



# Planning Inspectorate

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

**Agenda for compulsory acquisition hearing (CAH):**

Hearing	Date and Time	Location
<b>Compulsory acquisition hearing 2</b>	<b>Tuesday 12 May 2026</b> <b>Hearing starts at 11.40am</b> Registration and seating available at venue from 11.30am and virtual registration process from 11.30am.	The hearing will be a blended event at: <b>Hilton East Midlands Airport Derby Road Castle Donington Derby DE74 2YZ</b> and <b>by virtual means using Microsoft Teams</b>

## Agenda items

### 1. Welcome, introductions, arrangements for the hearing

### 2. General case

- 2.1 The Examining Panel (ExP) will ask the applicant to update it on the general case for the compulsory acquisition hearing focussing on matters which have changed since CAH1 (10 March 2026).
- 2.2 The applicant will be asked to provide an update on progress in identifying those who have been identified as “unknown” in the Book of Reference.
- 2.3 The applicant will be asked further questions about the extinguishment of private rights on land owned by it (see item 5 of the Applicants' Post Hearing Submissions (PM, CAH1, ISH1 and ISH2) [[REP1-052](#)] relating to CAH1).

### 3. Specific cases

- 3.1 As indicated in the ExP's letter of notification for CAH2 Prologis UK Limited, Prologis UK 121 Limited, East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited will be given an opportunity to provide a single presentation on the joint application and the benefits they consider it would deliver when compared with EMG2. This presentation should only use information already submitted into this examination and will be limited to 10 minutes.

Following the presentation, the ExP will ask any questions of the applicants and affected persons (APs) as it considers necessary.

- 3.2 Any APs attending CAH2 will be asked in turn by the ExP to summarise their cases with respect to the compulsory acquisition (CA) and temporary possession (TP) powers sought by the applicant.

APs in explaining their cases should set out whether they consider the powers sought by the applicant do or do not accord with conditions stated in section 122 (Purpose for which compulsory acquisition may be authorised) of the Planning Act 2008 and the 'Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land' (Department for Communities and Local Government, 2013).

For Prologis UK Limited, Prologis UK 121 Limited, East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited this will be in addition to the time allocated for item 3.1. While each of these APs will be provided with a set time to make their representations, they are asked to co-operate as the ExP does not need to hear points repeated. Each will need to refer to their individual plots.

The applicant will then be given the opportunity to respond to any summary cases made by APs.

The ExP will ask any questions of APs and the applicant as it considers necessary.

Including but not limited to:

- whether the contended socio-economic benefits of the joint application could be displaced by the DCO scheme upon its delivery (the delivery scenario), and therefore whether the environmental statement must treat such a displacement as a likely significant effect of the project? The focus being on the definition of likely in the context of the EIA Regulations and whether this merely means could rather than more probable than not.
- whether the definition of a project for the purposes of the EIA Regulations is contingent upon there being physical works or other physical interventions that would alter the environment? If so, in a scenario where the DCO is granted but the development is not implemented (the non-delivery scenario), would that still fall within the definition of a project and therefore fall within the scope of the EIA Regulations? On that basis, should the sterilisation of socio-economic benefits said to arise from the non-delivery scenario be treated as a likely significant effect of the project and assessed in the environmental statement?

- whether the non-delivery scenario should be assessed at all, as part of the environmental statement or otherwise, on the basis of the applicants' contention it is not a likely outcome. To inform this, the ExP would like to understand how many DCOs have been consented but never delivered. If there has been an appreciable number of DCOs where non-delivery has occurred, then would this mean that such a scenario could happen, and is therefore likely and should be assessed accordingly?
- whether in light of the above, and if it is determined that further socio-economic assessment is required for the delivery and non-delivery scenarios, the applicants must then suitably re-visit and update their approach to the compelling case test in their Statement of Reasons in the context of justifying compulsory acquisition powers?
- whether the counterfactual position advanced by Prologis that development on the southern land would come forward under a planning application, and therefore provides the correct baseline with which to assess the DCO scheme's socio-economic effects, is too speculative and contingent to be given any more than limited weight? For example, whilst the land is part of a draft allocation in the emerging local plan, the ExP notes Planning Inspectorate's [guidance](#) on cumulative effects, which categorises development identified in emerging development plans as tier 3 development and the least certain to come forward.
- the ExP are also likely to include questions on alternatives to compulsory acquisition and viability, including a discussion on necessary mitigation works and apportionment of costs, the rate of return, comparators, underlying costs, how the calculations have been approached and other assumptions.

The order of those speaking will be:

- those who have pre-registered a desire to speak as set out in the notice of the hearing
- any other APs who have not pre-registered to speak.

Please note that the ExP may limit the amount of time that APs and the applicant will be permitted to speak in order to ensure that all those who have pre-registered will be able to address the ExP.

The ExP will issue a list of speakers and the time allocated to them on **Friday 9 May 2026**.

#### 4. Statutory undertakers

- 4.1 Statutory undertakers (SU) whose operational land is affected by the proposed development will be invited in turn by the ExP to summarise

their cases with respect to the compulsory acquisition (CA) and temporary possession (TP) powers sought by the applicant.

SUs in explaining their cases should explain whether they consider the powers sought by the applicant do or do not accord with conditions stated in section 127 (Statutory undertakers' land) of the Planning Act 2008 and the 'Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land' (Department for Communities and Local Government, 2013).

Where appropriate, SUs should also comment on whether they consider any protective provisions promoted by the applicant would be suitable, and if not, explain why they hold that view, including what changes they would seek.

The applicant will then be given the opportunity to respond to any summary cases made by APs.

The order of those speaking will be:

- those who have pre-registered a desire to speak as set out in the notice of the hearing
- any other SUs who have not pre-registered to speak.

Please note that the ExP may limit the amount of time that SUs and the applicant will be permitted to speak in order to ensure that all those who have pre-registered will be able to address the ExP.

The ExP will ask any questions of the applicant and APs as it considers necessary, including to potential alterations to the application site for the proposed Active Travel Link.

## **5. Any other business**

- 5.1 The ExP may extend an opportunity for the applicant and APs to raise matters relevant to topics raised in CAH2 that they consider should be examined.

## **6. Review of matters and actions arising**

- 6.1 The ExP will discuss how any actions arising from the discussion are to be addressed by the applicant, APs or SUs following CAH2. A written action list will be published if required.

## **7. Close of hearing**

### **Purpose of CAH2**

The ExP would ask that the applicant have the following documents available for display at the hearing. It may be that not all these documents need to be displayed or conversely others may be requested. Unless there are extraordinary reasons,

documents that have not yet been submitted into the examination should and will not normally be displayed.

<a href="#">[REP2-008D]</a>	Draft Development Consent Order
<a href="#">[REP2-012D]</a>	Explanatory Memorandum to the Draft Development Consent Order
<a href="#">[APP-021D]</a>	Book of Reference
<a href="#">[APP-026D]</a> <a href="#">[APP-027D]</a> <a href="#">[APP-028D]</a> <a href="#">[APP-029D]</a> <a href="#">[APP-030D]</a>	Land Plans
<a href="#">[APP-020D]</a>	Funding Statement
<a href="#">[AS-006D]</a>	Parameters Plan
<a href="#">[REP1-162D]</a>	2400727OUTM - Parameters Plan
<a href="#">[REP1-052]</a>	Applicants' Post Hearing Submissions (PM, CAH1, ISH1 and ISH2)
<a href="#">[REP1-054]</a>	Applicants' Response to Examining Panel's First Written Questions
<a href="#">[REP1-260D]</a>	Prologis UK 121 Limited - Responses to ExQ1

## Attendees

The ExP would find it helpful if the following parties could attend this hearing.

- applicant
- National Highways
- North West Leicestershire District Council
- Leicestershire County Council
- Prologis UK Limited
- Prologis UK 121 Limited
- East Midlands International Airport Limited
- East Midlands Airport Property Investments (Industrial) Limited

However, this does not indicate that other parties will not be able to contribute. All APs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExP's ability to control the hearing.

The ExP has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExP may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the hearing in person, who has not already advised the case team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

### **Timing**

The ExP will keep to the agenda as much as possible. The hearing is not expected to go beyond 5.00pm.

Anyone who is not able to provide all their oral submissions by the close of the hearing should follow it up in writing.

### **Registration process**

Parties who have registered to speak (both in person and virtually) will receive a joining instruction email shortly before the hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the hearing to start on time those attending virtually should join promptly at **the conclusion of OFH1** to ensure that all virtual attendees can complete the registration process in good time. For those not attending the OFH, they can follow progress by the 'live-stream' which will be available via a link on the [relevant project webpage](#).

### **Procedure at CAH2**

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExP to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at CAH2 will be led by the ExP. Cross questioning of a person giving evidence by another person will only be permitted if the ExP decides it is necessary to ensure representations are adequately tested or that an AP has had a fair chance to put its case.