

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**

SUMMARY OF RELEVANT REPRESENTATION

ON BEHALF OF

PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED

- 1 The Relevant Representation was made on 9 January 2026. The DCO Application relates to land south of the A453 and the existing East Midlands Airport, including approximately 41 hectares of land in which Prologis and Manchester Airports Group hold interests (the "**Prologis/MAG Land**"), situated north of Hyam's Lane. The land south of Hyam's Lane is referred to as the "**Southern Land**" and is within SEGRO's control.
- 2 **Application Not Fit for Examination (Section 2)** – The DCO Application, in its current form, is not fit for examination. The following principal deficiencies are identified: (a) no viability appraisal, development programme or cost plan has been provided, despite the Statement of Reasons asserting that the Southern Land is not viable as a standalone phase; (b) the Environmental Statement neither acknowledges nor assesses the adverse socio-economic and land-use consequences of frustrating the live, policy-compliant Joint Application; (c) the Funding Statement relies on group-level liquidity and assertions of sufficiency without transparent valuation assumptions or any basis for a final investment decision; and (d) the highways assessment is based on the outdated 2019 Pan-Regional Traffic Model, which Leicestershire County Council does not accept for major schemes in this corridor.
- 3 **Objection (Section 3)** – The objection is not to logistics and employment-led development in this location, which is not opposed. The dispute concerns the necessity and proportionality of the compulsory acquisition powers sought over the Prologis/MAG Land. The Joint Application (planning reference 24/00727/OUTM), promoted in partnership with MAG, seeks outline permission for up to 135,000 sqm of Class B2/B8 floorspace together with a new all-movements junction on the A453, and represents a credible pathway to timely, policy-compliant delivery of substantial Freeport benefits on land already under Prologis and MAG's control. Even if the DCO Application proceeds to examination, compulsory acquisition powers over the Prologis/MAG Land should be refused because there is no "compelling case in the public interest" under section 122 PA 2008: the public benefits do not decisively outweigh the certain private loss, and reasonable alternatives have not been conscientiously explored.
- 4 **Prologis – Experienced Logistics Developer and Operator (Section 4)** – Prologis is the largest global investor, developer and long-term owner of modern sustainable distribution space, with \$10.4 billion of assets under management in the UK, 28 Prologis Parks and an operating portfolio covering 33.5 million sq ft. Over 100,000 people are employed by businesses operating within the UK portfolio. Prologis has committed a further £3.9 billion investment into the UK over the next five years and has a company-wide commitment to achieve net zero greenhouse gas emissions by 2040, validated by the Science Based Targets initiative. The partnership with MAG, the owner and operator of East Midlands Airport, was announced by the Chancellor in January 2025.
- 5 **Prologis' Interest and Planning Context (Section 5)** – Prologis is a statutory party under categories 1 and 2 of section 57 PA 2008 in respect of the Prologis/MAG Land, comprising 12.55 hectares of freehold land held by Prologis and 28.73 hectares held under an option agreement with MAG. The site forms part of the EMAGIC Freeport Tax Site and is identified as a "Potential Location for Strategic Distribution" in the emerging North West Leicestershire Local Plan.
- 6 **Applicable Legislation (Section 6)** – Section 122(2) PA 2008 requires the Secretary of State to be satisfied that the land is required for, or to facilitate, the development; section 122(3) requires a compelling case in the public interest. As confirmed in *FCC Environment*, the test for compulsory acquisition is distinct from, and not automatically satisfied by, any decision to grant development consent. The CA Guidance further requires compelling evidence that public benefits outweigh private loss, and that the applicant justify every parcel of land as necessary.
- 7 **Joint Application (Section 7)** – Even if the development pursuant to the Joint Application were to be delayed, there would still be ample time within the Freeport Window for the Joint Application to be delivered. The design incorporates an internal spine road that can be extended onto the Southern Land, subject to a commercial agreement for access.
- 8 **Policy Performance of Joint Application (Section 8)** – The Joint Application delivers up to 135,000 sqm of modern, sustainable industrial logistics floorspace within the Freeport Tax Site,

materially in advance of the DCO Application. It is similarly compliant with the relevant provisions of the North West Leicestershire Local Plan, the NPPF and PPG. The benefits include up to 186 construction jobs and 1,919 operational jobs, a dedicated Training Hub, enhanced cycle and pedestrian networks, a community park delivered through the PARKlife scheme, net carbon zero targeting by 2040, BREEAM Outstanding status, and an onsite public transport hub.

- 9 **Issues with DCO Application and Consequences for Joint Application (Section 9)** – The DCO Application raises substantive issues with direct consequences for the Joint Application. No viability evidence has been adduced, notwithstanding that the Statement of Reasons asserts the Southern Land alone is not viable; the Funding Statement does not demonstrate a reasonable prospect of funding the forecasted total expected investment, and the programme claims are optimistic. The Environmental Statement does not assess the adverse socio-economic effects of frustrating the Joint Application – effects that arise on the making of the order, not at build-out.
- 10 **Reasonable Alternatives (Section 10)** – Five reasonable alternatives to compulsory acquisition are identified: (a) excluding CA powers over the Prologis/MAG Land entirely; (b) providing no more than a vehicular access across that land; (c) making the DCO without CA powers so that Prologis/MAG can deliver the DCO development on their own land under section 156 PA 2008; (d) amending the DCO Application to substitute the Joint Application parameters; and (e) a joint venture arrangement. All are capable of delivering Freeport objectives without compulsory acquisition, and many offer earlier or materially more certain delivery. SEGRO has not exhausted any of these alternatives: Prologis pressed for negotiated solutions from March 2025, but SEGRO did not put forward substantive proposals until November 2025, after the DCO Application had already been submitted. The Joint Application was specifically amended in advance of its submission to facilitate a coordinated interface with SEGRO's consultation proposals, yet SEGRO subsequently altered its own scheme in a manner that made physical integration less straightforward, without adequate explanation.
- 11 **SEGRO's Case for CA (Section 11)** – SEGRO was unsuccessful in its bid for MAG's land, having sought to acquire it by agreement. It is therefore seeking to achieve through compulsory acquisition what it failed to achieve commercially. The compulsory acquisition of the Prologis/MAG Land would constitute a significant interference with property rights under Article 1 of the First Protocol to the ECHR, and the Secretary of State must be satisfied that such interference is proportionate, particularly where the affected landowner is willing and able to deliver equivalent development. The Freeport model itself anticipates delivery by multiple developers, and the Government's stated ambition was to foster collaboration, not to provide a route for one private developer to deploy compulsory acquisition powers against an experienced rival.
- 12 **Highways (Section 12)** – The highways assessment is deficient. The situation is directly analogous to the Hinckley National Rail Freight Interchange DCO, where the Secretary of State twice paused the examination to seek further highways material and ultimately refused the application on highways grounds.
- 13 **Other Matters (Section 13)** – A detailed cross-analysis of the two schemes addresses potential material incompatibilities in road access, HGV parking, drainage and other matters. The analysis concludes that all can be resolved through amendments and standard planning and highways mechanisms, and that the DCO Application does not deliver materially enhanced benefits over and above the Joint Application taken together with the development of the Southern Land under the DCO. The Freeport can lawfully and efficiently be delivered by more than one capable promoter, using commonplace mechanisms.
- 14 **Mechanics of Solution (Section 14)** – The Representation sets out the mechanics of a practical solution: targeted amendments to the DCO Application to remove compulsory acquisition powers over the Prologis/MAG Land, update the EIA evidence, update the highways modelling, and provide transparent viability evidence, allowing early, policy-compliant delivery on the Prologis/MAG Land whilst facilitating comprehensive delivery on the Southern Land. These amendments are in line with PINS guidance on post-acceptance amendments.
- 15 The Representation concludes by requesting that the Examining Authority defer examination until the deficiencies are rectified, or alternatively that the DCO be refused or made without compulsory

acquisition powers over the Prologis/MAG Land, together with targeted amendments to remove CA powers.

DLA Piper UK LLP

7 April 2026