

**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 2 FEBRUARY LETTER TO PINS**

**ON BEHALF OF**

**PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED**

- 1 The letter supplements the Relevant Representation and addresses three categories of deficiency in the DCO Application by reference to the Relevant Representations submitted by other parties, including NWLDC, National Highways and LCC.
- 2 On the Environmental Statement, the letter identifies a significant lacuna: the ES neither acknowledges the intended effect of the DCO on the delivery of the policy-compliant Joint Application, nor evaluates it on a realistic worst-case basis. The Examining Authority is left without the information required to weigh the certain loss of near-term benefits against the contingent advantages claimed for the DCO scheme. NWLDC's own Relevant Representation echoes these concerns, noting that SEGRO's application documents include no reference to the Joint Application and contain no consideration of how any positive decision on the Joint Application would affect the delivery of EMG2.
- 3 On viability and funding, SEGRO has not provided any evidence properly capable of demonstrating overall scheme viability. There is a complete absence of any consideration of the impact of market value compensation for the Prologis/MAG Land and option obligations for the Southern Land. The examination process would be "deeply unfair" without such evidence, and the case for compulsory acquisition simply cannot be made out. The grant of CA powers would have immediate and very substantial adverse consequences both for those with an interest in the order land and for the public interest in the rapid delivery of beneficial development under the Joint Application.
- 4 On highways, National Highways' Relevant Representation confirms that the assessments do not allow for independent consideration of the two conjoined applications. LCC's representation notes that the acceptability and suitability of the highway proposals "may not fully be known during the lifetime of the examination." Key concerns include the need to incorporate findings of the 2023 PRTM, the absence of DMRB compliance assessment, and the absence of Stage 1 Road Safety Audits for SRN works. The proposed mezzanine floorspace "cap" requirement, discussed between the parties as a possible solution, is fundamentally flawed and unworkable: neither the version in the draft DCO nor the version set out in National Highways' Relevant Representation is capable of adequately addressing the underlying issue. The situation is directly analogous to the Hinckley National Rail Freight Interchange DCO, where the Examining Authority concluded that the highways case was inadequately evidenced and the Secretary of State ultimately refused consent.
- 5 The letter concludes by inviting the Examining Authority to defer examination and issue section 51 advice requiring the Applicant to remedy the deficiencies identified, specifically: (i) providing a transparent viability and funding case; (ii) supplementing the ES to assess the adverse socio-economic and land-use effects of frustrating the Joint Application; and (iii) filling the gaps in the highways case.

**DLA Piper UK LLP**

**7 April 2026**