diseworth. The application also prejudices not only the delivery of the entire local plan allocation and Freeport site but also jeopardises the delivery through the DCO application of a key first element of the strategic scheme to address the issues at

M1 J23A/J24/J24A required to facilitate wider growth in the area. When applying the planning balance, the scheme should be refused.

The Need for a Comprehensive Approach to Highway Mitigation

The proposals in the EMG2 DCO Application include the delivery of a new grade separated link at M1 J24 between M1 northbound and the A50 westbound (the “green package”). The proposed improvements will be a significant contribution to addressing the safety and capacity issues at M1 J23A/J24/J24A which affects the ability for the wider growth in the area to come forward.

SEGRO have worked for some time with other developers, National Highways and the Freeport, to identify a strategic scheme for improvements to M1 J23A/J24/J24A and have, through its DCO application, indicated its willingness to deliver a key first element of that strategy which has the support of National Highways. That element is in itself an NSIP and is included as such in the EMG2 DCO application.

Land to the south of Hyam’s Lane cannot bear the burden of the delivery of that NSIP, especially in light of the risks inherent in any phased approach. The opportunity to secure the delivery of that key element of a M1 J24A/J24/J24A strategic scheme will be lost if a piecemeal phased approach to development is followed. This has implications not only for the wider growth in the area but also for the aspirations of National Highways and the Freeport to deliver works which will enable other committed and proposed development in the area, including the other Freeport sites, to come forward.

The failure to deliver the “green package” to address the M1 J23A/J24/J24A constraints, with only very limited highway mitigation currently proposed in the MAG application, is wholly unacceptable. Such an approach fails to take account of the other committed and planned growth in the area (the cumulative effects of planning development), and the need, given the amount of planned growth and the particular constraints at M1 J23A/J24/J24A, for improvements to the network to not only mitigate the impacts of the development but to avoid prejudicing (and if possible help to facilitate) further improvements that can be undertaken by others to unlock the wider growth. The MAG application approach will seriously prejudice the delivery not only of the whole of the EMG2 Main Site, but also other committed and planned development in the area, including other Freeport sites. It will make it harder for those proposals to devise and fund a strategic solution to the capacity issues at M1 J23A/J24/J24A.

The Need for a Comprehensive Approach to Site Layout and Landscaping

The EMG2 Main Site proposals include a comprehensive approach to the positioning of built form, building heights, landscaping and earthworks both in terms of plot levels but also landscape screening mounding. There has been a particular focus on ensuring that the relationship between the scheme and Diseworth is an acceptable one. A key part of the

layout and landscape strategy is the inclusion of a set back from Diseworth with the creation of a new community park along the western edge of the site. This community park would be extensive (approx. 14.1ha (excluding landscape bunds)) and deliver significant community benefits as well as helping to mitigate the effects of the scheme. The final form of the community park was a result of extensive consultation with local stakeholders.

The layout of the MAG application takes built form significantly closer to Diseworth, with landscape bunding proposed in the field compartment immediately adjacent to the village. This is in contrast to the DCO application where built development and landscape mounding to the north of Hyam's Lane is set significantly further away and with the levels and character of the fields immediately adjacent to the village left unchanged. The width of the "Strategic Landscaping and Public Amenity Area" proposed along the western edge of the development in the MAG application ranges from approximately 45.5 meters in the north, 94.5 meters in the middle, and 132.5 meters in the south. This is significantly narrower than the Community Park proposed in the DCO application to the north of Hyam's Lane, which measures around 185.1 meters in the north (+139.6m), 234.2 meters in the middle (+139.7m), and 250.3 meters in the south (+117.8m). The maximum height of the development proposed by MAG north of Hyam's Lane is also 1.8 meters higher than that proposed in the DCO application.

Accordingly, the approach proposed in the MAG application would have a materially greater impact on the village of Diseworth, particularly in terms of visual impacts, landscape character and effects on the Conservation Area.

It would also undermine the potential for a new community park as envisaged in the DCO application, preventing the delivery of the benefits associated with it and the protection it affords, as a buffer, to Diseworth.

The Need for a Comprehensive Approach to Sustainable Travel

The location of the access to the EMG2 Main Site was informed by discussions with bus operators who made it clear that the way to encourage maximum bus usage of the site was to provide access off the existing A453 Hunters Road roundabout to enable buses to penetrate the site from that point avoiding the need to travel further along the A453, into the site, out of the site, and back again to the Hunters Road roundabout before entering into the Pegasus Way Business Park.

The changed MAG application now seeks to replicate this, but the approach proposed remains flawed because it does not enable any vehicular connectivity between Parcel C and B (as identified on the MAG Parameters Plan). Therefore there is no direct interconnectivity between the bus interchange and the main body of the MAG site, let alone integration with the wider site. The proposed electric shuttle bus would have to exit the site back onto the A453, travel to the proposed new site access and re-enter the site.

Accordingly, we agree with the response of National Highways who have stated *“The site layout is not conducive to allowing the internal shuttle bus to travel within the site from the bus terminal to the other buildings without using the external highway network. National Highways does not support this approach as it will result in additional trips on the highway network”*.

The shuttle bus service as proposed will not be “internal” and will not be able to replicate the very successful EMG1 model to the detriment of achieving maximum modal shift.

In addition, pedestrian connectivity between Parcels B and C appears to be reliant upon the existing footpath and Hyam’s Lane which is outside the application site and in its current form unsuitable for high quality pedestrian connectivity. Cycling connectivity would appear to be via the A453. Furthermore, the MAG application does not include active travel measures connecting the site with the wider area. This is in marked contrast to those proposed in the EMG2 DCO application which will deliver wider connectivity between local villages and major employment area

Such an approach is clearly materially inferior to that proposed in the EMG2 DCO application. It would be a ‘sub-optimal’ approach to sustainable travel (bus, cycle and walking access) reducing the take up of sustainable modes of transport and is unacceptable as a result.

The Need for a Comprehensive Approach to Lorry Parking and Driver Welfare

The EMG2 scheme incorporates a large, secure and dedicated lorry park with associated welfare facilities. It is proposed in an optimum location, near the site access, where it can meet the needs of the whole site. The absence of an appropriate lorry park within the MAG proposals effectively means that an appropriate lorry park will not be provided anywhere on the wider site.

This is materially inferior to the DCO application given that it would be contrary to local and national policy encouraging the provision of such facilities.

The Need for a Comprehensive Approach to Flood Risk and Drainage

By comprehensively developing the wider site, the DCO Application proposals are able to provide betterment in terms of reducing existing localised flood risk issues. The drainage strategy for the Prologis/MAG application, on the other hand, provides no betterment and also offers the bare minimum in terms of water quality and does not offer any amenity or biodiversity SuDS benefits.

Lost Economic opportunity

It is apparent that the planning and delivery risks described above severely prejudice the delivery of the full extent of the Freeport site.

The prejudice to the delivery of the entire site means that, even if “Phase 1” were to proceed the likely loss of the balance of the EMG2 Main Site lying to the south of Hyam’s Lane would result in:

- the loss of 200,000 sqm of logistics and advanced manufacturing floorspace including at least 40,000 sqm for advanced manufacturing
- the loss of circa £5.7m of Retained Business Rates per annum
- the loss in business rates income receivable by East Midlands Freeport by £188m over the life of the Freeport
- the loss of circa 3,800 on and off-site operational jobs; and
- the loss of at least £91m per annum in GVA which could be generated through on-site employment.

These are quantifiable losses but are in addition to the unquantifiable losses arising from impact on the wider growth in the area which is dependent upon the delivery of improvements to M1 J23A/J24/J24A, due to the inability of the development to deliver the “green package”.

Conclusion

The EMG2 DCO application for the comprehensive development of the whole of the EMG2 Main site is a material consideration. The SoS’s direction that the proposals should be considered a nationally significant project and the sites Freeport designation are unique and material to how the site should be planned and delivered.

From the foregoing it will be apparent that delivery of the EMG2 Main Site as two separate developments would result in suboptimal, piecemeal, development of the EMG2 Main Site and significantly risks undermining delivery of the entirety of the Freeport Site/Local Plan allocation. Only through comprehensive development of the whole EMG2 Main Site can the opportunity and benefits envisaged by the Freeport and the emerging Local Plan, be fully realised.

The risk is not only a suboptimal form of development across the site but the significant risk of the development on land to the south of Hyam’s Lane not proceeding at all.

The loss of the contribution of the “green package” as a first element of a strategic solution for the constraints to growth arising from issues at M1 J23A/J24/24A cannot be overstated and is reliant upon the current EMG2 DCO application which includes those highway improvements as an NSIP in their own right.



Accordingly, the development proposed in the MAG application would prejudice the delivery of the entire site, and wider planned growth, resulting in a substantial loss in economic growth in the region.

For these reasons the MAG application should be refused.

Yours faithfully

Idox Annotate

Kate Bedson
Senior Director, National Markets

T: +44 2475 52 9733

M: [REDACTED]

Appendix 3 – Prologis' Response to SEGRO's Objection



DLA Piper UK LLP
Floor 6 & 7
Two Chamberlain Square
Paradise
Birmingham
B3 3AX
United Kingdom
DX: 13022 Birmingham 1
T: +44 (0) 20 7349 0296
F: +44 (0) 121 262 5794
dlapiper.com

Adam Mellor
Principal Planning Officer (Major Projects)
Planning and Development
PO Box 11051
Coalville
LE67 0FW

Your reference

24/00727/OUTM

Our reference

PPC/PPC/335094/111
UKM/210860127.1

By Email Only : [REDACTED]@NWLeicestershire.gov.uk

2 March 2026

Dear Mr Mellor

Outline Planning Application Reference 24/00727/OUTM ("Joint Application")

Land South of A453 Ashby Road and North of Hyams Lane, Castle Donington

We refer to the representation submitted by SEGRO Properties Limited ("SEGRO"), dated 5th January 2026, objecting to the above outline Joint Application. Since that application was made SEGRO has submitted an application for a Development Consent Order ("DCO") under the Planning Act 2008 ("PA 2008"). SEGRO's application relates to land that includes the application site for the Joint Application and seeks powers of compulsory acquisition over that land.

Executive Summary

The DCO is Not a Barrier to Determination

The Secretary of State will decide SEGRO's DCO on its own evidence. Granting the Joint Application would not prevent the DCO being made or implemented. Any DCO (if made) could include powers of compulsory acquisition that would override the pursuant planning permission if justified. We note that SEGRO has provided no explanation or evidence as to how the grant of planning permission could frustrate the DCO process.

The Council Must Determine the Joint Application on Its Own Merits

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004"), the Council must decide whether this Application is policy-compliant and acceptable in planning terms. There is no requirement to identify the "optimum" use of the site. There is no requirement to compare this scheme with SEGRO's DCO scheme. There is no policy basis to refuse a compliant application simply because another proposal exists for overlapping land. SEGRO's alternative scheme is not before the Council. The only question for the local planning authority is whether this proposal is acceptable. It is.

DLA Piper UK LLP is authorised and regulated by the Solicitors Regulation Authority (SRA No. 401322).

DLA Piper UK LLP is a limited liability partnership registered in England and Wales (registered number OC307847) which is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at dlapiper.com.

UK switchboard
+44 (0) 20 7349 0296

No "Piecemeal" or Prejudicial Development

The Joint Application is a coherent, self-contained phase of development. It does not sterilise land south of Hyam's Lane, predetermine future access, layout or mitigation, or constrain the delivery of any later phases. Phased delivery is commonplace and supported by policy for large strategic sites. The local planning authority's ability to secure appropriate mitigation and design for future phases remains unaffected.

Delivery of the Freeport

Granting planning permission pursuant to the Joint Application secures a deliverable, policy-compliant scheme capable of being built within the Freeport window. The real uncertainty lies in SEGRO's DCO process, which is subject to examination, viability, funding, compulsory acquisition justification, and ultimately the Secretary of State's decision.

Technical Assessments and Economic Considerations

The Joint Application is supported by policy-compliant technical work proportionate to it being an outline application. The scheme delivers jobs, floorspace and investment now - securing early Freeport benefits and providing certainty for local stakeholders. Contrary to SEGRO's objection, there is no evidence of severe transport impacts, unacceptable environmental effects, granting permission harming economic growth.

Conclusion

The Joint Application must be determined on its own merits. Nothing in the DCO process prevents the Council from doing so, and indeed the Council is under a statutory duty to reach a decision on the material before it. There is no planning or legal basis for the Council to defer, delay, or decline to determine the Application because SEGRO has made its own DCO application.

1. Introduction

Unsubstantiated Allegations About Impacts on the DCO Process

The central thrust of SEGRO's representation involves an assertion that "*approval of the MAG application would undermine the DCO process*" and frustrate the development of the wider site as proposed in that application. The local planning authority ("LPA") is not provided with a substantive explanation or evidence that would allow it to reach such a conclusion as these assertions are unsustainable, illogical and entirely unevicenced.

In short, if SEGRO can persuade the Secretary of State that its own proposals are acceptable, and that there is a compelling case in the public interest for granting the proposed powers of compulsory acquisition, approval of the Joint Application could not frustrate the implementation of its proposed development. The powers of compulsory acquisition it seeks would enable it to frustrate delivery of the development proposed in the Joint Application. Conversely, if the Secretary of State is not so persuaded, that would either mean SEGRO's proposed development has been found to be unacceptable, or that the potential public benefits associated with it do not justify frustrating the delivery of the development proposed in the Joint Application. Either way, the decision-making process for the DCO provides the appropriate forum for resolving these issues in the public interest. It is neither appropriate nor necessary for the local authority to seek to pre-empt that decision in determining the Joint Application.

SEGRO has not offered the local planning authority a proper or coherent explanation as to *how* approval of the Joint Application could in some way "*undermine the DCO process*" itself or lead to the "*certainty of timeline afforded by the recent DCO application and certainty of delivery achieved by the powers sought in the application being lost*" nor has such an explanation been provided to Prologis. In this respect it is notable and significant that there is no suggestion in the material submitted with SEGRO's DCO application that the proposed development would be rendered unviable or undeliverable simply as a result of the grant of planning permission for the development proposed in the Joint Application. The mechanism by which the grant of planning permission is said to give rise to these impacts is simply not explained. As the local planning authority noted on page 12 of its own Relevant Representation in response to SEGRO's application:

"It is unclear to the Council how any positive decision on the application submitted by MAG/Prologis would impact on the potential delivery of EMG2, with the applicant's documents including no reference to the outline planning application."

Unsubstantiated Viability Claims and the Relevant Planning Tests

SEGRO's representation also includes a number of bare assertions about impact on viability, but no evidence which would enable the local planning authority to accord any weight to any those points.

For those reasons, the local planning authority should continue to assess and determine the Joint Application on its own merits in the usual way. There is no need for a comparative assessment of merit against SEGRO's application to decide if the proposed development is acceptable. That is a matter for SEGRO to pursue before the Secretary of State in seeking to justify the powers of compulsory acquisition it seeks. It is not a matter the local planning authority needs to resolve to determine whether the Joint Application should be approved.

There is no requirement in planning law to show that a particular development represents the optimum use of any given site. Thus, there is no requirement to show that the Joint Application has achieved the best possible use of the application site. Rather, in the absence of conflict with planning policy and/or other significant planning harm (of which there is none), resulting from the Joint Application, the relative advantages or disadvantages of alternative development on the application site are not relevant in planning terms. Since the Joint Application proposal does not conflict with policy and otherwise involves no significant planning harm, SEGRO's alternative proposals are irrelevant whatever SEGRO's views on their relative merit.

SEGRO's representation also asserts that the material comprised in the Joint Application is "incomplete" and that the grant of planning permission for the Joint Application would result in "piecemeal development". For the reasons set out below, this is not correct.

As demonstrated by the Joint Application's Planning Support Statement, the proposed development is in accordance with the development plan as a whole. These demonstrate the absence of consideration by SEGRO of the harm that its own proposals will cause.

2. Allegation of "piecemeal development" prejudicial to, and the need for, comprehensive Delivery

SEGRO neither owns nor controls the land which is the subject of the Joint Application. SEGRO, in its objection, has asserted that the Joint Application would result in piecemeal development, which would prejudice the comprehensive development of the wider EMG2 Main Site, including other land controlled by SEGRO south of Hyam's Lane. This contention is unfounded. The information before the LPA demonstrates that the proposal forms a coherent standalone phase that does not constrain or foreclose future development options on adjoining land.

The Joint Application seeks outline planning permission for a discrete package of development without prejudicing the future development of land to the south of Hyam's Lane and is, in itself, plainly consistent with policy and acceptable. The submitted outline planning application expressly avoids foreclosing future options – and indeed was configured with a view to accommodating the proposed SEGRO development south of Hyam's Lane. Importantly, the outline planning application does not sterilise, constrain or pre-determine:

- access to land south of Hyam's Lane;
- future highway mitigation solutions; or
- land use, quantum or layout of any subsequent development.

SEGRO's objection relies on a false dichotomy between comprehensive delivery via a DCO and refusal of planning permission for any other development on the land, even if policy compliant and without planning harm. There is no planning policy basis for requiring planning permission for development to be withheld pending the prospect of a future DCO, particularly where:

- no consented DCO scheme currently exists; and
- the DCO process remains subject to uncertainty as to timing, scope and outcome.

Furthermore, there are no legal or policy reasons as to why more than one planning application, planning permission, application for a DCO or development consent under the PA 2008 cannot exist for the same or overlapping land. Rather, a local planning authority must determine each valid planning application on its own merits in accordance with section 38(6) of the PCPA 2004. As such, the issue to be considered by the Local Planning Authority is simply whether the proposed development is policy compliant and an acceptable use of land. If it is, planning permission should be granted unless there are material considerations which indicate otherwise. The merits of SEGRO's application are for the Secretary of State to determine pursuant to a separate decision-making process. If that too is considered acceptable, and a DCO is made, both consents can lawfully exist in parallel, and it is for the persons controlling the land to decide which to implement.

For these reasons, the objection on the grounds of alleged piecemeal development has no substantive merit and accordingly carries no material planning weight and should not influence the determination of this planning application. In plain terms – it is not a material consideration that is capable of overcoming the statutory presumption in favour of granting planning permission and the very substantial public interest benefits that the proposed development would deliver.

3. Alleged Incompatibility with the EMG2 DCO and Loss of Certainty

SEGRO's EMG2 DCO application has been accepted for examination but there is significant uncertainty as to whether that application will be successful, and whether any development consent that is granted will ever be implemented. It will be apparent from the Relevant Representations made on behalf of Prologis and MAG's East Midlands Airport subsidiaries that it would be unsafe at this stage to assume that:

- the SEGRO scheme will be consented in its current form;
- powers of compulsory acquisition will be granted, even if development consent is forthcoming;
- the full extent of the development proposed in SEGRO's DCO application would be viable and deliverable; or
- the proposed highway "green package" to which SEGRO refers in its objection will be viable or funded.

Those are all matters to be examined through the DCO process and ultimately determined by the Secretary of State on the evidence presented to the examination into SEGRO's application. The LPA is plainly not required to assume that SEGRO's DCO application will be consented, implemented, or delivered in the form currently proposed.

In contrast, the outline planning application offers a deliverable, policy-compliant scheme which the LPA can determine now without prejudicing the separate DCO process capable of being brought forward now, by the existing landowners, delivering employment; new, policy-compliant floorspace; and economic benefits within the Freeport period. Crucially:

- an outline planning permission pursuant to the Joint Application does not prevent a DCO being granted;
- any DCO could, through the grant of powers of compulsory acquisition, prevent delivery of the development authorised by any outline permission if there is a compelling case in the public interest for so doing; and
- the existence of an outline permission does not prejudice the Secretary of State's decision-making.

SEGRO's suggestion that certainty is lost in respect of the delivery of the East Midlands Freeport designation ignores the very real risk of delay inherent in relying solely on a future DCO, particularly where viability, funding, phasing and deliverability remain unresolved. Furthermore, it fails entirely to explain how exactly the grant of planning permission would affect the Secretary of State's decision on its own DCO application. It should be noted that SEGRO itself appears to acknowledge that fact through its adoption of the formulation "if consented and built" (emphasis added) on page 2 of its representation. What is built is, of course, a matter for the landowner to decide and is not determined by the mere existence of a planning permission or development consent.

These considerations are therefore not properly capable of outweighing the statutory and policy presumptions in favour of the Joint Application or the substantial public benefits of that development.

4. Criticism of the Phased Approach (North and South of Hyam's Lane)

SEGRO seeks to characterise the concept that the Joint Application would deliver Phase 1 (north of Hyam's Lane) and facilitate the delivery of Phase 2 (south of Hyam's Lane) as "*disingenuous and flawed*".

On the contrary, phased development is a well-established approach, supported by policy, and is particularly well-suited for the delivery of development on large strategic sites. The Joint Application site:

- Is capable of being served directly from the A453;
- can operate independently; and
- does not rely on land south of Hyam's Lane to function.

The LPA can therefore be satisfied that granting permission for Phase 1 would not prejudice the planning of later phases should they come forward.

SEGRO notes that future applications for the land south of Hyam's Lane would need to respond to the form of Phase 1 but this is not a planning harm; it is the normal and accepted operation of the planning system. The form of development proposed in the Joint Application is consistent with and would facilitate an acceptable form of development on the land to the south of Hyam's Lane. Importantly:

- there is no logic behind the suggestion of delay - if SEGRO's application is successful and a DCO is granted as applied for, its implementation would not be affected by the existence of planning permission for development of part of the site. If the DCO is not granted, it would obviously no longer represent an opportunity for wider development, and the existence of planning permission would allow for development to commence more rapidly than would otherwise be the case – either way no delay would arise;
- no mitigation that has been shown to be required for successful development of the southern land is made undeliverable by this application – indeed SEGRO positively asserts that *“the mitigation which would be required for land to the south of Hyam's Lane as a “Phase 2” has yet to be investigated and identified”* and so there can be no proper basis for suggesting that its delivery would be compromised;
- access corridors, land ownership and strategic infrastructure options remain intact; and
- future mitigation can be recalibrated as evidence evolves.

SEGRO's argument is effectively that nothing should be built unless everything is built at once, a position that is unsupported by policy and inconsistent with the Government's emphasis on delivery. Furthermore, it has entirely failed to provide any rational explanation (let alone evidence) as to why the grant of planning permission in response to the Joint Application would, in and of itself, give rise to planning harm.

SEGRO's application is for a DCO that not only includes powers of compulsory acquisition but also one that ensures that implementation of a physically incompatible planning permission does not prevent lawful implementation of the development consent. Article 42 of the draft DCO expressly provides that *notwithstanding the judgement in Hillside the implementation of another permission will not invalidate the DCO*.

Furthermore, for the reasons summarised above any residual concerns are matters to be resolved via the examination of SEGRO's application to the Secretary of State for a DCO which includes powers of compulsory acquisition. The local planning authority can therefore attribute minimal, if any, weight to this consideration.

5. Highway Mitigation and the Role of the Freeport

SEGRO contends that the Joint Application fails to deliver the strategic highway “green package” and that, without the inclusion of the land that is the subject of this outline planning application, a comprehensive solution at M1 J23A/J24/J24A is not viable. It is to be noted that no evidence whatsoever has been adduced to demonstrate either that SEGRO's scheme could *“viably deliver the “green*

package” or that this could not viably be delivered other than through the DCO scheme. SEGRO's contention was never correct or supported by evidence.

The LPA is not presented with any evidence that the Joint Application would compromise the ability to bring forward strategic mitigation at M1 J23A/J24/J24A, nor that such mitigation can only be secured through SEGRO's DCO proposal. These matters will be examined in detail through the DCO process, and they do not prevent the LPA from determining the Joint Application on its own merits.

Finally, it is instructive to note that SEGRO has not suggested in its application to the Secretary of State that the grant of planning permission in response to the Joint Application will either prevent delivery of the “green package” or make it materially less likely.

6. Sustainable Travel, Layout and HGV Provision

SEGRO asserts that the Joint Application adopts sub-optimal approaches to sustainable travel, layout and HGV parking. At the outline planning application stage, the Joint Application appropriately:

- fixes access points and movement principles;
- commits to sustainable travel measures; and
- leaves detailed layout and operational matters to reserved matters.

This is entirely consistent with outline planning practice. SEGRO's comments appear to assess the outline proposal against the level of detail in its DCO scheme. For the LPA's purposes, the correct question is whether the outline parameters and commitments within the Joint Application provide an acceptable framework for reserved matters. The submitted information meets that threshold as matters such as internal connectivity, shuttle bus routing and detailed parking provision are capable of refinement through the approval of reserved matters and the imposition of suitable conditions governing what must be submitted for approval in due course.

7. Traffic Impact Information

In contrast to SEGRO's allegation of the traffic information submitted in support of the Joint Application being incomplete, the LPA is assisted by proportionate Transport Assessment appropriate to an outline application, and:

- National Highways and the local highway authority, with whom the applicants are working, are the appropriate arbiters of sufficiency;
- any residual matters can be resolved through condition; and
- there is no evidence that impacts would be severe, as required by the NPPF test for refusal.

8. Alleged Loss of Economic Growth

The outline planning application: delivers floorspace, jobs and investment now; supports Freeport objectives within the operational timeframe; reduces reliance on uncertain future consents; and provides flexibility for the market to respond to demand. As explained above, this is readily capable of being funded and delivered.

SEGRO asserts that the outline planning application proposals would prejudice economic growth. In reality, the opposite is true – SEGRO's proposals are more likely to jeopardise early delivery of the Freeport and its benefits. In any event, for the reasons set out above this assertion is unsustainable in circumstances where SEGRO is seeking powers of compulsory acquisition that would enable it to deliver

its own scheme whether planning permission is granted in response to the Joint Application or not. If the Secretary of State is persuaded of SEGRO's case, the grant of planning permission would not represent any impediment to the implementation of its own scheme.

The outline planning application site will deliver proportionate and equivalent economic benefits on the application site, while securing early delivery within the Freeport period. There is no sensible basis for concluding that granting planning permission for the proposed development would lead to net economic loss, let alone any evidence capable of demonstrating this is likely. Accordingly, this assertion should be afforded no weight. The planning system does not support withholding planning permission for policy-compliant, deliverable development on the basis that speculative future schemes might claim to deliver different or additional benefits. The proper forum for any such debate about comparative merit is the examination into SEGRO's application for powers of compulsory acquisition to enable it to frustrate other proposed development on the land.

9. Relationship with Diseworth and Landscape Effects

The submitted landscape and visual assessments demonstrate that the parameters of the Joint Application allow appropriate mitigation and control at reserved matters stage. The LPA is therefore able to conclude that any impacts on Diseworth can be acceptably managed through the normal outline/reserved matters framework.

SEGRO contends that the relationship of the proposed development with Diseworth is inadequately addressed under the Joint Application. This is incorrect as can be seen in the landscape and visual impact assessments that accompany the Joint Application. The outline planning application:

- establishes clear landscape parameters;
- includes substantial buffers;
- retains appropriate control over scale, height and disposition; and
- allows for the detail of landscape mitigation to be appropriately controlled at reserved matters stage.

SEGRO's comparison with the DCO scheme is misleading. The DCO scheme necessarily operates at a different scale and is based on different design assumptions. This outline planning application is not required to replicate a hypothetical DCO layout, only to demonstrate that impacts can be acceptably mitigated.

10. Conclusion

The Joint Application should be determined on its own merits, in accordance with section 38(6). The central thrust of SEGRO's objection is demonstrably misconceived. The grant of planning permission for the development proposed in the Joint Application does not represent any obstacle to the future implementation of SEGRO's own development proposals, should the Secretary of State decide in due course that they are acceptable.

It is neither necessary nor appropriate for the local planning authority to engage in a comparison of the relative merit of the two schemes to decide whether to approve the development proposed in the Joint Application. In the usual way, that decision must be based on the merits of that proposed development by reference to applicable planning policy.

If SEGRO can demonstrate to the Secretary of State that there is a compelling case in the public interest for granting it the powers of compulsory acquisition that it seeks, approval of the Joint Application could not frustrate the implementation of SEGRO's proposed development. The powers of compulsory acquisition would enable it to frustrate delivery of the development proposed in the Joint Application, if

its own proposals prove to be economically viable. It is for SEGRO to make the case for such powers to the Secretary of State, and the decision-making process for the DCO provides the appropriate forum for resolving these issues in the public interest. SEGRO cannot reasonably invite the local planning authority to pre-empt that decision, and it plainly does not need to do so to determine the Joint Application.

This outline Joint Application provides a clear, detailed, and deliverable scheme, consistent with policy, offering prompt delivery of development and support for the Freeport objectives, and does not give rise to any unacceptable impacts. This aligns with planning policy and benefits the Local Planning Authority, wider stakeholders, and the East Midlands Freeport as a whole.

The existence of the DCO Application does not affect the resulting strong positive presumption in favour of granting planning permission for a policy-compliant, sustainable development that will deliver significant economic, social, and environmental benefits, nor does this change the planning balance set out in the submitted Planning Support Statement, which demonstrates that the outline planning application proposals accord with the Local Plan as a whole. The outline planning application proposals therefore benefit from the Section 38(6) presumption in their favour. In addition, the outline planning application proposals benefits from the presumption in favour of sustainable development in the NPPF. The 'other material considerations' are also overwhelmingly positive. The residual environmental harms are limited and effectively mitigated, and clearly outweighed by the substantial public benefits that the outline planning application proposals would deliver.

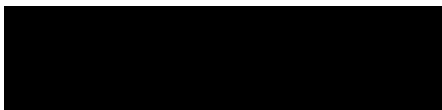
The Joint Application proposal does not result in piecemeal or suboptimal development. It delivers a discrete, viable development which does not prejudice future phases of development south of Hyam's Lane, nor does it undermine the Freeport designation, and does not prevent the delivery of strategic infrastructure.

The real risk to delivery lies in delay and reliance on a single, uncertain consenting route. This outline Joint Application secures tangible economic and employment benefits now, within the Freeport period, while preserving flexibility for future phases.

We trust that these comments will be duly considered. Prologis reserve the right to comment further if and when additional information is submitted and look forward to continued discussions with North West Leicestershire District Council, on the matters raised in this response.

If there are any queries, please do not hesitate to contact us.

Yours faithfully



DLA Piper UK LLP

Appendix 4 – Prologis Letter

Prologis UK Limited
Second Floor
30 Great Pulteney Street
London
W1F 9NN
7th April 2026

The Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

By email

Dear Sirs,

EMG2 DCO and Compulsory Acquisition powers – Implication on Foreign Direct Investment

I write on behalf of Prologis UK, which is part of Prologis, Inc. Group, the U.S based real estate company and foreign direct investor in the UK.

Prologis is a global owner, operator, and developer of logistics real estate, which selectively deploys capital across multiple jurisdictions and markets. The UK has historically been a key market within our global portfolio underpinned by a legal and commercial environment that supports stable, transparent and long-term investment decisions.

We wish to set out our concerns regarding the implications of the proposed EMG2 Development Consent Order (DCO) for Foreign Direct Investment (FDI). Specifically, the application by Segro to utilise Compulsory Acquisition (CA) powers in respect of land interests held by a commercial competitor and the precedent this may establish.

The prospect of CA powers being used in a manner that could be perceived as distorting competitive dynamics introduces an additional layer of uncertainty for international investors. Of particular concern is the potential use of such powers against competitors in respect of business and commercial development in circumstances where commercial arrangements exist or could reasonably be progressed to achieve the same objectives, giving rise to a perception that the DCO regime in the UK may be used to override or bypass outcomes achieved through negotiation and open market competition.

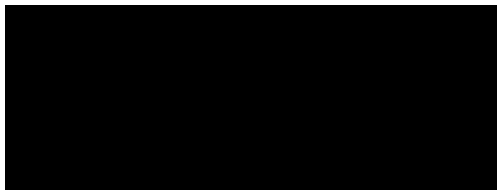
Capital allocation decisions within Prologis are made on a comparative basis, with jurisdictions assessed against one another, therefore any indication that the legal and planning framework is being eroded in the UK in terms of its predictability and integrity has the potential to influence the allocation of capital across competitive markets.

Our concern is not limited to the immediate impacts of this application but extends to the precedent that may be established. If the use of CA powers is seen to extend beyond what is legitimate and strictly necessary, it risks being viewed as anti-commercial in effect with broader implications for market confidence.

There is also a broader question as to whether the proposed use of CA powers in this instance can properly be regarded as being in the public interest, particularly when weighed against the potential impact on investor confidence and the UK's continued ability to attract long-term international capital. Infrastructure and logistics investment rely heavily on sustained confidence in process and outcome; any perceived shift in this regard carries consequences well beyond a single scheme.

Given the significance of these issues, Prologis would urge the Examining Panel and the Secretary of State to pay careful attention to the potential wider significant adverse implications that weigh against the grant of powers of compulsory acquisition.

Yours faithfully,



Paul Weston.
Regional Head, UK.

Appendix 5 – East Midlands Freeport Strategic Infrastructure & Contributions SPD

**EAST MIDLANDS FREEPORT (EMF) STRATEGIC INFRASTRUCTURE & CONTRIBUTIONS
SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

CONSULTATION DRAFT – MARCH 2026

- 1. BACKGROUND AND POLICY CONTEXT**
- 2. DELIVERY STRATEGY**
- 3. APPENDICES**

1. BACKGROUND AND POLICY CONTEXT

- 1.1 East Midlands Freeport (**EMF**) is the UK's only inland freeport, strategically located at the heart of the UK. As a freeport, EMF offers special tax, customs and regulatory benefits to encourage economic activity. The aim of EMF is to drive economic regeneration in the area, attracting new investment and creating thousands of jobs. The proposed creation of EMF was announced by the UK Government in March 2021 and EMF became fully operational in March 2023, following formal approval of its business case.
- 1.2 EMF encompasses three strategic sites in three different administrative local planning authority boundaries:
 - 1.2.1 the East Midlands Intermodal Park in South Derbyshire;
 - 1.2.2 the East Midlands Airport and Gateway Industrial Cluster in North West Leicestershire; and
 - 1.2.3 the Ratcliffe on Soar Power Station site in Rushcliffe, Nottinghamshire
- 1.3 Collectively, we will refer to these three sites as 'the EMF Sites' in this SPD.
- 1.4 Certain transport strategic infrastructure will be needed to support the delivery and operation of all the EMF Sites (referred to in this SPD as 'Strategic Infrastructure'.) The aim of this SPD is to assist with collaborative and co-ordinated delivery of the Strategic Infrastructure.
- 1.5 There are additionally a number of strategic allocations in the three local planning authority areas which will be unlocked by or significantly benefit from the Strategic Infrastructure and will also be expected to contribute towards it. Collectively these sites are referred to as 'the Strategic Allocation Sites' in this SPD.
- 1.6 It is recognised that, whilst the EMF Sites are in different local authority areas, there are interconnected issues and the development of the EMF Sites needs to be co-ordinated in order to ensure that the Strategic Infrastructure required by the EMF Sites is funded and delivered when needed, with all development which will be unlocked by or significantly benefit from that infrastructure (including the EMF Sites and the Strategic Allocation Sites) contributing towards it on a fair and proportionate basis. The Local Planning Authorities agree that the best means of ensuring this is through the adoption of this SPD.
- 1.7 This SPD applies to the EMF Sites and the Strategic Allocation Sites together with any other development which will be unlocked by or significantly benefit from the Strategic Infrastructure ('Other Benefitting Development') within the area to which this SPD applies. This SPD applies to the combined areas of South Derbyshire District, North West Leicestershire District and Rushcliffe Borough, shown on the plan at Appendix 4. This SPD has been prepared on a collaborative basis by the three local planning authorities for the EMF Sites, South Derbyshire District Council, North West Leicestershire District Council and Rushcliffe Borough Council (**the Local Planning Authorities.**) This document has been prepared as a draft for public consultation. It is intended that it will be finalised following public consultation and then adopted by each of the Local Planning Authorities pursuant to adopted local plan policy.
- 1.8 An EMF Infrastructure Delivery Plan (**EMF IDP**) is being prepared which will sit alongside this SPD and will:
 - 1.8.1 set out the Strategic Infrastructure required to deliver and operate each of the EMF Sites; and
 - 1.8.2 identify which Strategic Allocation Sites are intended to contribute towards which items of Strategic Infrastructure.

- 1.9 The EMF IDP will be informed by highways modelling work commissioned by EMF to assess the degree of improvement required to accommodate the level of strategic growth planned. Proposals will be required to demonstrate that necessary highways capacity is available to serve the development, taking into account cumulative development on the wider network and set within a monitor and manage framework relating to both the Strategic Road Network and Local Highways Network. A monitor and manage approach will be adopted to inform the timing of highways infrastructure requirements, including assessment in relation to the Local and Strategic Road Networks, and specifically M1 Junction 24. Any contributions will be provided in accordance with this SPD and the EMF IDP. Strategic infrastructure and associated mitigation will be delivered in accordance with schemes approved by National Highways and the relevant Local Highway Authority, and frameworks for the Strategic and Local Highway Networks. The EMF IDP shall be reviewed by the Local Planning Authorities no more than annually (unless circumstances indicate an interim review is necessary) with such revisions being consulted on by the Local Planning Authorities as appropriate and then published.
- 1.10 Development within the EMF Sites will also require site specific infrastructure and this is referred to in this SPD as 'Site Specific Infrastructure.'
- 1.11 Whilst the Strategic Infrastructure and Site Specific Infrastructure which may be needed to ensure the successful delivery and operation of each of the EMF Sites is indicated below, this is indicative only at this stage and will be updated and replaced by the EMF IDP. Other infrastructure may be required by the Strategic Allocation Sites more widely which is not set out in this SPD.
- 1.12 The Local Planning Authorities will work together co-operatively and collaboratively with a view to ensuring the comprehensive development of the EMF Sites in compliance with Local Plan Policy, this SPD and the EMF IDP, whether those sites are being developed pursuant to planning applications made to one of the Local Planning Authorities or pursuant to a Development Consent Order or other statutory order.
- 1.13 The highways authorities for the EMF Sites are Derbyshire County Council (for the East Midlands Intermodal Park), Leicestershire County Council (for the East Midlands Airport and Gateway Industrial Cluster) and Nottinghamshire County Council (for the Ratcliffe on Soar Power Station site), with National Highways being responsible for the Strategic Road Network (**SRN**) in those areas. In addition, the East Midlands Combined County Authority (**EMCCA**) is the new devolved regional authority covering Derbyshire and Nottinghamshire which manages devolved regional transport funding and strategies and has concurrent transport functions working alongside Derbyshire County Council and Nottinghamshire County Council as highway authorities in those areas.
- 1.14 From the date of its adoption, this SPD is a material planning consideration for the Local Planning Authorities when determining planning applications within the EMF Sites, the Strategic Allocation Sites and (where the planning application is for Other Benefitting Development) the area shown on the plan at Appendix 4. This SPD is not part of the development plan.
- 1.15 Public consultation was undertaken on a draft of this SPD between [*dates to be added to final draft*] across South Derbyshire District, North West Leicestershire District and Rushcliffe Borough.
- 1.16 Each of the EMF Sites is subject to adopted local plan policy and emerging local plan policy. This SPD is adopted by the Local Planning Authorities on the basis of adopted local plan policy and specifically on the basis of the local plan policies referred to in the following paragraphs of this SPD. However, all of the EMF Sites will be delivered over a timescale that goes beyond the current adopted local plan periods and therefore this SPD will also be relevant to the emerging local plans for those Sites and those plans when adopted. This SPD will be updated when the emerging local plans are adopted to reflect the relevant new adopted local plan policies and remove references to existing local plans. Appropriate amendments are also being sought to relevant emerging local plan policies to support the proposed adoption of this SPD.
- 1.17 The background and policy context for each of the EMF Sites is considered in turn below.

1.17.1 East Midlands Intermodal Park (EMIP)

(a) Background:

- (i) This 173 hectare site is located approximately 3 miles to the south west of Derby, adjacent to the A50/A38 junction, which connects with the M1 (and East Midlands Airport) to the east and the M6 to the north-west. The EMF tax site proposition at EMIP is the delivery of a sustainable rail-connected business park, helping businesses to operate more cost-effectively and reduce their environmental impact by shifting from road to rail freight. EMIP includes the development of a Strategic Rail Freight Interchange which is designated as a Nationally Significant Infrastructure Project and therefore currently expected to be the subject of a Development Consent Order (**DCO**) or similar, which has not yet been submitted, though other consenting routes are not precluded. EMIP is shown outlined in red on the plan at Appendix 1.

(b) Adopted policy:

- (i) South Derbyshire Local Plan (Part 1 adopted 2016, Part 2 adopted 2017) includes the following policies:

- (1) Policy INF1 (Infrastructure and Developer Contributions), which states:

'A New development that is otherwise in conformity with the Local Plan but generates a requirement for infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:

- i) Already in place, or*
- ii) There is a reliable mechanism in place to ensure that it will be delivered in the right place, at the right time and to the standard required by the Council and its partners.*

B The Council will revise its Planning Obligations SPD to cover infrastructure and service requirements, including site-specific infrastructure, to be delivered through S106 Planning Obligations. Furthermore, once a Community Infrastructure Levy has been adopted, the Council will also operate a Community Infrastructure Levy Charging Schedule, to secure funding from new development towards infrastructure provision.

C Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions.

D It is expected that development is appropriately supported and its effects mitigated, in the interests of sustainability. The viability of developments will also be considered when determining the extent and priority of developer contributions in line with the Infrastructure Delivery Plan.'

- (2) INF3 (Strategic Rail Freight Interchange), which includes the following text:

'A Any proposal for the development of a Strategic Rail Freight Interchange shall meet all the following criteria:

- i) an operational connection, to Network Rail track and signalling standards, to main trunk rail routes with sufficient available capacity and gauge capability of at least W8;
- ii) railway wagon reception and inter-modal handling and container storage facilities capable of accommodating 775 metre freight trains carrying modern wagons.

B The elements of the development identified above shall be completed before any business units on the site are occupied.

- i) An acceptable means of access to the trunk road network and parking for all goods vehicles shall be provided and operational arrangements shall minimise the use of local highways by heavy goods vehicles; and
- ii) there shall be no undue amenity or safety impacts including noise, vibration, odours, light pollution and traffic generation; and
- iii) the proposal shall be well designed and shall not cause undue harm to the character of the local landscape; and
- iv) the proposal shall preserve the character or setting of any listed buildings, conservation areas or other heritage assets; and
- v) the proposal shall not cause undue harm to features of ecological or environmental value and, where possible, shall result in biodiversity gain and enhanced environmental value; and
- vi) the proposal shall not increase the surface water run-off rate from the site and shall not increase flood risk elsewhere; and
- vii) an appraisal shall be made of the potential for the utilisation of waste heat from power stations for heating and cooling on the development site; and
- viii) appropriate provision shall be made for convenient access to the site on foot, by cycle and by public transport.

- (3) INF4 (Transport Infrastructure Improvement Schemes) – which specifically references the A50/A38 junction improvement scheme, as follows:

‘A The Council will work with partners to deliver the following transport schemes:

- ...
- iii) A50 junction with the A38 improvement scheme
- ...

B Where required to mitigate the transport impacts of the development, the Council will seek to negotiate financial contributions toward these schemes. Proposals that would prejudice their implementation will not be permitted.

C In determining the detailed alignments and designs of these schemes regard shall be had to the following:

- i) Minimising the impact on the environment, heritage assets and natural features;
- ii) Taking full account of recreational routes along, or affected by, the schemes;

- iii) *Providing for the needs of pedestrians, cyclists and people with impaired mobility;*
- iv) *Mitigating any potential flood risk impact.'*

(c) Emerging policy:

- (i) Draft South Derbyshire Local Plan Part 1 Review (Reg 19, 2025.) This plan has been subject to Regulation 19 consultation in March-April 2025 and is expected to be submitted for examination in April 2026. The draft plan includes the following policies:

- (1) Policy INF3 (East Midlands Intermodal Park Strategic Rail Freight Interchange/ East Midlands Freeport), which states as follows:

'A Land is allocated for the development of an East Midlands Intermodal Park Strategic Rail Freight Interchange/ East Midlands Freeport at Egginton Common, as shown on the Policies Map. This will represent a Nationally Significant Infrastructure Project.

B The development shall incorporate the following elements, which shall be completed before any business units on the site are occupied:

- i) *an operational connection, to Network Rail track and signalling standards, to main trunk rail routes with sufficient available capacity and gauge capability of at least W8;*
- ii) *railway wagon reception and inter-modal handling and container storage facilities capable of accommodating 775 metre freight trains carrying modern wagon;.*
- iii) *rail connected or rail accessible buildings.*

C The development shall meet the following criteria:

- i) *An acceptable means of access to the trunk road network and parking and associated facilities for all goods vehicles shall be provided and operational arrangements shall minimise the use of local highways by heavy goods vehicles; and*
- ii) *there shall be no undue amenity, safety or highway impacts including noise, vibration, odours, light pollution and traffic generation; and*
- iii) *the proposal shall be well designed and shall not cause undue harm to the character of the local landscape and shall contribute toward landscape scale enhancement in accordance with the Trent Valley Vision; and*
- iv) *the proposal shall preserve the character or setting of any listed buildings, conservation areas or other heritage assets; and*
- v) *the proposal shall not cause undue harm to features of ecological or environmental value and shall contribute toward the delivery of green infrastructure; and*
- vi) *appropriate provision shall be made to meet biodiversity net gain requirements as part of a wider network in the Trent Valley; and*

- vii) *the proposal shall not increase the surface water run-off rate from the site and shall not increase flood risk elsewhere; and*
- viii) *any new built development, other than that required for flood mitigation or recreation purposes, shall be limited to the area to the north of the Derby-Crewe railway line; and*
- ix) *the area to the south of the Derby-Crewe railway line shall be reserved for blue and green infrastructure and shall be made publicly accessible for recreational purposes; and*
- x) *provision shall be made for convenient and safe access to the site on foot, by cycle and by public transport (potentially including passenger rail if feasible), including Key and Local Cycle Network routes connecting to population centres and bus services connecting to Willington railway station and population centres, including Swadlincote.'*

(2) INF4 (Transport Infrastructure Improvement Schemes), includes the following text:

'A The Council will work with partners to deliver the following transport schemes:

- i) *South Derby Integrated Transport Link phase 1 and new A50 junction*
- ii) *A50 junction with the A38 improvement scheme*
- iii) *A50 junction with the A514 improvement scheme*
- iv) *Walton-on-Trent Bypass*
- v) *Swarkestone Causeway Bypass*

B Where required to mitigate the transport impacts of the development, the Council will seek to negotiate financial contributions toward these schemes. Proposals that would prejudice their implementation will not be permitted.

C In determining the detailed alignments and designs of these schemes regard shall be had to the following:

- vi) *Minimising the impact on natural and built environment assets*
- vii) *Taking full account of active travel routes along, or affected by, the schemes;*
- viii) *Providing for the needs of pedestrians, cyclists and people with impaired mobility;*
- ix) *Mitigating any potential flood risk impact.*

D The indicative alignments of:

- I. *the South Derby Integrated Transport Link Phases 1 and 2, and new A50 junction and*
- II. *the Walton-on-Trent Bypass, as shown on the Policies Map, shall be safeguarded against development that could compromise their delivery.*

(d) Strategic Infrastructure needed to deliver EMIP

- (i) The EMF IDP will set out the Strategic Infrastructure which is needed to deliver EMIP and which all development proposed within EMIP will be expected to contribute towards (or deliver, in appropriate cases). At

this stage the Strategic Infrastructure which has been identified in relation to EMIP on an indicative basis is as follows:

- (1) M1 J24 Improvement Schemes, which comprise the following 4 packages of works:
 - (A) Package 1: M1 South to A50 West Slip Road (the construction of a new A50 slip road and underbridge; closure of existing A50 dedicated left-turn at M1 Junction 24; provision of new A453 dedicated left-turn onto A50; and weaving alterations to M1 Junction 24 southbound exit slip road);
 - (B) Package 2: Finger Farm roundabout and northbound M1 Management (at grade signalisation and enlargement of roundabout; installation of M1 northbound “smart” weaving monitoring system; and control of priority between J23a and 24 exits usage);
 - (C) Package 3: M1/A50 north to A453 dedicated left turn (construction of A453 underbridge & Derby link road; diversion of Quarry signalised site exit road; provision of M1/A50 dedicated left-turn onto A453; and provision of Derby Road roundabout for housing access); and
 - (D) Package 4: A453 East to M1 South dedicated left-turn (construction of Kegworth link road and overbridges; closure of Derby Road and southbound entry slip at M1 J24; provision of A453 dedicated left-turn onto M1; and M1 southbound “smart” merge monitoring or widening to five lanes.)

These packages of works are shown on the plan at Appendix 5. Please note that, unlike the other strategic infrastructure listed below which is required by EMIP only, these are required by all the EMF Sites;

- (2) Strategic sustainable Transport Measures, Walking and Cycling Improvements and Site Wide Travel Plan; and
- (3) Provision of public access for recreation on land to the south of the Derby-Crewe railway line.

(e) Site Specific infrastructure which may be relevant to EMIP:

- (i) Site Specific infrastructure is infrastructure that may be required in relation to a particular development proposal in EMIP, depending upon the development proposal. It will vary from one development parcel to another within EMIP, but may include site specific public access arrangements to land to the south of the Derby-Crewe railway line.

(f) Site-wide strategy for remediation and/or ground condition works as part of appropriate phasing of the EMIP development

- (i) As part of the appropriate phasing of development on the EMIP site, any remediation and/or ground condition works shall be delivered on the EMIP site as part of an approved site-wide strategy, including appropriate remediation and/or ground condition works cost

apportionment between development parcels within EMIP to be on an equitable and proportionate basis regardless of when those development parcels come forward in order to help ensure an appropriate comprehensive development of the EMIP site.

1.17.2 The East Midlands Airport and Gateway Industrial Cluster (EMAGIC)

(a) Background:

- (i) EMAGIC comprises 2 main sites located to the north and south of East Midlands Airport, as well as two distinct plots of land on the Airport's operational apron designated as part of the tax site, which together cover 160 hectares. EMAGIC is shown outlined in red on the plan at Appendix 2. This total designation includes East Midlands Gateway Phase 1 (**EMG1**), which lies north of the airport and comprises the rail freight terminal and large logistics/warehousing development which was granted consent (by way of DCO) in 2016 and has been substantially completed by SEGRO. The land south of the Airport within the EMAGIC tax site is the subject of two development proposals:

- (1) East Midlands Gateway Phase 2 (**EMG2**), which lies south of the airport and is the subject of a DCO application which was submitted by SEGRO in November 2025 and will comprise further logistics and advanced manufacturing development; and
- (2) The land between the Airport and Hyam's Lane within the EMAGIC site allocation, which is the subject of a separate outline planning application (ref no. 24/00727/OUTM) submitted by Manchester Airports Group (**MAG**) as landowner with the support of their development partner Prologis. This development proposal also comprises logistics and advanced manufacturing development.

(b) Adopted policy:

- (i) North West Leicestershire Local Plan (2021 – adopted 2017 but subject to Partial Review in 2020) includes the following policies:

- (1) Policy Ec1 (Employment provision: permissions) which references the planning permission for a Strategic Rail Freight Interchange on land north of East Midlands Airport/west of Junction 24 of the M1 (site EC1d on the policies map) and affirms support for its renewal should permission lapse. The Strategic Rail Freight Interchange has since been delivered, although it is noted that a Material Change Order (MCO) was submitted in November 2026 and will be considered concurrently with the EMG2 DCO.

- (2) Policy Ec4 (East Midlands airport) which recognises that:

'(1) The growth of East Midlands Airport will be supported provided development that gives rise to a material increase in airport capacity or capability:

(a) Is limited to that necessary to support an airport capable of handling up to 10 million passenger and 1.2 million tonnes of cargo per year; and

- (b) Incorporates measures that will reduce the number of local residents affected by noise as a result of the airport's operation, as well as the impact of noise on the wider landscape; and*
- (c) Incorporates measures to ensure that local air quality satisfies relevant standards; and*
- (d) Is accompanied by improvements in public transport access to the airport and other measures that will reduce the level of airport-generated road traffic (per passenger); and*
- (e) Will protect and enhance heritage assets within the vicinity of the airport;'*

- (3) Policy Ec5 (East Midlands Airport: Safeguarding) which states as follows:

'(1) Development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

(2) The outer boundary of the Safeguarded Area is shown on the Policies Map and within this area consultation with East Midlands Airport is required on the following proposals:

- (a) All buildings, structures, erections and works that exceed the height specified on the safeguarding map;*
- (b) Any proposed development in the vicinity of East Midlands Airport which may have the potential to interfere with the operation of its navigational aids, radio aids and telecommunication systems;*
- (c) The lighting elements of a development which may have the potential to distract or confuse pilots, particularly in the immediate vicinity of the aerodrome and of the aircraft approach paths;*
- (d) Any proposal for an aviation use within a 13km circle centred on East Midlands Airport;*
- (e) Any proposal within a 13km circle centred on East Midlands Airport which has the potential to attract large numbers of birds. Such proposals include:*
 - (i) significant landscaping or tree planting;*
 - (ii) minerals extraction or quarrying;*
 - (iii) waste disposal or management;*
 - (iv) reservoirs or other significant water bodies;*
 - (v) land restoration schemes;*
 - (vi) sewage works;*
 - (vii) nature reserves;*
 - (viii) bird sanctuaries.*
- (f) Any proposal for a wind turbine development within a 30km circle centred on East Midlands Airport.'*

- (4) IF1 (Development and Infrastructure), which states that:

'Development will be supported by, and make contributions to as appropriate, the provision of new physical, social and green infrastructure in order to mitigate its impact upon the environment and communities. Contributions may be secured by means of planning obligations and/or a Community Infrastructure Levy charge, in the event that the Council brings a Charging schedule in to effect.

The type of infrastructure required to support new development includes, but is not limited to:

- (a) Affordable housing; and*
- (b) Community Infrastructure including education, health, cultural facilities and other public services; and*
- (c) Transport including highways, footpaths and cycleways, public transport and associated facilities; and*
- (d) Green infrastructure including open space, sport and recreation, National Forest planting (either new provision or enhancement of existing sites) and provision of or improvements to sites of nature conservation value; and*
- (e) The provision of superfast broadband communications; and*
- (f) Utilities and waste; and*
- (g) Flood prevention and sustainable drainage.*

The infrastructure secured (on or off-site) will be provided either as part of the development or through a financial contribution to the appropriate service provider and may include the long-term management and maintenance of the infrastructure.

In negotiating the provision of infrastructure the Council will have due regard to viability issues and where appropriate will require that the applicant provide viability information to the Council which will then be subject to independent verification. The District Council will work closely with infrastructure providers to ensure inclusion of infrastructure schemes within their programmes, plans and strategies, and delivery of specific infrastructure requirements in conjunction with individual development schemes and the expected timing of development coming forward. The Council will also work with partners and other stakeholders to secure public funding towards infrastructure, where possible.'

- (5) IF4 (Transport infrastructure and new development), which states:

'(1) The Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees. In assessing proposals regard will be had to any Transport Assessment/Statement and Travel Plan prepared to support the application.

(2) New development will be expected to maximise accessibility by sustainable modes of transport, having regard to the nature and location of the development site, and contribute towards improvement of the following where there is a demonstrable impact as a result of the proposed development:

- (a) The provision of cycle links within and beyond sites so as to create a network of cycleways across the district, including linkages to key Green Infrastructure;*

(b) The provision of public footpath links within and beyond sites so as to enhance the network of footpaths across the district, including linkages to key Green Infrastructure;

(c) The provision of new public transport services, or the enhancement of existing services, to serve new developments so that accessibility by non-car modes to essential services and facilities, such as shops, schools and employment, is maximised.

(3) Where new development has a demonstrable impact upon the highway network contributions towards improvements will be sought commensurate with the impact. The following specific highway improvements are identified 92 as priorities:

(a) Strategic road improvements

- J22 of M1*
- J13 of A42*

(b) Local road improvements

- the A511 corridor between J22 of the M1 and J13 of the A42.'*

(c) Emerging policy:

(i) The draft North West Leicestershire Local Plan (2025) is at Regulation 18 stage. This draft plan does not include employment allocations, which are to be included in the Regulation 19 draft of the new plan, due to be published in summer 2026. In advance of that publication, the local planning authority has consulted upon Additional Proposed Housing and Employment Allocations in March-April 2025. EMAGIC will be included in the Regulation 19 draft of the local plan.

(ii) The Regulation 18 draft of the North West Leicestershire Local Plan includes the following policies:

(1) Policy Ec8 (East Midlands Airport), which states:

'(1) The growth of East Midlands Airport will be supported to enable it to fulfil its role as a regional airport.

(2) Within the airport limit, as defined on the Policies Map, development will be limited to the following uses:

(a) Operational facilities and infrastructure; and

(b) Passenger and terminal facilities; and

(c) Cargo facilities; and

(d) Airport ancillary infrastructure where the proposed development requires and benefits from an airport location and is of a scale that is appropriate to that relationship; and

(e) Landscape works; and

(f) Internal highways and infrastructure; and

(g) Improvements to public transport and airport customer car parking

(3) New development that gives rise to a material increase in airport capacity or capability will be required to:

(a) Incorporate measures to ensure that the impact of noise on local residents satisfies relevant standards; and

(b) Incorporate measures to ensure that local air quality satisfies relevant standards; and

(c) Maximise opportunities to achieve net zero carbon in respect of proposed buildings and non – aircraft operations; and

(d) Be accompanied by improvements in public transport access to the airport and other measures that will reduce the level of airport-generated road traffic (per passenger).'

- (2) Policy Ec9 (East Midlands Airport: Safeguarding), which states:

'(1) Development which would adversely affect the operational integrity or safety of East Midlands Airport will not be permitted.

(2) The outer boundary of the Safeguarded Area is shown on the Policies Map and within this area consultation will be undertaken with East Midlands Airport for the following proposals:

(a) All buildings, structures, erections and works that exceed the height specified on the safeguarding map;

(b) Any proposed development in the vicinity of East Midlands Airport which may have the potential to interfere with the operation of its navigational aids, radio aids and telecommunication systems;

(c) The lighting elements of a development which may have the potential to distract or confuse pilots, particularly in the immediate vicinity of the aerodrome and of the aircraft approach paths;

(d) Any proposal for an aviation use within a 13km circle centred on East Midlands Airport;

(e) Any proposal within a 13km circle centred on East Midlands Airport which has the potential to attract large numbers of birds. Such proposals include:

(i) significant landscaping or tree planting;

(ii) minerals extraction or quarrying;

(iii) waste disposal or management;

(iv) reservoirs or other significant water bodies;

(v) land restoration schemes;

(vi) sewage works;

(vii) nature reserves;

(viii) bird sanctuaries.

(f) Any proposal for a wind turbine development within a 30km circle centred on East Midlands Airport.

(g) Proposals for large-scale solar photovoltaic arrays which have the potential to generate glint and glare, particularly in the immediate vicinity of the airport and of the airport approach and departure paths.'

- (d) Strategic Infrastructure needed to deliver EMAGIC;

- (i) The EMF IDP will set out the Strategic Infrastructure which is needed to deliver EMAGIC and which all development proposed within EMAGIC will be expected to contribute towards (or deliver, in appropriate cases). At this stage the Strategic Infrastructure which has

been identified in relation to EMAGIC on an indicative basis is as follows:

- (1) M1 J24 Improvement Schemes as set out above. Please note that, unlike the other strategic infrastructure listed below which is required by EMAGIC only, these are required by all the EMF Sites;
- (2) Transport improvements to M1 J24, 23a and others;
- (3) Strategic sustainable Transport Measures, Walking and Cycling Improvements and Site Wide Travel Plan; and
- (4) Strategic landscape and visual mitigation measures including to address heritage.

(e) Site Specific infrastructure which may be relevant to EMAGIC:

- (i) Site Specific infrastructure is infrastructure that may be required in relation to a particular development proposal in EMAGIC, depending upon the development proposal. It will vary from one development parcel to another within EMAGIC but may include, for example, site-specific transport measures, walking and cycling improvements and a site specific travel plan and may include site-specific landscape and visual mitigation measures.

1.17.3 The Ratcliffe on Soar Power Station site (Ratcliffe):

(a) Background:

- (i) This is a 273 hectare site, largely (but not wholly) designated as an EMF tax site, with a net developable area of around 128 hectares for new employment and related development. It is shown outlined in red on the plan at Appendix 3. It is the site of a coal-fired power station which closed for operational purposes in September 2024. The aim is to transform this site into a zero-carbon manufacturing and technology hub. A Local Development Order (**LDO**) relating to this site was adopted by Rushcliffe Borough Council in July 2023. The LDO allows for the creation of an industrial park focused on – but not limited to – advanced manufacturing (including technology needed to transition to net-zero), green and low-carbon energy generation, and energy storage. The LDO grants planning permission for the site's development in accordance with the conditions applied to the Order and the other provisions contained within it.

(b) Adopted policy:

- (i) The adopted Local Plan for Ratcliffe was adopted in 2014, well before the creation of EMF was announced by the Government. It therefore reflects the situation at the time, when Ratcliffe on Soar Power Station was still operational.

- (ii) Rushcliffe Borough Council Local Plan (adopted 2014). Part 1: Rushcliffe Core Strategy, includes the following policies:

- (1) Policy 5 (Employment Provision and Economic Development), which includes the following:

'The economy will be strengthened and diversified with new floorspace being provided (across all employment sectors) to meet restructuring modernisation and inward investments needs. This will be achieved by...

(5) Encouraging economic development associated with ...other Centres of Excellence in Rushcliffe such as Ratcliffe on Soar Power Station...'

The supporting text to this policy states (paragraph 3.5.21) that, *'Proposals for new sustainable development, changes of use or redevelopment of existing buildings within these locations will be favourably considered.'*

- (2) Policy 18 (Infrastructure), which includes the following:

'1. New development must be supported by the required infrastructure at the appropriate stage. Rushcliffe will work in partnership with other Greater Nottingham local authorities, infrastructure providers, grant funders, the development industry and other delivery agencies in seeking the provision of necessary infrastructure to support new development.

2. Contributions will be sought from development proposals which give rise to the need for new infrastructure.'

This policy references the existing IDP, but this will be superseded for Ratcliffe by the EMF SPD.

- (3) Policy 19 (Developer Contributions) states as follows:

'1. All development will be expected to:

a. Meet the reasonable cost of new infrastructure required as a consequence of the proposal;

b. Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and

c. Provide for the future maintenance of facilities provided as a result of the development.

2. The Council intends to introduce a Community Infrastructure Levy (CIL) to secure infrastructure that has been identified as necessary to support new development and to achieve Core Strategy objectives.

3. Prior to the implementation of a CIL, and following implementation where it remains appropriate, planning conditions and obligations will be sought to secure all new infrastructure necessary to support new development either individually or collectively.'

- (c) Emerging policy:

- (i) The draft Greater Nottingham Strategic Plan (publication draft, March 2025) has been prepared by Rushcliffe Borough Council with Broxtowe

Borough Council and Nottingham City Council, as a combined Local Plan. It was submitted for examination on 22 December 2025. It includes the following relevant policies:

- (1) Policy 32 (Strategic Allocation Former Ratcliffe on Soar Power Station), which states:

1. The area, as shown on the adopted policies map, is identified as a strategic site for employment development, including strategic distribution, for the purposes of delivering an industrial park focused on advanced manufacturing (including technology needed to transition to net-zero), green and low-carbon energy generation and energy storage. The design and layout of the entire site will be determined through a masterplanning process. The development shall be appropriately phased to take into account provision of necessary infrastructure, including improvements to the strategic and local highway network and public transport network. The indicative distribution of the proposed uses is identified on Figure 32.1.

2. The development will be subject to the following requirements:

A. Employment

1. The provision of new buildings is limited to 810,000 square metres (gross floor area).

2. Uses on the Southern Area (land south of A453) are limited to: Energy Generation and Storage; and Advanced Manufacturing and Industrial (Class E(g)(iii) & B2) producing technology or using technology to deliver the net-zero transition.

3. Uses on the Northern Area (land north of A453) are limited to: Energy Generation and Storage; Advanced Manufacturing and Industrial (Class E(g)(iii) & B2) producing technology or using technology to deliver the net-zero transition; Data Centres; Logistics (Class B8); Research and Development; Offices (Class E(g) (i) and (ii)); and Education (Skills and Training) (Class F.1(a)).

4. The provision of Logistics (Class B8) on the Northern Area is limited to a maximum of 180,000 square metres (gross floor area).

5. The provision of Offices (Class E(g) (i) & (ii)) on the Northern Area is limited to a maximum of 50,000 square metres (gross floor area) and provision should be located in proximity to the East Midlands Parkway Station.

6. Training opportunities should be provided for as part of the development.

B. Neighbourhood centre

7. A neighbourhood centre including community facilities of an appropriate scale should be provided to serve the needs of occupiers on the site and be located in close proximity to the East Midlands Parkway Station.

8. The neighbourhood centre can include the provision of one hotel (Class C1) not exceeding 150 beds.

C. Ground-mounted solar power generation

9. Provision of up to 10 hectares of ground mounted solar power generation and which should be located adjacent to the northern boundary of the Northern Area (land north of the A453).

D. Transportation

10. Improvements to road infrastructure necessary to mitigate adverse traffic impacts and serve the new development, including improvements to the A453 and likely improvements to Junction 24 of the M1 and local roads.

11. Provision of appropriate walking and cycling facilities and public transport links through and beyond the site.

12. Retention and use of the site's existing freight rail line and associated service / loading yards.

13. Provision of direct pedestrian access from the site to East Midlands Parkway Station.

14. Implementation of a Sustainable Transport Strategy, a Site Wide Travel Plan and Plot Specific Travel Plans.

E. Other Requirements

15. Protection of the safe operation of aircraft using East Midlands Airport.

16. Utilisation of any remaining fly ash resource, comprising pulverised fuel ash (PFA) and furnace bottom ash (FBA), where reasonably practicable and commercially viable.

17. Sewage and off-site drainage improvements.

18. An appropriate sustainable drainage system.

19. A high quality built environment, including public spaces, to create a distinctive character that responds positively to the site, relates well to the surroundings, and gives consideration to the most appropriate sustainable methods of construction.

20. The creation and enhancement of green infrastructure which links to the wider green infrastructure network, which has regard to the Greater Nottingham Landscape Character Assessment, and provides for biodiversity enhancements.

21. The retention and creation of significant Green Infrastructure areas and buffers, particularly on the eastern boundary of the Northern Area (north of the A453) and on all boundaries of the Southern Area (south of the A453).

22. Planning permission will not be granted for manufacturing uses which would have an adverse air quality impact upon any European site for nature conservation including the possible potential Special Protection Area, either alone or in combination with other pollution sources such as traffic.

23. Provision of contributions for local infrastructure, including facilities and services that are essential for development to take place or which are needed to mitigate the adverse impact of development will be secured through Planning Obligations in line with Policy 18.

(2) Policy 18 (Development Contributions for Infrastructure), states:

1. New development must be supported by the required infrastructure at the appropriate stage.

2. All development will be expected to:

a) meet the costs of new infrastructure required as a consequence of the proposal;

b) contribute to the delivery of necessary infrastructure to enable any cumulative impacts of the development to be managed, including identified transport infrastructure requirements; and

c) provide for the future maintenance of facilities provided as a result of the development.

3. Developer contributions may be negotiated to take account of situations where development is phased over time, or where there are significant changes in economic conditions over the period up to completion of a development, to ensure development contributes appropriately to necessary infrastructure.

4. There are known infrastructure and capacity constraints, in particular related to transport, education, open space, health and flood risk. Further detailed assessment of these issues will be required, as set out through future plan preparation, Supplementary Plans and / or masterplans.

(d) Strategic Infrastructure needed to deliver Ratcliffe

(i) The EMF IDP will set out the Strategic Infrastructure which is needed to deliver Ratcliffe and which all development proposed within Ratcliffe will be expected to contribute towards (or deliver, in appropriate cases). At this stage the Strategic Infrastructure which has been identified in relation to Ratcliffe on an indicative basis is as follows:

- (1) M1 J24 Improvement Schemes as set out above. Please note that, unlike the other strategic infrastructure listed below which is required by Ratcliffe only, these are required by all the EMF Sites;
- (2) Strategic transport improvement works; and
- (3) Strategic sustainable Transport Measures, Walking and Cycling Improvements and Site Wide Travel Plan.

(e) Site Specific infrastructure which may be relevant to Ratcliffe

(i) Site Specific infrastructure is infrastructure that may be required in relation to a particular development proposal in Ratcliffe, depending upon the development proposal. It will vary from one development parcel to another within Ratcliffe, but may include, for example, site-specific transport measures, walking and cycling improvements and a site specific travel plan.

(f) Site-wide strategy for remediation and/or ground condition works as part of appropriate phasing of the Ratcliffe development

(i) As part of the appropriate phasing of development, remediation and/or ground works shall be delivered on Ratcliffe as part of an approved site-wide strategy, including appropriate remediation and/or ground condition works cost apportionment between development parcels within Ratcliffe to be on an equitable and proportionate basis regardless of when those development parcels come forward in order to help ensure a comprehensive development of the Ratcliffe site.

1.18 **Community Infrastructure Levy**

1.18.1 There is no Community Infrastructure Levy (**CIL**) charging schedule in force in South Derbyshire District or North West Leicestershire District, so neither EMIP nor EMAGIC are subject to CIL.

- 1.18.2 There is a CIL charging schedule in force in Rushcliffe Borough Council. Ratcliffe falls within Zone 5 of that schedule for residential development (excluding apartments) where a current CIL rate of £100 per square metre applies. CIL also applies in Ratcliffe in relation to general retail A1-A5 (excluding food supermarket) at a current rate of £50 per square meter and to food supermarket A1 at a current rate of £100 per square metre.

2. DELIVERY STRATEGY

Framework Section 106 Agreement

- 2.1 A mechanism is needed to ensure that the Strategic Infrastructure (including that which is required by the development of the EMF Sites collectively and that which is required only in relation to one or two of the EMF Sites), is delivered in a coordinated manner and that each development parcel within any of the EMF Sites, or the Strategic Allocation Sites, or Other Benefitting Development, contributes towards the Strategic Infrastructure, as identified in the EMF IDP, on an equitable and proportionate basis regardless of when those development parcels come forward.
- 2.2 The Local Planning Authorities consider that a key mechanism for ensuring this objective is achieved will be via “a framework Section 106 agreement”, as explained below.
- 2.3 The format of the framework Section 106 agreement will be developed by the Local Planning Authorities jointly and used as a base template document for all Section 106 agreements relating to the development of any land parcel within any of the EMF Sites (save exempt development referred to in paragraph 2.7 below). It will also, where appropriate, be used for Section 106 agreements relating to the development of Strategic Allocation Sites or Other Benefitting Development and references in the remainder of this paragraph 2 to the ‘SPD Sites’ shall mean the EMF Sites, the Strategic Allocation Sites and Other Benefitting Development sites.
- 2.4 The format of the framework Section 106 agreement is expected to be broadly the same across the SPD Sites, but the draft will be refined for each SPD Site, to reflect the different Strategic Infrastructure (and Site Specific Infrastructure) which that SPD Site is expected to contribute towards, as set out in the EMF IDP and explained in paragraph 1 above.
- 2.5 The framework Section 106 agreement will provide a ‘base’ or template draft Section 106 agreement for all development parcels coming forward within each of the SPD Sites which each of the Local Planning Authorities will utilise when negotiating Section 106 agreements relating to those development parcels.
- 2.6 Landowners and developers of land within any of the SPD Sites will be expected to enter into a framework Section 106 Agreement in connection with any development proposal (save exempt development referred to in paragraph 2.7 below.) They will also be expected to enter into equalisation agreements in relation to works in kind (where necessary) and in relation to land on which Strategic Infrastructure is being delivered, so that land values across each SPD Site are equalised and the cost of providing land on which Strategic Infrastructure is located (and such land therefore not being available for development as a result) is shared fairly and proportionately amongst all landowners and developers regardless of where that Strategic Infrastructure is located within the SPD Site – see paragraph 2.9.4 below.
- 2.7 Development of any part of the SPD Sites consisting of:
- 2.7.1 less than 1,000 square metres of non-residential development (save where a larger parcel of land has been sub- divided into proposed developments consisting of less than 1,000 square metres of non-residential development); or
- 2.7.2 (where applicable) less than 10 dwellings (save where a larger parcel of land has been sub-divided into proposed developments consisting of less than 10 dwellings) or development consisting of a replacement dwelling or dwellings
- shall not be expected to enter into a framework Section 106 agreement.
- 2.8 The framework Section 106 agreement will contain a “Part A” dealing with Strategic Infrastructure (expected to be included consistently for each application for development within the relevant SPD Site, save where minor specific adjustments are allowed) and “Part B” dealing with Site Specific

Infrastructure and any required remediation works (which will be bespoke for each proposed development site, although the approach taken to particular infrastructure should be expected to be consistent across the relevant SPD Site within which the proposed development is located).

2.9 Part A of the framework Section 106 agreement will include the following provisions:

2.9.1 **Payment of Strategic Infrastructure contributions:**

- (a) Developers will be expected to make Section 106 contributions (under Section 106 of the Town and Country Planning Act 1990, as the same may be amended or replaced) towards Strategic Infrastructure save where works in kind have been agreed and allowed in lieu of those contributions (see paragraph 2.9.2 below.)
- (b) The Strategic Infrastructure costs will be identified in the EMF IDP, which will be consulted upon and adopted to inform this SPD.
- (c) The amount of Section 106 contributions payable towards Strategic Infrastructure shall be informed by an allocation wide assessment of Strategic Infrastructure costs across all of the EMF Sites and Strategic Allocation Sites and viability testing to ensure that that Strategic Infrastructure can be delivered as part of policy-compliant development of the EMF Sites and Strategic Allocation Sites.
- (d) The amount of Section 106 contributions payable towards Strategic Infrastructure shall be determined by the Local Planning Authorities on a consistent and proportionate basis across the SPD Sites and in accordance with regulation 122 of the Community Infrastructure Levy Regulations 2010 (as the same may be amended or replaced).
- (e) The EMF IDP or framework Section 106 Agreement will include triggers for payment for each Strategic Infrastructure contribution, reflecting the timescale within which that infrastructure needs to be delivered.
- (f) The Strategic Infrastructure contributions set out in each individual Section 106 Agreement will be subject to review when the EMP IDP is updated (except during a 'grace' period when they may not be reviewed to allow developers to implement – or sell - with cost certainty.) They will also be subject to (a) indexation calculated from the date of the relevant Section 106 Agreement and (b) interest in the event of late payment.
- (g) The EMF IDP may be updated by the Local Planning Authorities from time to time – see paragraph 1.7 above.
- (h) The Strategic Infrastructure contributions may be paid in instalments to be agreed in the relevant Section 106 agreement and the payment date(s) for payment contributions will also be agreed in the relevant Section 106 agreement.
- (i) The Strategic Infrastructure contributions may be paid into 'pots' which may fund either a single item of Strategic Infrastructure or multiple items of Strategic Infrastructure, at the Local Planning Authority's discretion (or the discretion of the highways authority in relation to highways contributions).
- (j) The Strategic Infrastructure contributions shall be payable, where relevant, where the Strategic Infrastructure has been built or provided as at the date the relevant Section 106 agreement is entered into, in order to ensure a proportionate contribution is made by all non-exempt development within the SPD Sites.

- (k) Early delivery of certain items of Strategic Infrastructure may be beneficial or necessary in order to enable or encourage development. Where a third party (including an early developer within any of the SPD Sites) has forward funded any such item the Section 106 agreement will acknowledge that the Local Planning Authority may pay any Section 106 contributions collected relating to that item of Strategic Infrastructure to the third party delivering that infrastructure.

2.9.2 Works in kind:

- (a) The Local Planning Authorities may, in relation to some items of Strategic Infrastructure, be open to discussing the possibility of a developer delivering works in kind and paying a reduced Section 106 contribution towards the relevant Strategic Infrastructure item as a result or making an adjustment to other Section 106 contributions, where appropriate, but it shall be at the discretion of the relevant Local Planning Authority (or highways authority where the relevant infrastructure is highways infrastructure) whether or not to permit any works in kind, bearing in mind all relevant circumstances.
- (b) Any developer proposing to carry out works in kind is encouraged to discuss their proposals with the Local Planning Authority, highways authority (where the relevant infrastructure is highways infrastructure) and other landowners in the SPD Site (or SPD Sites where the Strategic Infrastructure is relevant to more than one SPD Site) at the earliest possible opportunity - the Local Planning Authority will expect such discussions to have taken place prior to the submission and determination of any planning application.
- (c) Where a developer proposes to carry out works in kind the developer shall provide the relevant Local Planning Authority with a Site-wide deliverability appraisal which shall reflect any equalisation agreements entered into by them with other landowners/developers (relating to how the landowner will be compensated by other landowners in respect of the proposed works in kind – see paragraph 2.9.4 below), a proposal of any anticipated equalisation agreements and the proposed delivery arrangements for the relevant Strategic Infrastructure, including the nature, scale and timing of delivery and the estimated costs of delivery.
- (d) Where the Local Planning Authority, or highways authority as the case may be, does permit works in kind the developer will be expected to obtain the approval of the Local Planning Authority (and highways authority in the case of highways infrastructure) to the detailed design of those works, obtain all necessary consents and enter into all statutory agreements required. The relevant Local Planning Authority (or highways authority where the relevant infrastructure is highways infrastructure) will also require collateral warranties and step in rights and may require additional security and/or remedies (such as bonds), to protect the Local Planning Authority or highways authority as the case may be against the developer's failure to complete the works in kind, to ensure the delivery of that infrastructure when it is needed. The developer will manage and maintain the works in kind for an agreed period and then (generally) be expected to transfer the ownership of such works (including the freehold ownership of the land on which the works are built) to the Local Planning Authority, or highways authority in the case of highways infrastructure or another relevant body as the Local Planning Authority or highways authority may direct, when required by the Local Planning Authority.

2.9.3 Strategic Infrastructure land:

- (a) Strategic Infrastructure contributions will not be reduced where land is provided for strategic infrastructure.

- (b) For the purposes of calculating the relevant Strategic Infrastructure costs, it shall be assumed that the land on which Strategic Infrastructure is located will be transferred to the relevant Local Planning Authority (or highway authority, National Highways or other body where appropriate) for nil value.
- (c) Landowners and developers may enter into equalisation agreements between themselves in order to equalise land values (so that a landowner on whose land Strategic Infrastructure is located is compensated by other landowners who benefit from that Strategic Infrastructure).

2.9.4 Equalisation:

Where the Local Planning Authority (or highways authority in the case of highways infrastructure) confirms that there is a need for a landowner/developer ('Developer A') entering into the Section 106 agreement to enter into an equalisation agreement with another allocation area landowner/developer ('Developer B') because Developer B is delivering Works in Kind or providing Strategic Infrastructure land then the framework Section 106 Agreement may provide that Developer A shall use reasonable endeavours to enter into that equalisation agreement and if it is not entered into within a reasonable period of time (which the Local Planning Authority shall specify) Developer A shall agree on written request from Developer B to submit to dispute resolution (arbitration or expert determination, as the Local Planning Authority shall decide) and the arbitrator or expert shall determine how equalisation may be achieved following which Developer A shall enter into an equalisation agreement with Developer B in accordance with the arbitrator or expert's determination.

2.9.5 Access:

The landowner shall permit (at nil cost) access to such part of its application site as may be needed for the relevant Local Planning Authority (or a developer) to carry out and complete any Strategic Infrastructure works. The developer of any development parcel forming part of the SPD Sites shall design their development to facilitate vehicular and (where relevant) pedestrian, cycleway and bridleway access to adjacent parcels of land to ensure site-wide connectivity and so that development of each SPD Site (or SPD Sites where they lie adjacent to each other) moves forward on a comprehensive basis.

2.9.6 Repayment of forward funding:

The framework Section 106 agreement shall include an acknowledgement that Strategic Infrastructure contributions may be used to repay relevant bodies or developers for any infrastructure that has been forwarded funded (including any repayment or recovery and recycling obligations.)

2.9.7 Reimbursement of contributions:

To the extent that there is any surplus in the Strategic Infrastructure funds once the relevant Strategic Infrastructure has been built the Local Planning Authorities will act consistently in deciding whether or not to reimburse such funding and such provisions shall form part of any framework Section 106 Agreement. Any reimbursement will be proportionate and subject to the development to which it relates being policy-compliant and all other infrastructure needs of that development having been met; if not then any reimbursement monies due in respect of that development may first be applied by the relevant Local Planning Authority towards making that development policy-compliant.

2.9.8 Community infrastructure levy:

The framework Section 106 agreement shall include a provision that if CIL were to be introduced which applied to any of the SPD Sites, the framework Section 106 Agreement would be adjusted so that there would be no increased financial burden on landowners or developers of land within the allocation site as a result.

2.9.9 Future planning law:

The framework Section 106 agreements will deal with the principle of there being no increased financial burden on landowners or developers if new planning legislation is brought into force which introduces a new levy in full or partial replacement of Section 106 agreements.

2.9.10 Section 106 monitoring fees:

The relevant Local Planning Authority and the relevant highways authority will charge a proportionate and reasonable monitoring fee.

Other considerations relevant to the delivery of the Strategic Infrastructure:

2.10 Conditions:

In appropriate cases the relevant Local Planning Authority may use pre-commencement and/or pre-occupation conditions on planning permissions to prevent development and/or occupation of relevant phases of the development in advance of the necessary Strategic Infrastructure being in place.

2.11 Statutory agreements:

In appropriate cases the relevant Local Planning Authority and highways authority may require conditions to form part of any planning permission or obligations in a Section 106 agreement requiring the landowners/developers to enter into highways agreements to secure adoption of any roads or other public rights of way forming part of the Strategic Infrastructure and/or any other planning or infrastructure agreements that may be required at the relevant time. All primary roads, secondary roads and other roads serving five or more dwellings within the site will be required to be built to adoptable standards and offered for adoption to the highways authority and (if it is agreed they will be adopted) dedicated as public highway.

2.12 Other Benefitting Development:

Where planning applications are made for development within the area shown on the plan at Appendix 4 but not lying within one of the EMF Sites or Strategic Allocation Sites and not being exempt development and such development will be unlocked by or significantly benefit from the Strategic Infrastructure being provided or funded by development within the EMF Sites (and, where applicable, Strategic Allocation Sites), that development may also be required by the relevant Local Planning Authority to contribute towards the costs of such Strategic Infrastructure via a Section 106 Agreement - the relevant Local Planning Authority shall determine on a case by case basis, in line with the statutory tests for planning obligations, whether such contributions or a proportion thereof, should be payable.

2.13 Viability:

2.13.1 Proposals should be designed in a way that accords with Local Plan policies, including the requirement to contribute towards Strategic Infrastructure costs in accordance with this SPD, the EMF IDP and other items that may be secured through Section 106 agreements, including affordable housing.

2.13.2 Where, in the opinion of a developer of land within any of the SPD Sites, their proposed development cannot meet Local Plan policy requirements and the requirements of this SPD

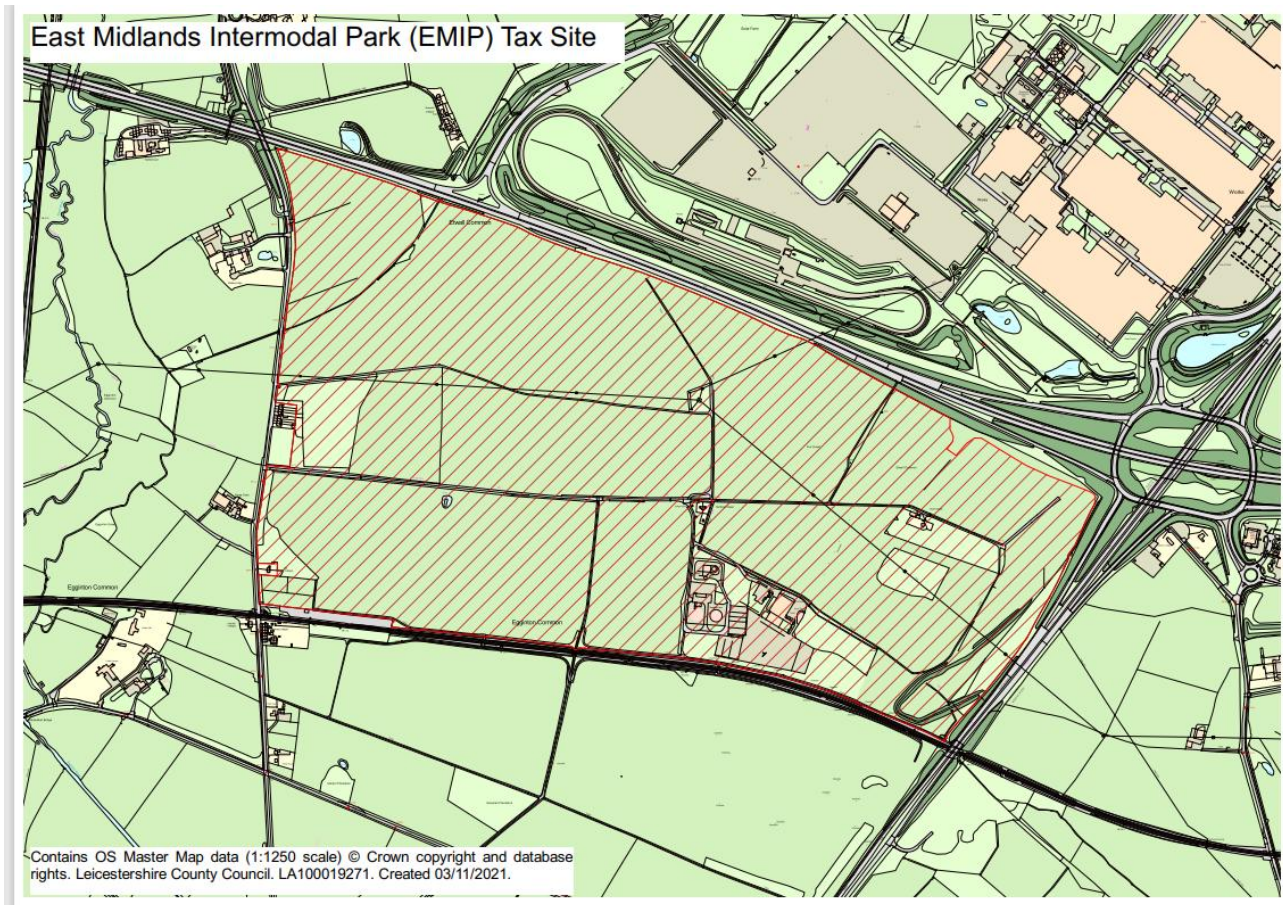
and the EMF IDP, the developer is required to robustly demonstrate that the development is clearly unviable by submitting a financial viability assessment (**FVA**) to the relevant Local Planning Authority.

2.13.3 All FVAs submitted by developers should contain the following information with supporting evidence:

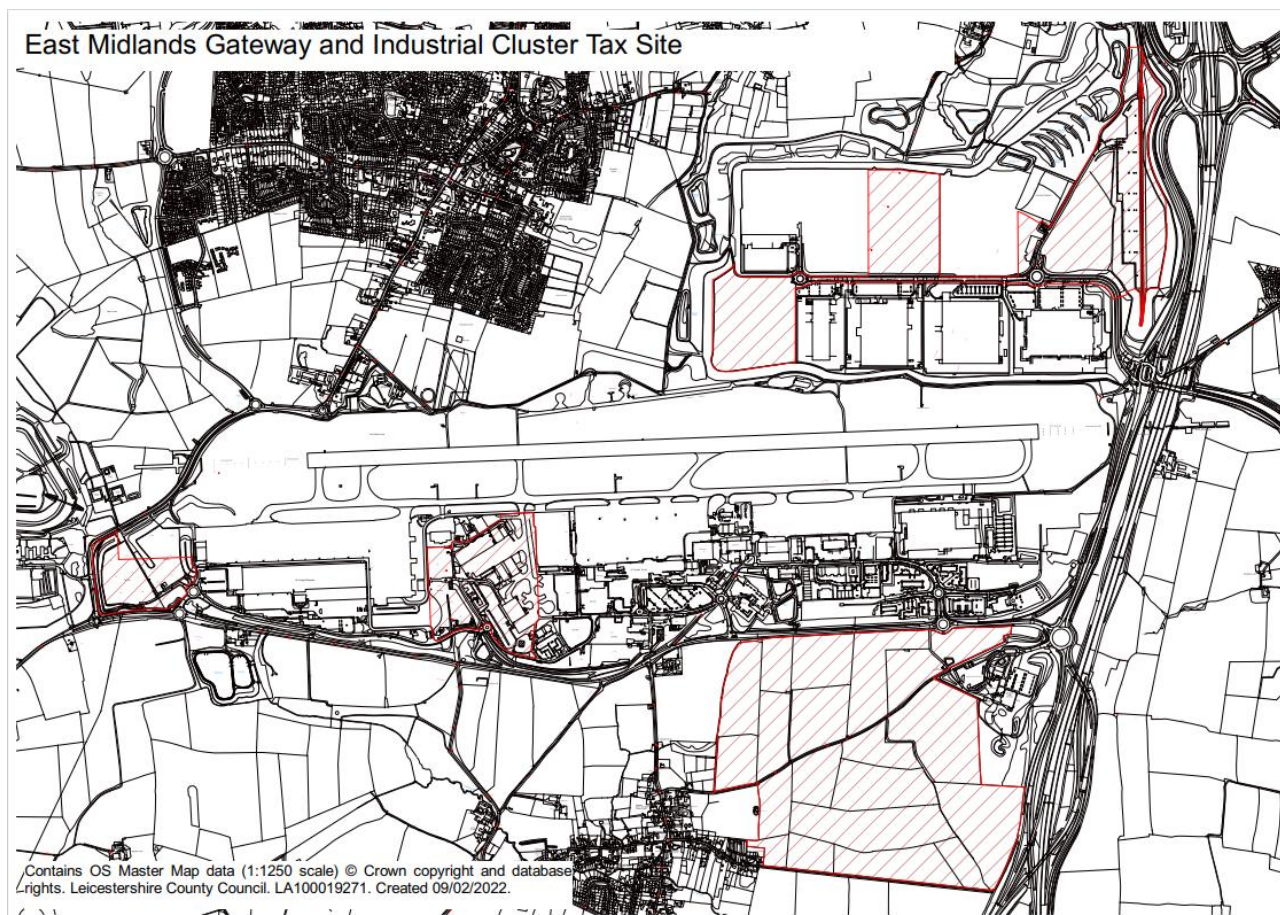
- (a) a summary of the main assessment assumptions (evidenced from an independent expert or source);
- (b) site or building acquisition cost (paid or anticipated or contracted to be paid) and existing use value (adopting relevant RICS Valuation Standards);
- (c) detailed construction costs and programme;
- (d) fees and other on costs;
- (e) projected sale (or letting as appropriate) prices of non-residential floorspace with evidence of the same;
- (f) (in relation to residential development) details of discussions with registered providers of affordable housing to inform the value of affordable housing assumed within the FVA;
- (g) gross and net margin;
- (h) other costs and receipts;
- (i) other relevant information dependent on the nature of the obligation(s) under discussion;
- (j) a summary clearly setting out the reasons that make a development proposal unviable; and
- (k) if applicable, any request to vary Section 106 agreements from those set out in the Local Plan and this SPD, and the EMF IDP such a request to state the proposed level of obligations and demonstrate why they are the maximum that can be provided, provided that such a request may only be made if all of the following have already been completed and a justificatory statement in respect of the same has been provided to the relevant Local Planning Authority:
 - (i) a review of all assumptions within the viability model with a view to improving viability, including land value, build and development costs, sales prices, phasing, funding (including borrowing costs) and legal, professional and marketing costs;
 - (ii) consideration of a reduction in the minimum anticipated developer profit for the scheme to offset any degree of non-compliance with Local Plan or SPD or EMF IDP requirements;
 - (iii) consideration of how growth assumptions (value increases over time) have been factored into the viability model; and
 - (iv) active exploration of available options for public sector funding which would enable the proposed development to be compliant with Local Plan or SPD or and EMF IDP requirements.

- 2.13.4 The FVA will be scrutinised by the relevant Local Planning Authority with advice from a suitably qualified external consultant and the reasonable cost of this external consultant is to be met by the developer who has submitted the FVA. If material changes are made to an application after submission that could affect scheme viability, a revised FVA will be required.
- 2.13.5 Where the Local Planning Authority is satisfied that Section 106 contributions or works required by the Local Plan policies and this SPD and the EMF IDP cannot be met in full on a particular development proposal due to financial viability, the Local Planning Authority may choose to:
- (a) reduce the Section 106 contributions towards Strategic Infrastructure payable pursuant to this SPD and the EMF IDP; and/or
 - (b) adjust the timetable for delivery of Strategic Infrastructure to be funded by those Section 106 contributions or provided in kind; and/or
 - (c) reduce or amend other planning obligations for that development proposal, provided that the relevant Local Planning Authority will continue to pay due regard to the objective of ensuring an equitable and proportionate apportionment of the costs of delivering Strategic Infrastructure for the Site(s).
- 2.13.6 The financial viability of development proposals may change over time due to the prevailing economic climate, including changing property values and construction costs. In all cases, therefore, where the relevant Local Planning Authority have agreed to any of the reduction or adjustment items set out in paragraph 2.13.5 such that the resultant planning obligations are below the level needed to fully fund or provide the Strategic Infrastructure and local infrastructure requirements for the allocation area or to comply with Local Plan policy requirements, the relevant Local Planning Authority will require a viability review of the relevant development with an updated FVA to be provided at appropriate intervals to determine whether greater or full compliance with this SPD, the EMF IDP and the Local Plan policy requirements can be achieved throughout the carrying out of the relevant development proposal.

APPENDIX 1 - EMIP PLAN



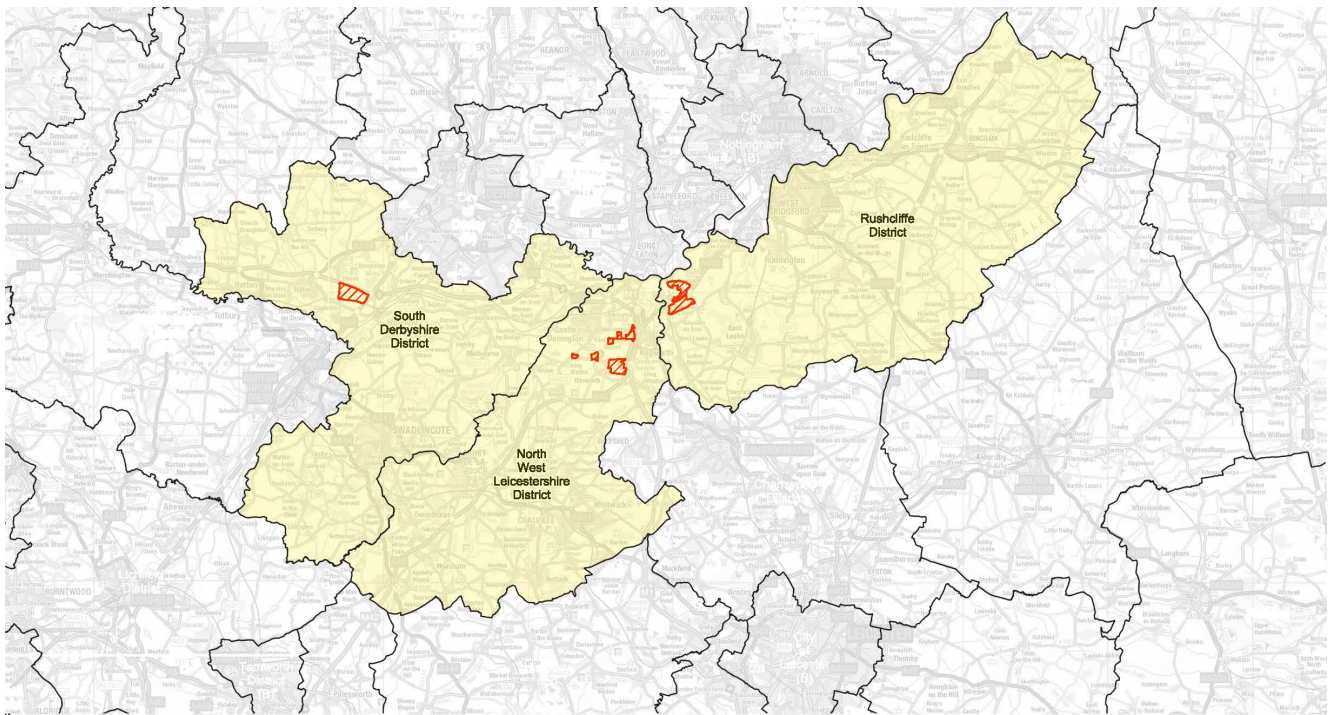
APPENDIX 2 - EMAGIC PLAN



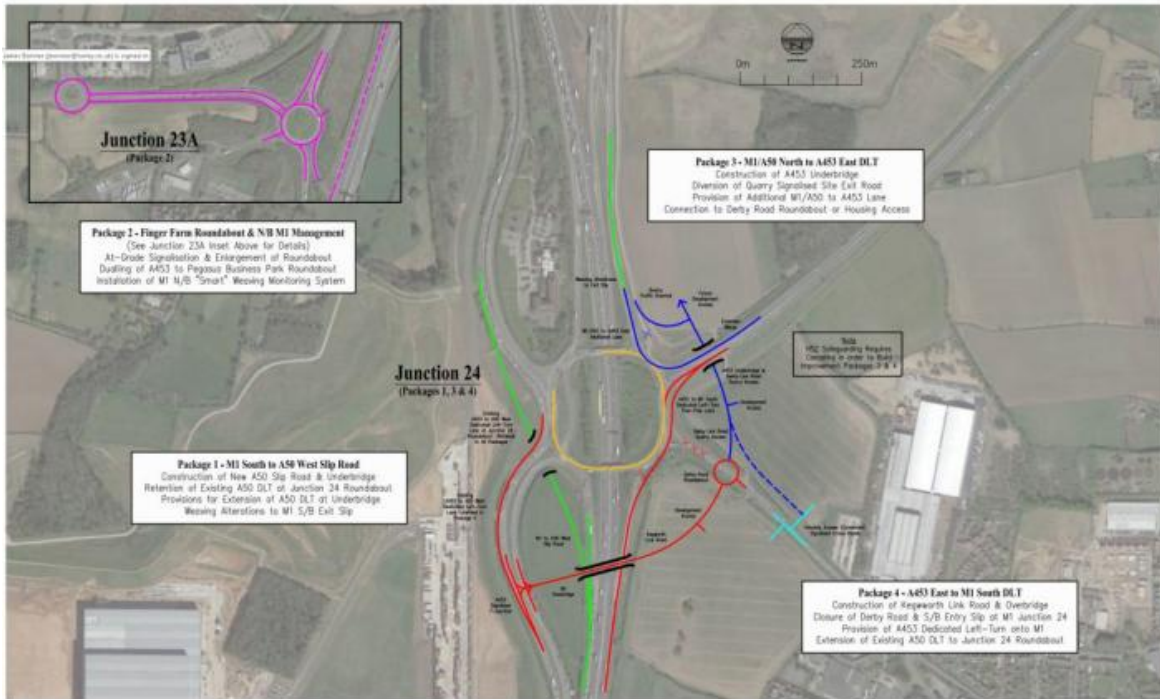
APPENDIX 3 - RATCLIFFE PLAN



APPENDIX 4 – PLAN SHOWING AREA TO WHICH THIS SPD APPLIES



APPENDIX 5 – PLAN SHOWING M1 J24 IMPROVEMENT SCHEMES



KEY

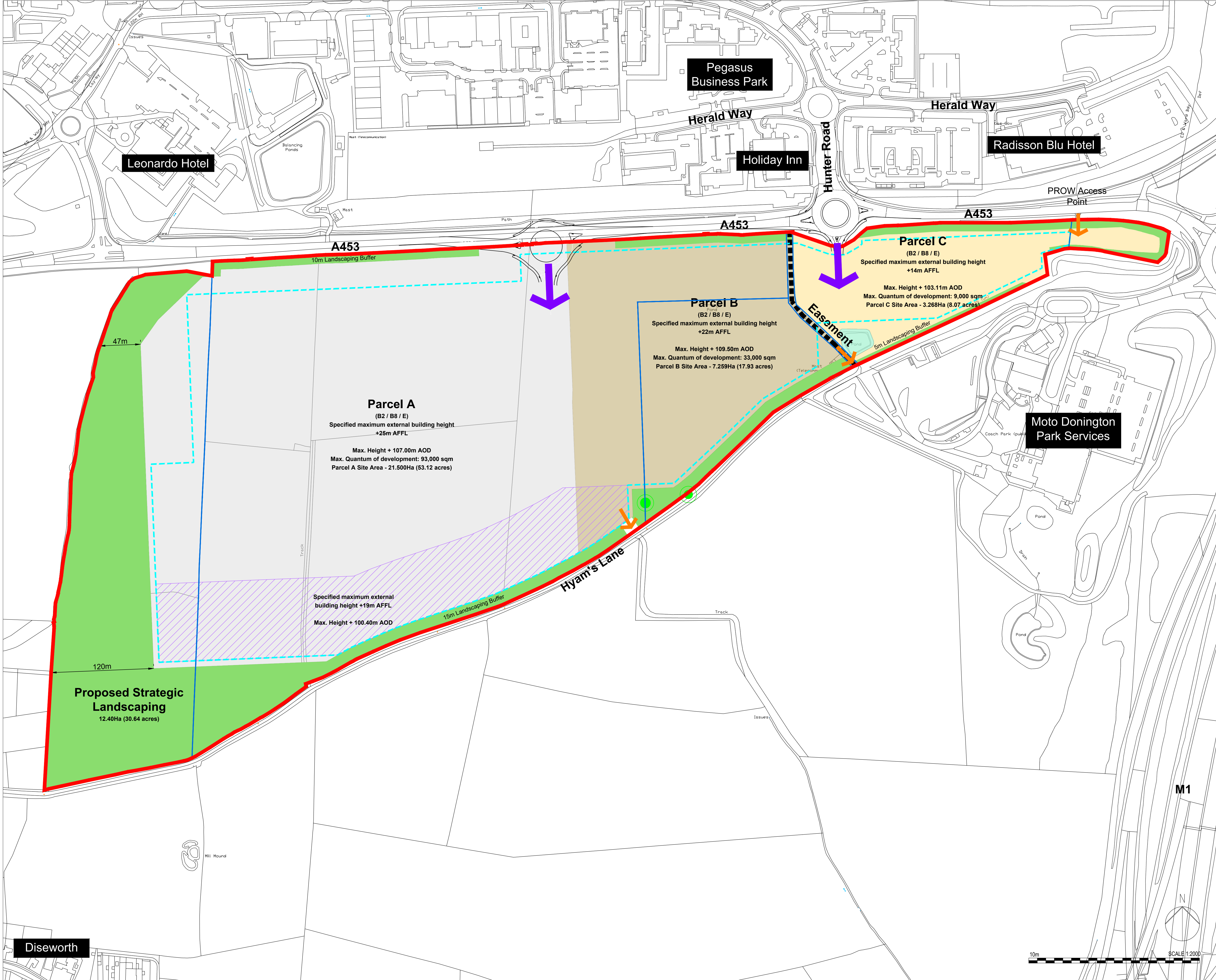
- Proposed Package 1 Improvement Scheme
- Proposed Package 2 Improvement Scheme
- Proposed Package 3 Improvement Scheme
- Proposed Package 4 Improvement Scheme
- Site Access Works (Consented Housing Development)
- Rationalisation Works to M1 Junction 24 Roundabout
- ××× Existing Road Closed within Each Respective Phase

Figure 4: M1 J24 proposed highway improvements (source: Segro)

Appendix 6 – Plan Chronology

In order of appearance:

1. May 2024 Joint Application Parameters plan
2. February 2025 Draft DCO Application Parameters plan
3. May 2025 Joint Application Parameters Changes plan
4. September 2025 DCO Application Parameters plan



- © 2024 R P S Group Ltd
- Notes
- This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.
 - If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.
 - This drawing should be read in conjunction with all other relevant drawings and specifications.

KEY

- Planning Site Boundary
- Legal Ownership Boundaries
- Developable Plot - Parcel A
- Developable Plot - Parcel of Reduced Height
- Developable Plot - Parcel B
- Developable Plot - Parcel C
- Existing High Retention Value Trees (Including Buffer Zone)
- Strategic Landscaping Buffer
- New Road Access
- Maximum Extent of Building Footprints
- Existing Retained Pond
- Existing Retained Services Easement
- Pedestrian / Cyclist Access

Please note: AOD Heights are based on drawing Masterplan Option 17v1 produced by Mott MacDonald.

P01	First Issue	LL	MJH	24/05/24
Rev	Description	By	Ckd	Date

MAKING COMPLEX EASY

A TETRA TECH COMPANY

Sherwood House, Sherwood Avenue,
Newark, Nottinghamshire, NG24 1QQ
T: 01636 605 700 E: rpsnewark@rpsgroup.com

Client:

Project: East Midlands Airport
Land to South of A453

Title: Parameters Plan with
Third-party Land

RPS Project Number 794-DES-NWK-21414	Scale @ A1 1:2000	Date Created 23/05/24
Task Team Manager KRP	Information Author LL	Task Information Manager MJH

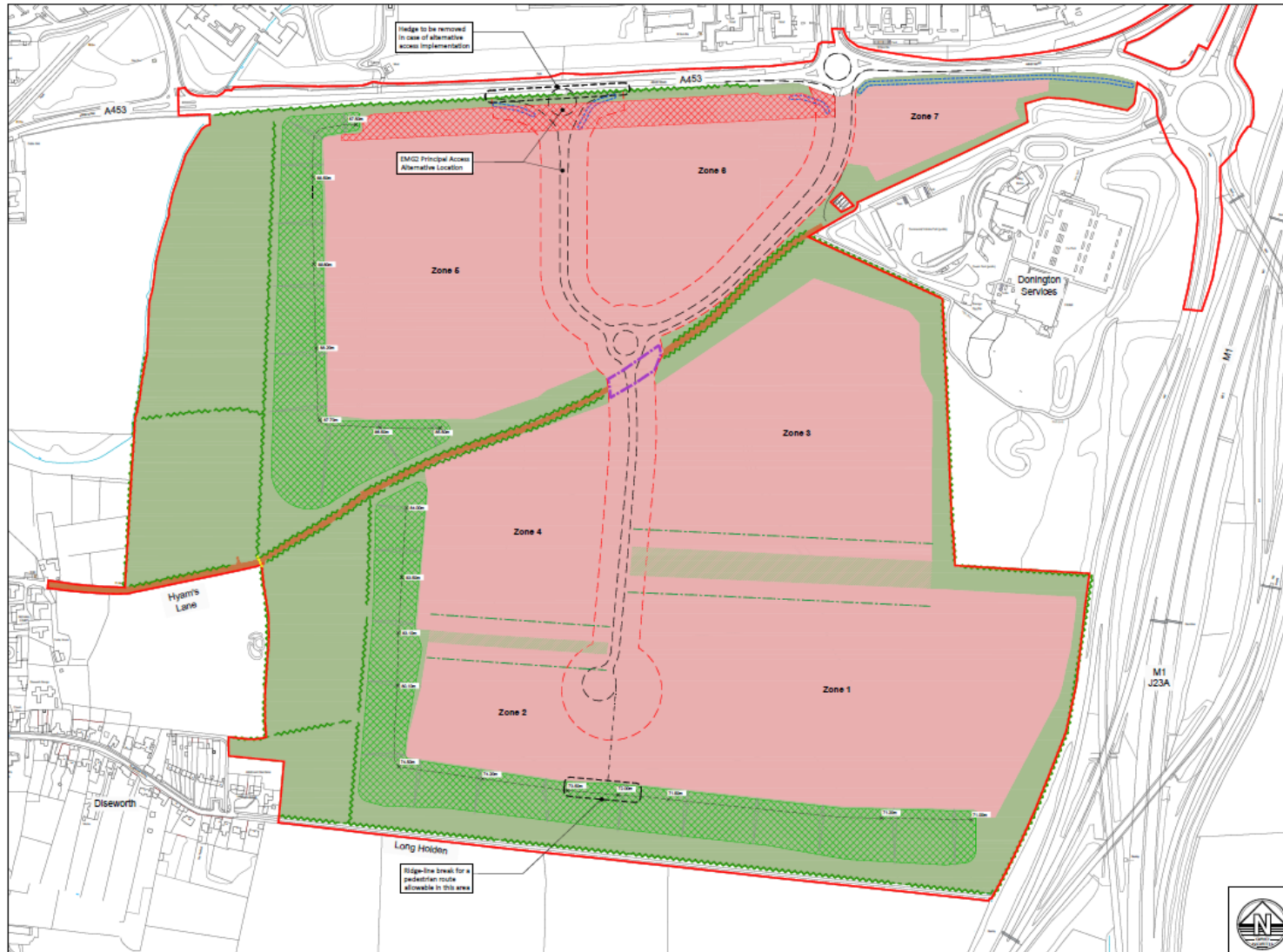
Status
S2 (Suitable for Information)

Document Number
21414-RPS-SI-XX-DR-A-0110

Project Code - Originator - Functional - Spatial - Type - Discipline - Number

rpsgroup.com

Revision
P01



Directions are to be followed, unless stated otherwise.
Selling of this drawing is not recommended.
It is the customer's responsibility to verify the information in the correct scale.
All relevant drawings and specifications should be read in conjunction with this drawing.

EMG2 Main Site - Development Schedule				
Development Zone	Number of units erected pursuant to the DCO	Maximum amount of floor space to be erected pursuant to the DCO per zone (m ²)	Maximum Floor level (in metres above ordnance datum) (Allowable deviation +/- 1.5m)	Maximum Ridge Height (in metres above ordnance datum)
Zone 1	1 to 2	75,000	67,250	91,250
Zone 2	1 to 4	20,000	70,000	88,000
Zone 3	1 to 4	60,000	79,400	103,400
Zone 4	1 to 2	45,000	76,000	94,000
Zone 5	1 to 4	75,000	84,200	103,200
Zone 6	1 to 4	40,000	88,000	106,000
Zone 7	1 to 4	5,000	89,500	96,500
Maximum Total Floor Space*		300,000		

* This total floor space is the maximum floor space (excluding mezzanine space) that will be developed across Zones 1-7 notwithstanding that the maximum floor space stated for each Zone combined would exceed this figure i.e. it is the overall floor space cap for Zones 1-7 excluding mezzanine floor space. In addition to this total floor space figure, up to 100,000 sqm of floor space can be provided in the form of mezzanine floor space to units within the development.

In addition to the limits set out in the schedule above the following units and floor space are permitted:

Bus terminal and office within Zone 6	1-2	500	
W/C parking and amenity building within Zone 7	1-2	500	

Please Note:

- The Maximum ridge height specified excludes any associated fire escape stairwells or key clamp roof top handrails etc.
- All areas specified are gross internal areas (GIA) unless otherwise stated.

01	2021/21	The local changes	LM	MS
02	2021/25	Minor amendments to key and plan	LM	MS
03	27/01/25	Preliminary Issue	LM	MS
Rev	Date	Details of Issue / Revision	LM	MS

ISSUES & REVISIONS

SEGRO

THE EAST MIDLANDS GATEWAY PHASE 2 AND HIGHWAY ORDER 2021]

Drawing Title
PARAMETERS PLAN

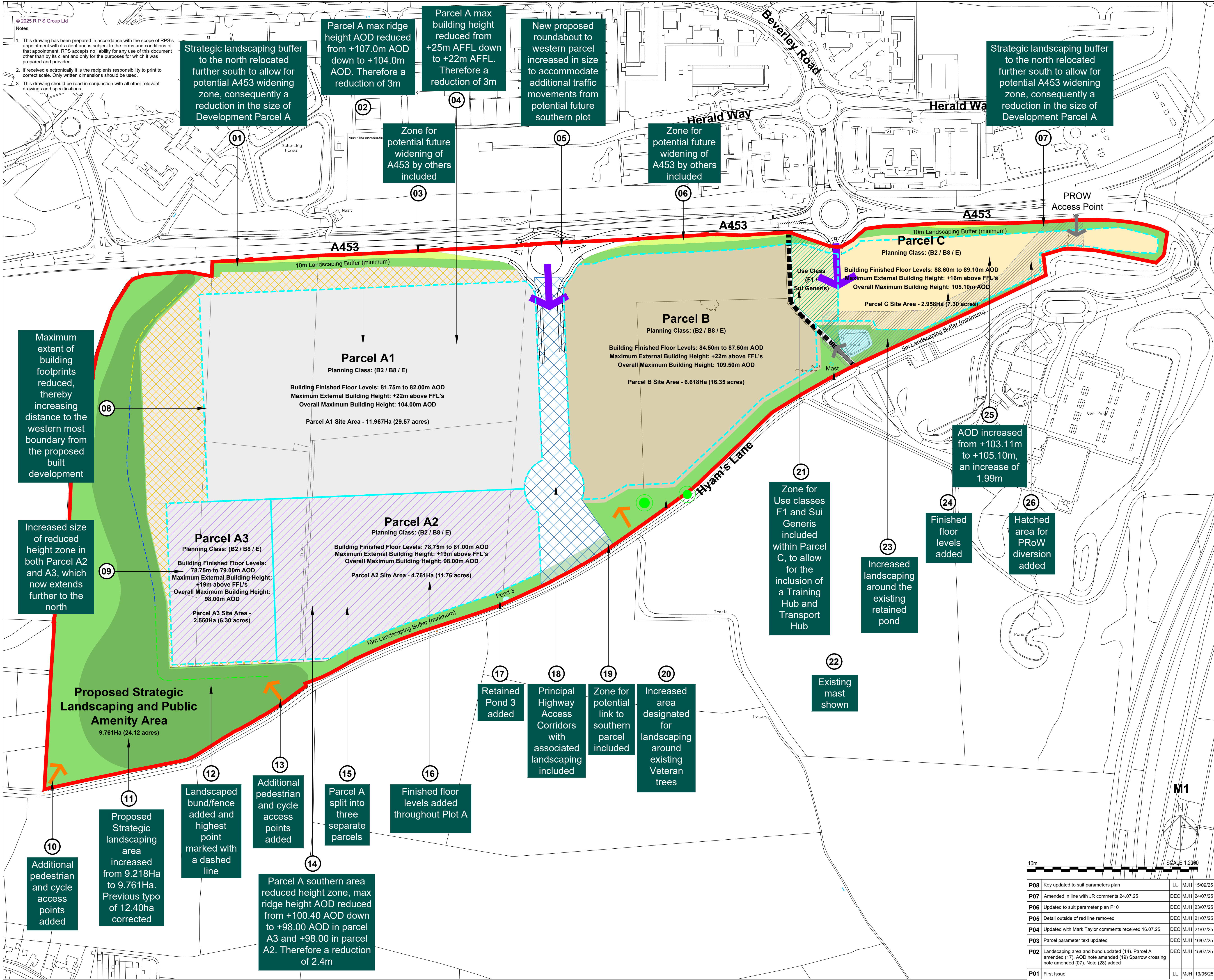
Scale	1:2500	Drawn	LM
Size	A1	Reviewed	MS
Requation	5(2) (o)	Document	2.5

Drawing Status
CONSULTATION DRAFT

Drawing No.	EMG2-UMC-SI-01-DR-A-0088	Revision	P3
-------------	--------------------------	----------	----

DRAFT

Scale 1:2500



KEY

Planning Site Boundary

DEVELOPMENT PLOTS*

- Developable Plot - Parcel A
- Developable Plot - Parcel of Reduced Building Height
- Developable Plot - Parcel B
- Developable Plot - Parcel C
- Development Plot - F1/Sui Generis Use Class
- Maximum Extent of Building Footprints
- Development Restriction Zone
Development restricted to car parking, structures, service yards and buildings(s), up to a maximum 6m in height, within this zone

*Development Plots to include buildings, vehicle circulation, vehicle parking, service yards, ancillary landscape planting, pedestrian and cycle circulation, amenity areas, utilities, above and below ground drainage features and other associated infrastructure.

ACCESS AND MOVEMENT

- Proposed Road Access (Vehicular, Pedestrian & Cycles)
- Proposed Pedestrian Access
- Existing PRoW Access
- Zone for Potential Future Improvements of the A453 (to be undertaken by others)
- Zone for Potential Proposed Link to Southern Parcel to include landscape planting, retained hedgerow and drainage features
- Principal Highway Access Corridor to include vehicle circulation, pedestrian and cycle circulation and ancillary landscape planting and drainage features and other associated infrastructure

*Principal Highway Access Corridor and southern roundabout will be compliant to service land to the south

- Area for PRoW Diversion
- Existing Retained Services Easement

GREEN INFRASTRUCTURE

- Existing High Retention Value Trees (Including Buffer Zone)
- Strategic Landscaping Buffer (to include seating areas, existing mast and associated compound, retained ponds, pedestrian and cycle links)
- Existing Retained Pond
- Zone for Landscaping Bund
- Top of Proposed Bund (to be minimum 4m above adjacent development parcel level)
- Top of Proposed Bund / Fence (to be minimum 4m internal height with a max fence height of 2m above adjacent development parcel level)
- Top of Proposed Bund / Fence (to be minimum 3m internal height with a max fence height of 3m above adjacent development parcel level)

Max quantum of development for the whole site
: 135,000 sqm

Rev	Description	By	Ckd	Date
-----	-------------	----	-----	------

rps MAKING COMPLEX EASY
A TETRA TECH COMPANY
Sherwood House, Sherwood Avenue,
Newark, Nottinghamshire, NG24 1QQ
T:01636 605 700 E: rpsnewark@rpsgroup.com

Client **PROLOGIS**

Project East Midlands Airport
Land to South of A453

Title Parameters Changes Plan

RPS Project Number 794-DES-NWK-31191 Scale @ A1 1:2000 Date Created 13/05/25
Task Team Manager KRP Information Author LL Task Information Manager MJH
Status S2 (Suitable for Information)
Document Number 31191-RPS-SI-XX-DR-A-9050 Revision P08
Project Code - Originator - Functional - Spatial - Type - Discipline - Number
rpsgroup.com

Rev	Description	By	Ckd	Date
P08	Key updated to suit parameters plan	LL	MJH	15/09/25
P07	Amended in line with JR comments 24.07.25	DEC	MJH	24/07/25
P06	Updated to suit parameter plan P10	DEC	MJH	23/07/25
P05	Detail outside of red line removed	DEC	MJH	21/07/25
P04	Updated with Mark Taylor comments received 16.07.25	DEC	MJH	21/07/25
P03	Parcel parameter text updated	DEC	MJH	16/07/25
P02	Landscaping area and bund updated (14), Parcel A amended (17), AOD note amended (19) Sparrow crossing note amended (07), Note (28) added	DEC	MJH	15/07/25
P01	First Issue	LL	MJH	13/05/25



Parameters Plan

Scale 1:2,500

Key

- EMSG DCO order limits
- Community Park
- Land not in order limits within which existing telecom road-related
- Development Area - Zones 1-7 including car parking, service yards, buildings, amenity buildings, on plot landscaping, roads, paths, utilities and infrastructure
- No Building Area No buildings in this zone
- Zone boundary
- Estate road and zone boundary
- Limits of deviation - Estate Road
- Landscape corridor between development zones with limits of deviation
- Area for development signage for up to 4 signs High - 1.8m x 1.8m (including supporting frame) 1.8m High x 1.8m Wide x 1.8m Deep
- Area within which estate road will cross Hyams Lane
- Point of restriction to Hyams Lane No public access for motor traffic east of this point Hyams Lane retained and improved west of point of restriction. East of point of restriction to be converted to shared use cycle track.
- Flood spot heights in metres above ordnance datum, identified along the ridge-line of each length of strategic mitigation mounding +/- 0.5m.
- Between any two consecutive spot heights marked on the ridge, the height of the bund at its ridge will be no lower than the lower of the two spot heights and no higher than the higher of the two spot heights.
- Open Land/Landscaping area to include retained vegetation, mitigation mounding, proposed planting, paths, attenuation & SUDs, retaining walls, retained agricultural land, publicly accessible landscape space and other applicable features.
- Areas within which strategic mitigation mounding is to be provided
- Existing Vegetation Retained
- Existing Hedgerow Retained
- Existing Trees Retained

50m SCALE 1:2500

Development area to be redeveloped, unless stated otherwise.
 - Setting of this drawing is to be maintained.
 - It is the applicant's responsibility to ensure the accuracy of the data.
 - All relevant drawings and specifications should be read in conjunction with this drawing.

EMG 2 Main Site - Development Schedule				
Development Zone	Number of Units erected pursuant to the DCO	Maximum amount of floor space to be erected pursuant to the DCO per zone (m ²)	Maximum floor level (In metres above ordnance datum) (Allowable deviation +/- 1.5m)	Maximum ridge height (In metres above ordnance datum)
Zone 1	1 to 2	75,000	67.250	91.250
Zone 2	1 to 4	20,000	70.600	88.600
Zone 3	1 to 4	60,000	79.400	103.400
Zone 4	1 to 2	45,000	76.050	94.050
Zone 5	1 to 4	75,000	84.200	102.200
Zone 6	1 to 4	40,000	88.000	106.000
Zone 7	1 to 4	5,000	89.500	96.500
Maximum Total Floor Space*		300,000		

* This total floor space is the maximum floor space (including measurable space) that will be developed across Zones 1-7 notwithstanding that the maximum floor space stated for each Zone combined would exceed this figure i.e. it is the overall floor space cap for Zones 1-7 excluding measurable floor space. In addition to this total floor space figure, up to 200,000 sqm of floor space can be provided in the form of measurable floor space to units within the development.

Notes: Maximum Buildings heights are fixed by the maximum ridge height in metres above ordnance datum compared to the finished floor levels. The finished floor levels shown in the table above can vary 1.5m up or down. For example, if the finished floor levels are constructed at the level shown in the table without variation the maximum building heights in Zones 2, 4, 5 and 6 would be 18m and in zones 1 and 3 would be 24m being the difference between the maximum ridge height specified in the fifth column of the table and the finished floor level in the fourth column of the table.

In addition to the limits set out in the schedule above the following units and floor space are permitted:

Bus terminal and office within Zone 6	1-2	500	
HGV parking and amenity building within Zone 7	1-2	500	

Please Note:

- The Maximum ridge height specified excludes any associated escape stairwells or key clamp roof top handrails etc.
- All areas specified are gross internal areas (GIA) unless otherwise stated.

Item	Location	Area	Notes
PTD 11.01.21	Telecom and key amenity	1.00	500
PTD 11.01.22	Telecom amenity	1.00	500
PTD 11.01.23	Telecom amenity	1.00	500
PTD 11.01.24	Key amenity	1.00	500
PTD 11.01.25	Infrastructure amenity to street lightways	1.00	500
PTD 11.01.26	Telecom amenity	1.00	500
PTD 11.01.27	Secondary amenity (open network)	1.00	500
PTD 11.01.28	Telecom amenity	1.00	500
PTD 11.01.29	Minor amenity to key and gate	1.00	500
PTD 11.01.30	Minor amenity to key and gate	1.00	500
PTD 11.01.31	Minor amenity to key and gate	1.00	500
PTD 11.01.32	Minor amenity to key and gate	1.00	500
PTD 11.01.33	Minor amenity to key and gate	1.00	500
PTD 11.01.34	Minor amenity to key and gate	1.00	500
PTD 11.01.35	Minor amenity to key and gate	1.00	500
PTD 11.01.36	Minor amenity to key and gate	1.00	500
PTD 11.01.37	Minor amenity to key and gate	1.00	500
PTD 11.01.38	Minor amenity to key and gate	1.00	500
PTD 11.01.39	Minor amenity to key and gate	1.00	500
PTD 11.01.40	Minor amenity to key and gate	1.00	500
PTD 11.01.41	Minor amenity to key and gate	1.00	500
PTD 11.01.42	Minor amenity to key and gate	1.00	500
PTD 11.01.43	Minor amenity to key and gate	1.00	500
PTD 11.01.44	Minor amenity to key and gate	1.00	500
PTD 11.01.45	Minor amenity to key and gate	1.00	500
PTD 11.01.46	Minor amenity to key and gate	1.00	500
PTD 11.01.47	Minor amenity to key and gate	1.00	500
PTD 11.01.48	Minor amenity to key and gate	1.00	500
PTD 11.01.49	Minor amenity to key and gate	1.00	500
PTD 11.01.50	Minor amenity to key and gate	1.00	500
PTD 11.01.51	Minor amenity to key and gate	1.00	500
PTD 11.01.52	Minor amenity to key and gate	1.00	500
PTD 11.01.53	Minor amenity to key and gate	1.00	500
PTD 11.01.54	Minor amenity to key and gate	1.00	500
PTD 11.01.55	Minor amenity to key and gate	1.00	500
PTD 11.01.56	Minor amenity to key and gate	1.00	500
PTD 11.01.57	Minor amenity to key and gate	1.00	500
PTD 11.01.58	Minor amenity to key and gate	1.00	500
PTD 11.01.59	Minor amenity to key and gate	1.00	500
PTD 11.01.60	Minor amenity to key and gate	1.00	500
PTD 11.01.61	Minor amenity to key and gate	1.00	500
PTD 11.01.62	Minor amenity to key and gate	1.00	500
PTD 11.01.63	Minor amenity to key and gate	1.00	500
PTD 11.01.64	Minor amenity to key and gate	1.00	500
PTD 11.01.65	Minor amenity to key and gate	1.00	500
PTD 11.01.66	Minor amenity to key and gate	1.00	500
PTD 11.01.67	Minor amenity to key and gate	1.00	500
PTD 11.01.68	Minor amenity to key and gate	1.00	500
PTD 11.01.69	Minor amenity to key and gate	1.00	500
PTD 11.01.70	Minor amenity to key and gate	1.00	500
PTD 11.01.71	Minor amenity to key and gate	1.00	500
PTD 11.01.72	Minor amenity to key and gate	1.00	500
PTD 11.01.73	Minor amenity to key and gate	1.00	500
PTD 11.01.74	Minor amenity to key and gate	1.00	500
PTD 11.01.75	Minor amenity to key and gate	1.00	500
PTD 11.01.76	Minor amenity to key and gate	1.00	500
PTD 11.01.77	Minor amenity to key and gate	1.00	500
PTD 11.01.78	Minor amenity to key and gate	1.00	500
PTD 11.01.79	Minor amenity to key and gate	1.00	500
PTD 11.01.80	Minor amenity to key and gate	1.00	500
PTD 11.01.81	Minor amenity to key and gate	1.00	500
PTD 11.01.82	Minor amenity to key and gate	1.00	500
PTD 11.01.83	Minor amenity to key and gate	1.00	500
PTD 11.01.84	Minor amenity to key and gate	1.00	500
PTD 11.01.85	Minor amenity to key and gate	1.00	500
PTD 11.01.86	Minor amenity to key and gate	1.00	500
PTD 11.01.87	Minor amenity to key and gate	1.00	500
PTD 11.01.88	Minor amenity to key and gate	1.00	500
PTD 11.01.89	Minor amenity to key and gate	1.00	500
PTD 11.01.90	Minor amenity to key and gate	1.00	500
PTD 11.01.91	Minor amenity to key and gate	1.00	500
PTD 11.01.92	Minor amenity to key and gate	1.00	500
PTD 11.01.93	Minor amenity to key and gate	1.00	500
PTD 11.01.94	Minor amenity to key and gate	1.00	500
PTD 11.01.95	Minor amenity to key and gate	1.00	500
PTD 11.01.96	Minor amenity to key and gate	1.00	500
PTD 11.01.97	Minor amenity to key and gate	1.00	500
PTD 11.01.98	Minor amenity to key and gate	1.00	500
PTD 11.01.99	Minor amenity to key and gate	1.00	500
PTD 11.02.00	Minor amenity to key and gate	1.00	500

ISSUES & REVISIONS

Issue No.	Description	Resolution
1	Initial Design	Approved
2	Revised Design	Approved
3	Final Design	Approved

SEGRO

THE EAST MIDLANDS GATEWAY PHASE 2 AND HIGHWAY ORDER 202[]

Drawing Title: **PARAMETERS PLAN**

Scale	1:2500	Drawn	LM
Size	A1	Reviewed	MS
Revision	5(2) (o)	Document	DCO 2.5

DCO Submission

Drawing No: **EMG2-UMC-SI-01-DR-A-0088**

Revision: **P18**