



## Hearing Transcript

<b>Project:</b>	East Midlands Gateway Phase 2
<b>Hearing:</b>	Recording of Compulsory Acquisition Hearing 2 (CAH2) – Part 1
<b>Date:</b>	12 May 2026

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# Compulsory Acquisition Hearing 2 - 11\_40am

Tue, May 12, 2026 11:38AM 1:14:14

## SUMMARY KEYWORDS

Compulsory acquisition, temporary possession, East Midlands, project proposal, land rights, panel members, housekeeping matters, fire alarm, planning inspectors, agenda items, statutory undertakers, highway mitigation, sustainable transport, community benefits, public interest.

## SPEAKERS

Speaker 9, Eventurous AV Team, Speaker 12, Speaker 11, Speaker 5, Speaker 15, Speaker 17, Speaker 6, Speaker 8, Speaker 2, Speaker 10, Speaker 16, Speaker 13, Speaker 19, Speaker 3, Speaker 4, Speaker 1, Speaker 14, Speaker 18, Speaker 7

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 00:00

 01:51

it's time for this acquisition hearing to begin.

 01:55

Unfortunately, we have slight technical faults

 01:58

in getting the audios

 02:01

that live on the original stream online. So we're just going to pause for a couple of pause for a few seconds, hopefully back to you, back to you. As soon as we are able

 02:12

I some insights. Just shut down. I see Wow, Not to Technology You It's So In Yes,

 06:14

I've been given the log the live stream is working, so whether I did open it or not, 20 minutes two minutes ago. It's not a matter of time. But if I didn't this compulsory acquisition here is now open. That wasn't script. I'd like to welcome you all to this concert acquisition, hearing of East Midlands, gateway to AMG, to project as a snow proposal, temporary position of lane rights to change that? Can I ask everybody hear me clearly? And the case team is yes, smiles at the back of the room. My name is Robert Jackson, and I've been appointed by the Secretary of State to the lead member of the panel to examine this application. I'm going to ask my fellow panel members to introduce themselves.

 07:11

My name is Liam page, and I've also been appointed by the Secretary of State to be a member of the panel

 07:15

to examine this application.

 07:18

My name is Gaurav Joshi. Likewise, I have been appointed by the Secretary of State to be a member of the panel to examine these applications. I'm also going to be keeping a list of points, and we can run through this at the end of this hearing, together, we constitute the examining panel for this applications. I will now deal with a few housekeeping matters for those joining us in persons who are not with us this morning or just arriving for this year. I'll quickly run through the essentials. Can everybody please set all electronic devices, including mobiles, and watching some those who were here this morning to be aware that there was only one fire alarm schedule this morning, which was one for the week. So if the alarm goes up from now, we should treat it as a real thing and exit through the sign fire exit and follow the signage to the hotel fire point, which is located directly opposite to the hotel entrance. If you require toilets, they are located in the corridor on this side, my left and your right. For those who are sitting facing the tables to accommodate comfort breaks and manage well being of all visual action for short breaks, approximately every hour with lunch around 1pm for about an hour before concluding today's hearing at 5pm as was explained at the open floor hearing this morning, the majority of planning inspectors are member of the prospect union and are currently participating in a period. And this essentially means that we are not working over and above our contracted hours. This has been accounted for in our time tabling for this week's hearing, and thank you for understanding on this. This meeting will follow the agenda published on the national infrastructure planning website. Fifth may 2026, examination Library Reference ev 7001, it would be

helpful if you had a copy of this in front of you, and the applicants team will display the agenda on screen at this point and again throughout the hearing as and when it requires. Thank you. The agenda is for guidance only, and we may add other consideration or issues as we progress. We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussion cannot be concluded, then it may be necessary for us to prioritise matters and defer other matters to written questions. Likewise, if you cannot answer the questions being asked for required time to get the information requested, then can you please indicate that if you need respond, inviting for the record. I would like to highlight that the further compulsory AV acquisition hearings are scheduled for the week commencing 17th, August, 2026 should they be required? This hearing is being undertaken in a blended way, similar to open floor hearing this morning, meaning some of you are present with us at the hearing module, and some of you are joining us virtually through Microsoft Teams. We will make sure that however you have decided today, you will given a fair opportunity to participate. A recording of today's hearing will be made available on the relevant project pages of the national infrastructure planning website as soon as practicable after the hearing has finished, and an AI generated transcript will also be made available with this. Is this in mind? Please ensure you speak clearly into microphone, stating your name and who you are representing each time you speak. For those with the microphone, you need to slide the button to work. I guess that is the case. On our table, the red light will indicate that the microphone is live. If you are not at the table with the microphone, there is a roping microphone, so please wait for one of these brought to you before you sleep. A link to the planning Inspectorate privacy notice was provided in our rule six later, we assume that everybody here today has standardised themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set up in data protection laws. Please speak to our case team if you have any questions on this. Now I'm going to ask those of you who are participating in today's meeting to introduce yourselves. Some of you may have already introduced yourself during the open floor during this morning. However, for the purpose of recording and to answer clarity for this hearing, I would like to ask to introduce you. Introduce yourself again. So when I state your organization's name, could you please introduce yourself, stating your name and who you represent and which agenda item you wish to speak on. If you are not representing an organisation, please confirm your name, summarise your interest in this application and confirm the agenda item upon which you wish to speak. And could you also state your titles by which you would like to be addressed? Can we start with the applicant and then their advisors, please

 12:25

Good morning. My name is Alexander booth kings Council, and I am insructed by Gowling solicitors in this matter on behalf of applicants, and I'm intended to be addressed as Mr. Just to introduce the rest of the panel that may assist you today in the course of this hearing. To my left is Mr. Richard thurling Gowling solicitors. And to my right is Ms. Tony Westman also of Gowling solicitors. To Ms Westman's right is Mr. Colin cottage from ardent, who may assist, perhaps more likely, this afternoon after lunch. And to his right is Mr. Simon

 13:00

hilditch of BWB, consultant, who may also assist us on today. Thank you. Thank you. Next, can I turn to the statutory bodies, whether or not they have land for which they are responsible being affected by the CA or temporary position request? Can I ask the Leicestershire county council, first place.

 13:24

Rebecca

 13:25

Henson, Leicestershire county council. Message, I'm joined today by my colleague, Mr Harry. Thank

 13:34

you,

 13:34

Mrs.

 13:35

Jackson,

 13:37

can I ask next North West Leicestershire District Council.

 13:41

Please,

 13:44

good morning. Sir, I'm just Karel and Omari st Richard on behalf of North Westman District Council, and content to be overs. And to my left is Mr. Adam Who's a critical planning officer for major projects. And we don't intend to speak to any

 14:00

particular items, but we are available if there are any questions on which we can assist today. Thank you. Next, can I ask the national highways? Please to introduce yourself. My name is Tod solicitors s, national highways. I am joined here by Mr. Jeremy Bloom to my right, and Miss Fiona Ahmed on my left. Mr. Is fine. And as for the agenda items, in all likelihood, we could probably speak at item four, statutory, seconds.

 14:36

Thank you. Thank you. Mr. Next. We also have one Parish Council who have notified us that they are observing long Whalton and Diceworth. Paris Council, unless you wish to speak, you don't need to introduce yourself right now, but So acknowledge that you are here next other affected persons, that is, who may have their land interest affected in the applications were granted in his current form. So we have two groups of companies. The first one is Prologis UK Limited and Prologis UK one to one limited, who we are referring as Prologis throughout this examination. So can I request Prologis to introduce yourself? Please

 15:15

Good morning, sir. My name is Philpot kings Council. I'm instructed by Mr. Howard brasfort. Sat to my right partner of DLA pipelin, UK. LLP, I'm here on behalf of Prologis, and I'll also be introducing two other speakers for the purposes of this hearing. So to my immediate left is Mr. David Ronson, chartered town planner at sportless, and he's the author of the planning report that was appended to Prologis, written representation or seen and then behind me, to my left, Mr. Peter Roberts, hello, the Royal Institute of Chartered Surveyors. He's written AWD, and he's the author of the viability assessment that we submitted deadline three. That's read three zero, 61 we intend to speak to items 3.1 3.2 on the agenda on item 3.1 Mr. Ransom and I will be providing the joint presentations we have requested on behalf of Prologis at the airport together on item 3.2 the summary that has been sought. Both

 16:30

Mr.

 16:30

Westman and Smith kings Council sat across the left

 16:35

there, and I

 16:36

will be speaking. We intend so to use the combined total of 16

 16:41

minutes that's been allocated to provide

 16:44

one joint summary

 16:45

covering both cases. That's fine. Next

 16:54

Can I also request East Midland International Airport, limited and East Midland airport property investment industrial limited. Ruby colleagues, Good morning, sir. My name is Mark Westman Smith, Kings Council, France Taylor building. And I'm here on behalf of East Midlands International Airport limited and East Midlands Property Investments Limited. I'm instructed by John Riley, who's a Partner in peace and masons, and I have to my left, Mr. Alistair Andrew, who's the strategic planning director at Manchester Airport Group. And to my right, James, who's a Partner at Access property consultancy, and who's here to address Liam ability matters as one of the friend Mr. Philpotts identified, we are interested in item 3.1 but in fact, Prologis will be speaking to it on our behalf as a joint presentation, so we claim membership, but not an active speaking role on that. Item 3.2 we will speak to as described by Mr. Philpott, and also item 4.1 as airport operator and statutory Undertaker, and I'm content to refer to as Mr. Thank you, Mr.. Okay. Now may ask, is there anyone else in the room would like to speak today? And I guess

 18:29

online as well, is there anyone else who would like to speak today? Okay, thank you. And now I'll hand over to Mr. Pace to briefly explain the purpose of this year.

 18:46

Thank you, Dr Joshi, so the purpose of the hearing is to consider the issues on the detailed agenda, which was published on the fifth of May 2026. Will be found in the examination library your reference. AV, 7001, terms of running order. Agenda Item two, deals with the general case for compulsory acquisition and temporary possession, and updates since compulsory acquisition period one, back in March. Agenda

 19:15

Item three, deals with the specific

 19:17

cases for compulsory acquisition temporary possession and those affected persons to make court representations in light of section 92 plan active,. Agenda Item three also includes an opportunity for Prologis and Eastman's airport to make a presentation about their joint application. Agenda Item four deals with compulsory acquisition and temporary possession in relation to statutory Undertaker land, as we did in compulsory acquisition period one back in March, we will be grateful if East Midlands Airport can split its representations so that issues related to statue undertaking are addressed under the relevant item, and I know what has been said that will happen. So throughout the course of each agenda item, the examining panel will ask any questions of the applicant and affected persons as it considers necessary. There's some detailed lines of questioning already included in the detailed agenda during preparation. Finally, agenda item five will cover any other business gender. Item six will review action points and Agenda Item seven will close the hearing by 5pm in terms of those affected persons who have indicated that they wish to speak. Someone speaks before you put a spot that you agree with there's no need to repeat it, and it is sufficient to say that you agree with them. In this regard, we will fix on if we feel that you'll be repetitious. Speakers who interrupt or otherwise disruptive will be warned in such circumstances, it's important to be aware that the rule of costs can be applied for and made against the person. So turning now to technical matters, the test for whether the Secretary of State should include provision, authorising the compulsory acquisition of land set out in section one, two of the planet 2008, in this case there are the tests, or whether the land is a required for the development to which the development separate leads or B is required to facilitate it was incidental to that development, and whether there is a compelling case in the public interest for the land to be acquired compulsory banks helps the understanding and application of these tests. In September 2013 the Land Department for Communities and Local Government published a document titled high act, 2008 guides related to procedures for the compulsory acquisition of land. In addition, in October 2024 the Ministry of Housing Communities and Local Government updated its guidance on the compulsory bridges process under Section 106 of the planning 2008 Secretary of State may disregard representations they consider that they relate to compensation for compulsory acquisition. It's our intention to take a similar approach. 2024, guidance document includes sectional compensation, and we will use that to identify representations related to compensation according consequently. We do not wish to hear direct or indirect arguments about compensation. We will ask you to move on repeated failures. To do so will be considered unreasonable behaviour the we're hopeful we'll be able to complete all the agenda items before 5pm that should this not prove possible, there's an option to make further submissions in writing. Does anybody have any comments about the purpose of today's hearing? See any hands so moving on, as per agenda item six, we'll keep the list of action points from today's hearing, which we will go through the end and publish as soon as possible. And I also ask that you keep your own lists so we can cross check that all action points have been captured, if needed. General terms, we would like action point responses by deadline.

 23:22

Four,

 23:23

which is in the draft exam, which is in the examination timetable, is the 16th of June, 2026 there's also when the response is to our second set of written questions after you. So that concludes the opening item on the

 23:37

agenda, and

 23:38

I'll hand back to Mr. Jackson to deal with agenda item two on the applicant's general case. Thank you, Mr. Page, as we've seen from the agenda, we have three items here to discuss and follow in further reflection last week after we published the agenda. Firstly, I'd like the applicant to update us on the general case for compulsory acquisition, focusing on matters which have changed since we have the first compulsory acquisition hearing back on the 10th of March.

 24:10

So many thanks Alexander booth kings Council, for the applicant. And so the headline is that there is no material change in terms of the case for compulsory acquisition since ch one, the general position has stated previously, and you have that summarised in DCO and MCO document 7.3, in the post exhibitions. The up to date position as regards negotiations, is set out in the land and rights tracker submitted a deadline to in terms of progress beyond that, very briefly, I can confirm the applicant has been in constructive discussions with the Air Force regarding the land required for the applicant travel lane. So I'm going to come back to that later in the context of gender rights, because you have that specific matter. Secondly, the applicant has also been conducting further discussions with primary objective to the scheme Prologis representing in those discussions, that is, speaks for both the airport and I can confirm, we've also been having discussions with other landowners. Those are all positive with dialogue progressing. And the panel will, of course, note that, aside from the airport and Prologis, there are no other landowning parties objecting,

 25:29

and

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that is essentially, thank

 25:34

you, Mr.

 25:35

Booth. Second one was whether there been any updates in relation to those that identified as quite unknown in the book of reference.

 25:46

So thank you. Alexander booth kings Council, for the applicant in terms of this issue, I'm afraid, again, there's nothing in particular as to report, no change in circumstances. In that sense, it's unsurprising, because the applicant had made diligent inquiries already, so one would not expect any particular progress. But terror request is making ongoing inquiries in this regard, as and when we have an update. Does

 26:12

anybody want to make any comments about those two

 26:14

particular items? The last

 26:18

compulsory last compulsory acquisition here, and we have discussion about widening of those rights sought on land which is owned or optioned by the applicant. Is focused on whether the infrastructure planning compulsory acquisition regulations, 2010 here and after referred to the CA regs were engaged in the applicant's response, rep, one, oh 52 it was stated that ca regs quotes only relate to the acquisition of additional land, which is defined as means land which is proposed shall be subject to compulsory acquisition, which is not identified in the Book of reference submitted with the application as land, see regulation four, and not the extinguishment of private rights restrictions. End, quote, however, in regulation two, interpretation of the CA regs additional land is defined as land. Quote, land which is proposed shall be subject to compulsory acquisition and which is not identified, the book of reference submitted for the application of land and end quote and land has the same meaning as section 159, under Section 1592, of The Act 2008 land includes any right or interest. Land includes any interest in or over or right land, includes any interest in or over or right over land, interest in or right over land, and that does not distinguish in the nation. While we've taken that the applicant considers they would not be prejudiced to those with the said interests from the changes introduced at procedural deadline hour, we're concerned that these changes would result in the engagement of this ca regulations and the relevant procedures set out in regulations five to nine of the CA regulations followed. Alternatively, should all those who accept rights confirm in writing for their content, for their rights to be extinguished, then the relevant procedures relating to averse and representations of hearing do not need to take place. We can, we can put that all like an action point. But is there anything you want to say in response? Now, I everyone

 28:44

so Alexander booth kings Council, on behalf of the applicant, I'm grateful for that indication. As you've already noted, we set out our initial response in Section Five of the CAH one submission. So we note your concerns. I think the way we would propose to deal with it is this first point there are to our understanding now, seven plots where ownership of land lies with SEGRO, but there are potentially interest, as in rights held by other parties, seven plots which would be the subject of permanent acquisition. One of those plots relates to footwear, 57 which we discussed last time. Five further plots relate to split road. Article onto the A 15, that is the highway sensor part of the highway data, and the seventh block relates to the substation on EMG one. So I think the first thing we propose to do, potentially, is to provide you, certainly, by 26th of June, sorry, with a table identify those blocks. What we then propose to do is go one or two ways, because you will see that a number of the interests rights in those blocks are held by statutory undertakers. Now those of statutory undertakers already benefit from protection because article 24/7 provides that powers under Article 24 would not necessarily engage in relation to stat undertakers. And of course, article 30 already says, already provides for our taking interest of undertakers, but subject to protective provisions so they have those protections. What we're going to do is take a view as to whether or not we do need to notify those parties and indeed the Secretary of State pursuant to the 2010 regulations. Or instead, what we intend to do is to rely upon the existing powers in the order under Article 25 article 25 providing for the overriding of rights rather than their extinguish. So in summary, Sir, we're going to come back to you by the 26th of May with a clear way forward as to whether or not we're happy effectively, to stand back from the additional powers as proposed to include in article 24 to rely on Article 25 or instead, we're going to go pursuant to the 2010 Flex Route and notify target and assembly of state, and there's more time for that to happen. Thank you. Obviously, if we to make a comment that it shouldn't be any at the end of the day, if any doubt. And this could lead to those provisions which you put in the B AV sector, take it back out again, and that could, it could then have applied to doubt as to deliverability of the proposed development, which is something I'm sure we're going to hear of more about in a minute. I would

 31:59

like to make one more general matter before we move on specific, we've seen a couple of references, I think, from both sides of words, to the effect that it is set in draw that the use of compulsory purchase powers compulsory acquisition. I assume certainly the same can be properly justified in order to achieve a better scheme of development in the public interest with an alternative scheme put forward by an objector which does not require compulsory acquisition, I've no reason to dispute that, but it's coming on both sides for representations. But if it is second law, can I have a couple of cases references to where, where that's been determined in the courts, and if they aren't obviously somewhere public, such as veiling, could I have, could I have copies of them? I think I've seen it from both Prologis and the applicants, so I don't think it's a matter of dispute. I just would like to actually have read it through, through a judge, through judgement, rather than what you're like being told just to be on display in security.

 33:08

So thank you very much. Alexander booth, Council for the applicant. I'm not actually sure that that is a matter of agreement. That is certainly our position, and I made that point more than once. I would be pleased to understand whether it is a proposition set by Prologis and by the airport. So I can confirm there is case law authority to that effect, the one that immediately springs to mind is the decision of Mr. Justice Harrison in the decision of London Borough of Bexley, first century estates, supermarkets limited and certainly in that regard, I'll come on to this later, when I need to respond to permissions of Mr. Westman Smith Mr. Justice. Harrison says, in terms of having regard to the decision in de Rothschild, which is a decision that the lender Francis plays some reliance on, he states in terms that Dr Rothschild is authority for the proposition that the use of compulsory purchase powers can be justified in order to achieve a better scheme of development in the public interest than an alternative one put forward by an objective. So that's the obvious one. It's the one that we always cite in the context of compulsory purpose or inquiry. And so what I propose to do is ensure that the panel is provided with copy mapping authority, but I'll stand back

 34:30

Casey On behalf of the Prologis companies, so we'll obviously respond to the specific case in due course. But in terms of the principle, I don't think we take issue with the principle that you can, in principle, achieve competitive case. On that basis, the question is, as ever,

 34:59

absolutely, it's more to do with the other. It was the principle was, what I was more wanted to make sure I was working from, wasn't working from a dispute off the principle, I don't think, I don't think we say that that is impossible as a matter of principle. It's, of course, and that's where we anything you wanted to say on that? Thank you so much. Mark Westman Smith at the airport, thank you. Which leads on, we can move on to Item three, specific cases before the presentation forming the request that people register to speak. We have item five, why this is a statutory and non statutory, so the non statue ones are Prologis and East Midlands. We've had about that discussion already, and we've already had discussion about East Midlands Airport struggling as two horses. So as we indicated, we've asked in the in our notification for Prologis and East Midlands airports to provide single presentation heard about on the joint application and the benefits they consider equal to their but when compared with em two, we considered this presentation that you only use information so as into the examination and will be limited to 10 minutes. We are very aware that this is not a beauty beauty parade in planning terms, both the joint application and the DC application may be acceptable on their merits. Equally, both may not, or maybe one, but not the other, or the other, but not the one. However, as we've received all the documentation or the DCO application, we know it well. When we have the bare bones of the joint applications, documentation, documents with the application, we don't have the same, same knowledge. Therefore, for those of this, partly for those who are sitting around reports going on here, we're asking Prologis and Lisa to give us a presentation up to 10 minutes on the application. I suspect at the end you may well have questions for clarification. We can walk to you, Mr. Philpot, you've already get to get to speaking on behalf of you. So thank you. When you when you start, you will have 10 minutes, and we'll let you know 30 seconds to go.

 37:30

Thank you, sir. Mr Philipot on behalf of Prologis. So in a moment, I'll invite Mr. Robinson to address you on this item I just want to pick up on the point you raised by way of introduction, and that was the point by those instructing me and raising concern about whether the way the point was framed might give the Impressionist performance. I'm grateful for the indication given, so I just go on to say this, a proper understanding of the potential public interest benefits the two schemes could deliver if they are fully implemented, is of course, important. Mr. Robinson will summarise his views on that matter shortly. But that is only one element that must be fed into a much bigger and multi faceted equation. The way that element is considered as part of that equation is crucial to reaching a lawful conclusion. To illustrate the point, I offer the following examples of questions that must be grappled with having formed that understanding. First, what is the likelihood that similar benefits will be delivered if compulsory acquisition powers are not granted, including through independent owned southern land? Secondly, how likely is it that the potential benefits of the DCS scheme will, in fact be delivered and delivered in full, without delay, if compulsory acquisition grounds are granted, third, if, on the evidence, the possibility of non delivery, partial delivery or delayed delivery of DCSD is judged to be realistic, what implications does that have both of the comparison benefits and the application of The compelling case test generally? Or has the applicant demonstrated that it undertook a proper investigation of the scope of delivering the claim benefits without the use of acquisition powers before resorted to such draconian measure. And fifth, what precedent would this set the state intervention to displace the outcome of normal competitions? I emphasise those questions are examples and not exhaustive, but they help to illustrate why simple itemization andor side by side, comparison of potential benefits does not in itself, yield an answer to the ultimate question, namely, whether it's been demonstrated in all the circumstances the public interest decisively demands that a commercial development be deprived of land it is actively seeking to develop by a commercial Bible against its bullet. When I pass over to

 40:15

Mr. Robinson and James Baucus and I produce the written report which append next to our Prologis deadline, one submission in this I confirm my met AV, charter town planner with 38 years experience. As I say, I represent Prologis. I consider that the key issue with all this panel is not whether employment development should take place on EMG, to my view, is clear that it should whether there is a compelling case in the public interest to justify the use of compulsory acquisition. Prologis either have either free hold ownership or legal control over parcels, one, stroke, 345, and seven, so as that land is absolutely located in close proximity to the motorway, the airport and the freight terminal. It's within the East Midlands freeports tax site. It will become a draft employment allocation in the forthcoming regulation 19 local plan. It's in an area of significant unmet need for employment development, and crucially, it's controlled by Prologis, who are the largest global investor, developer, long term owner of industrial and distribution space. In my opinion, this site will come forward for employment development without compulsory acquisition, and hence the benefits relied upon are not dependent on those powers. Accordingly, in my opinion, there is no statutory justification for compulsory acquisition, and I believe this to be the fundamental baseline, the starting point for consideration by the panel, as I see no reason why the draconian powers of compulsory acquisition are required to deliver a site like this. Turning to the joint application, I set that out in detail in my written submission, but it's an online application seeking approval of means of access and control by parameters plans. It seeks to deliver up to 135,000 square metres of b2, and v8, space delivers an on site training and education hub, which I'll come back to, sustainable transport hub and a community park control through the park like approach. Crucially, it is designed to deliver comprehensive

development through a principal access corridor, right through the site in accord with a local plan as a whole. And it calls and gets strong support from the MVPs of critical infrastructure. It's also supported by the majority of consulting, statutory and otherwise final issues of active travel, traffic modelling, landscape impact and previous employment need are being fully addressed in our final submission later this month. As I've noted, the council's local plan committee have resolved to include the site as an employment allocation in their summer local plan consultation. So I can conclude that the joint application is on track to go to committee in September 26 which clearly will be well before you determine your DTO. So I consider it highly likely that the joint application scheme will be granted planning permission, and I don't agree that this land is suitable for employment, that it's called policy, and it would deliver significant benefits. This reinforces that there is a clear alternative to compulsory acquisition, and this is entirely usual, in my experience, for large sites such as this, to be brought forward by individual developers and individual applications. And I have experienced in other report contexts, the joint application will bring forward significant economic, social and environmental benefits, and I set those out in my written report. And all these will come forward without compulsory acquisition. So I don't believe these benefits can reasonably be said to be contingent upon compulsory acquisition. The SEGRO application will also bring forward benefits, and I've compared these in my written report and in the deadline three submission. In summary, with regard to the Prologis background, I concluded some of the benefits are actually locational benefits, and they're similar for both schemes. Some of the criticisms by SEGRO of the joint application benefits are, in fact, just different ways of achieving the same app. Some of the benefits set out by SEGRO are overstated. So I specifically highlight the Country Park and its functionality, which you've picked up on. But the joint application will also deliver some benefits over and above the SEGRO application, specifically the on site training hub, which is modelled on Prologis doof training hub. It's an on site social and operational, hard dedicated space for occupiers, and also access to the community and an increased floor area of development on the Prologis Max site compared to the SEGRO application. But Edward also asked you to consider the point, will the benefits be delivered? So there's considerable doubt about the Prologis benefits will be delivered, and I won't touch on viability now, but you have evidence of that the joint application benefits will, however, be delivered in an accelerated timeline, and I see no good reason to doubt that Prologis would deliver these if you reject compulsory acquisition. Similarly, in the absence of compulsory acquisition, I consider development will come forward on the southern land. It is a free port tax site. It is a draft regulation 19 local plan. There is a willing land owner. It is controlled by SEGRO, and if SEGRO fell away, someone would step in, another developer. So the delivery of the Southern line could be through a dcl, and we've set out, Prologis have set out reasonable alternative routes to demonstrate how that could happen for the whole site without the draconian step of compulsory acquisition, or it could be delivered through a separate planning application. And I consider these benefits, the benefits derived from the southern line are likely to be delivered without compulsory acquisition. Respectfully says this needs to be weighing in balance when deciding on the significance of the benefits that might be delivered if compulsory acquisition is authorised, if the same or similar benefits are likely to come forward anyway, how much additional benefit should be attributed to the use of compulsory acquisition? I therefore consider that all, or at least the vast majority of the benefits accruing from the development of EMG two can and are likely to be achieved without compulsory acquisition. Therefore, as I say, in my view, there is no compelling case in public interest for the inclusion of compulsory acquisition powers within the order having two developers, and it is only two bring forward a site such as EMG two is, in my view, entirely done. But what's highly unusual is, in my experience, for one developer to seek compulsory acquisition of another developers recently secured site. So just to clarify my the joint application will be determined in the summer 26 I think I accidentally said September.

 47:08

That concludes. Thank you for 20 seconds.

 47:15

Thank you very much.

 47:18

Have a few questions which may

 47:20

also need to go into the hearts from the highway. Few things on there. You submit, you indicated that there's a letter on this month going into the highway authorities, and then highway authorities further submissions. Or I'm just wondering if, particularly from that as the highway authorities, I'm assuming, going on between the highways, that authorities and your good sales offline, and I'm just wondering if they knew where, if your highway authorities knew where they were or what they were expected to see when it does come through, or are they going to have to do significant amounts of work before, before they're able to say, oh, that's the modelling. And then we're moving on to what the mitigation might be. Can we start national

 48:20

highways, representing

 48:21

national highways at this stage, transport modelling and mitigation and other technical areas associated with the Prologis site have yet to be agreed, and this is set out in national highways member response to the planning application, and therefore we can't make any comments on aspects of delivery at this stage. Council,

 48:45

seven points then, and I think just to say that as we with any applicant, we're trying to work pragmatically with them to identify the aspects that we can progress in the meantime, so all the matters are progressing positively, but yeah, we would be in receipt to report the submission that time. Thank you.

 49:09

Thank you.

 49:09

All right, going back to Prologis, it's trying to manage to understand what off site highly works. If any, do you anticipate you are need going to need as a litigation.

 49:09

Thank you,

 49:10


sir.

 49:11

Two points that you raised there, yes, those conversations are happening online, as you've heard, and they're going positively from our point of view. And secondly, Liam is a process of modelling to understand that. But if an answer your question, it's around food farm junction and roundabout, and it's around the mitigation associated with it, and we, we believe that that's proportionate and in line with the mppf requirements. So I don't really want to get into a level of detail to misdirection. We can do that with a written submission when we submit this later this later this month. But that's a general

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argument. One of the things we're going to need to understand is what those highway works are. So we

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have a look

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at the compare in the sense, in the test as well, compared to what we're seeing. We're seeing the dual carriage, where we have a lot more discussion about this too,

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on probably first it will be discussing the how the

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requirement of the DCS, there was proposals in the joint application,

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and I'm trying to understand from the

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joint application or land protected for it, but what the position is front of as their Prologis

 50:58

is concerned about.

 51:01

So in our parameters plan, we've, we've identified a parameter to cover that land, to safeguard that land.

 51:08

How would that be dealt with?

 51:16

Try desperately not to lead a question here. It's, it's guys, like, I want to say, This isn't an inquiry, and therefore I can do due to an extent, what mechanism would you expect such land to be made available for in

 51:33

due course,

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on behalf of the applicant, my understanding, is alive, it will either be in the form of an obligation, section one six, obligation, or potentially there could be a condition to deal with it. One of the advantages this this is land is already control. I'm just

 52:06

wondering how it works. Visa. Visa three tests for second, regulation 122, which is obviously a slight different scenario. But for DCEO, when regulation one two, the silk ranks doesn't apply.

 52:18

So either. And in simple terms, it is something that needs to be delivered, scheme acceptable, needs to be safeguarded, in which case it's taken into account needed. It won't need to be safeguarded. If it's if it's needed, it won't it's only to be if it's only for safeguarding it won't be needed because it won't be right to your development if there is a public interest objective that needs to be protected pursuant to that planning application, or to ensure the development does not spine the development coming forward that potentially could be enough to satisfy a neatness, then becomes a question of judgement as to whether or not some form of conditional obligation is justified. Obviously, it's not for me to tread on

 53:16

North Leicestershire District Council's toes in this, at least initially,

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it's more to

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do with, obviously,

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one of

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the tests on red monitor, just as necessary

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to make

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the development accept. How, how did it become necessary to make developments accept? And so, just taking it in stages, if you have a proposed development on land that might prejudice the delivery of some scheme that is in the office, that is in the public interest, and in order to avoid that prejudice, provision is made either in the form of an obligation or form of condition to ensure that what happens on the land pursuant to that development doesn't give rise to that prejudice that in principle, is some condition to satisfy the test of necessity. It then becomes a question of judgement

 54:15

as to the status of the project that

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gives rise to

 54:18

that issue, the way that attaches to it. Hear what you're saying. I'll

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take it away. Have a think about it. As I said, more discussion about

 54:28

this later, probably Thursday, I suspect, in relation to the requirement for that, as to how that makes sense. Okay, the next one is, what do you know yet, what sustainable transport options you're seeking to deliver as part of that proposal? So we've set out, or I set out to my written statement, those as part of the comparator. So we've identified the series of bus facilities on site, AV, shuttle bus on site. So we've identified the ability for on site sustainable travel. We've also identified, and have ongoing discussions with Trent bark around the linkages to the bus site, public transport, bus related and how they would work. And I can give you the references within the written document. I've also set out details around the cycle rooms and pedestrian routes and the improvements.

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I

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saw reference to the Trentbarton letter, but I couldn't find it. Looking through the documents,

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I may have missed it quite happily accepted if you find in the examination. So they

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said, We'll tear that away in the deadline three we make reference to Trent barton

 56:00

the specific letter? Yes, there being a letter was absolutely there. My reading of that letter was a bit going to be appended to that document, and it didn't appear

 56:17

to happen. On behalf of the we don't have our transport plan under this today. We weren't anticipating the need for that, but I can say that we are expecting to have him here in order to help with item four in issue specific hearing three. So I appreciate it's not quite on topic, but if you'd like a brief oral update at that point. We can do that. I was going to raise it or get an item from tomorrow. It was just measures and later. And if there was a way of getting it to us sooner rather than later, and it was to the applicant, everybody else, then so much better, because I was going to ask them in due course, the categorization, local transport authority in quantum the documentation I've seen, a reference to park in capital letters, life, what is it the community area that both SEGRO

 57:30

proposed and that we propose have different ways of managing and maintaining and facilitating the balance between ecology, landscape and Recreation, Park life is a way that Prologis deliver these, manage these, maintain these, and evolve them with the community. So it's a sort of a trademarked identification of that, but I think it's suffice to say, we're very proud of that. It works well in other schemes, and it's something that you can, again, provide more detail, but at this outline stage, it's simply our way of delivering that type of property. At the moment, it appears to be a marketing term in the race. What I've seen, which is probably a damn if any praise of every Have you heard? What term? If there was some more details about it, often we know what's being proposed in this, in the application for the introduction to this trying to understand a bit more about yours. It's been references to park life. What does that mean? Is So written represent

 58:30

a written outline of what that is, would be really useful. So it's all in the joint application, but I'll do just that on sustainable transport and the ultimately, thank you. I think that's the questions from me. Mr. Page, do you have some questions? Yes, just couple questions from me. So Prologis suggest to join an application will be ready for determination by the summer 2026 just wondering whether the District Council, county council, national highways, agree with that timeline, and also from the District Council, whether any other issues from highways that have been made a decision I to

 59:23


stop at the District Council.

 59:25

Jessica

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Valley, North West Leicestershire District Council, yes, I had anticipate this question may come, and I will seek you to take instructions from various people in the council who are dealing with the application, as distinct from the examination, as I understand, as you've alighted on it, as we've heard, obviously, the highways. And it's still a matter that is that there is compensation ongoing about so that is the immediate and the main issue on which the council is waiting to hear back from the relevant sector, Council, teams, I, however, am not in a position right now, just to then also summarise what other matters are also going into a sort of timeline, and to be able to give a sort of counter timeline right now, however, that is something that we could certainly provide an update on sort of broad terms,

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if that would assist in sort of gauging that time frame from the council's perspective.

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Yes, exactly. I might have

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a decision to confirm. That we accept that timeline.

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Thank you. Terms of the County Council's issues whether that timeline is achievable, from the perspective

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Rebecca Leicestershire county council, just outlined, and then I need to submit a further submission on the application rates this month, and at the moment, we have no reason to have a similar determination. North West are able to facilitate that.

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Thank you. And finally, national highways,

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representing

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national highways. National Highways received updating updated details and modelling last week. We're currently reviewing that we can't really give timescales on when the planning application will be determined.

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Thank you so Jessica

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at North West Leicester District Council, I have actually just received an email which, if I could maybe just before we move on, explain. So as mentioned, we've discussed highways, also expecting a response, addressing comments raised in relation to the landscape voucher of the A453, made by landscape partnerships with some comments in relation to landscaping. And so, in fact, I am informed that there is an expectation that with the submission of those various different outstanding documents, that would then require a final 30 day consultation from which the council is currently seeking to target committee in the summer. So it does sound broadly in line with what

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you've

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heard. The presentation was set to me for the applicant to make any comments on

 1:03:00


that. Is there anything you do wish to say so just before Mr. Booth, I just wanted to, if I may, just supplement something that I mentioned earlier in response to your question about the dualling proposal. Since then, I think it occurred to me that I thought we had answered a question about duelling first round questions and I just remind myself of what was said there and what we said in that response to written question 19 point 0.6, but the layout which we appended with the joint application demonstrates the proposal is compatible with the dual and that the maximum percent of the building footprints proposing the joint application terminates for the land that would be required for dealing with the landscape buffer also included to ensure this. So just taking that point, coming back to the point I was raising earlier, in response to your question, if, as a matter of fact, because it does not give rise to an incompatibility, that will feed into the question whether there is necessity. So when I gave the answer earlier, it was a theoretical if there is an incompatibility, then then the necessity might arise. If there's no physical incompatibility, then there's no strictly speaking, they need to secure it because it's way. So

 1:04:31

I just wanted to make that clear, Mr. Westman, I'll take you up on that invitation. Mark Westman Smith for the airport. Can I make two very short points? The first is in relation to your questions, Mr. Jackson, about highways mitigation on the joint application, and you indicated you wanted an understanding of the likely mitigation works on the joint application to enable a comparison with the works that would be proposed under the DCO application. And of course, the context of this hearing, what is required is justification for compulsory acquisition. So we discussed the extent to which there shouldn't be a beauty parade, and that applies equally to highways mitigation, whereas ultimately their mitigation works, the applicant has made it absolutely clear that they won't come forward on a stand alone basis. So I made that first point the second point, Mr. Philpotts just covered it. But all I'd add to that is that the extent of the bill for a joint application is captured on the parameters plan, and there will be, in all likelihood, a condition that requires accordance with the parameters plan and thereby

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preserving the land for the journey manufacturing basis. Thank you,

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Mr. Booth. Is there anything? So I'm conscious that agenda doesn't specifically allow for it, and I'll provide for it. But I would like to come back on essentially two points. I need be estimated length, which isn't so successive, but I need to be like the length of what Liam trans and say earlier on. But I do want to make these two Firstly, to quote on on

 1:06:30

the law,

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since you've raised it, and also be given the way that it's just been put in the Prologis presentation. As regards the scenario positive by SEGRO being highly unusual means to come back on that. So you've seen that there are references to case law in the Prologis materials, in particular the Court of Appeal assessment to the press and the Rothschild. And there's fair amount of fanfare as to the judicial commentary

 1:07:01


regarding

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the need for a compelling case,

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what we

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need to ensure is that user examining panel are not led astray. Insofar as it is put to you that the test for confirmation of compulsory purchase powers? Are you competitive in some way, potentially unachievable, standard, mystical

 1:07:26

and so

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on. To be clear, there is no magic here press the Rothschild or authorities, which I think will be familiar to the panel, certainly familiar to compulsory purpose practitioners. They represent the AV seat in the building plot. So we don't seek to hide away from that compelling case at all. Our position is that the case is met that met comfortably in that context. It's important that you bear in mind the compelling case is a test that is met continually, regularly throughout the UK, almost on a day to day basis. Virtually every DCO ever granted has included compulsory acquisition powers, countless CPO power, countless CPOs up and down the country confirmed for all sorts of purposes, to say nothing of other instruments, like transport, work outdoors. So nothing unusual and unfamiliar here at all. The compelling case test is gradually met insofar as it said, Well, this is a scenario which isn't somewhat different, because this is private to private. Indeed, that's what we heard a moment ago. It's highly unusual. It's said to have compulsory purchase powers in this context, again, so that's not correct regularly in the context of urban regeneration schemes, a public authority will have to take a lead as to what for development will be, and that would be a development that is facilitated with one developer taking the lead and the other getting waived, if necessary. By the way, compulsory abolition. So that happens regularly. It is in no way unusual, and insofar as Prologis point to the decision of the Supreme Court in *St Louis, Lord of Hampton*, you can see the make reference to that. Again, it's important not to read too much into that decision. You will be aware, I'm sure you're familiar with the facts. That was a case concerned with a public authority have an unlawful regard to an irrelevant consideration, ie, the regeneration of a wholly separate site. And it's in that context that the Supreme Court talk about a stricter approach. It's important to understand that in no way in that case do the Supreme Court suggest that a different approach, I one that is not the Orthodox compelling case test is applicable, was applicable in that case, and would be applicable in this one. And so I've already taken you to the correct relevant decision here, which is the *Bexley* one. I don't understand the proposition in terms of what the principle to be dispute. That's the one we're providing this. That's what we should be having regard to, and a lot of the other The second point is the comparative exercise that we say the panel has to have regard to, and it's important that that happens, because we do say that there is a degree to which, certainly in the deadline, pre submissions, advancement after Prologis, that the ship is being steered in the wrong direction. That is to say, as we understand it, the objectors case is that you should compare the benefits delivered by the DCO scheme, on the one hand, with the benefits which would be delivered by the joint application scheme and a free standing development of the southern land. On the other, those are the scenarios A and B. And in that context, they also seek to distinguish between what they term additional benefits and additive benefits. So you'll notice that there's no case for cited in support of that particular proposition. There is none we say that the comparison between their scenarios. AV, explore crucially. So in a scenario where one is looking at the Prologis option, that's it to say, the joint application. There is no planning permission as yet. We'll come on to this this afternoon, but there is no credible case that that development is viable as yet. It may be further materials are provided, but certainly at present, there's no promotional liability case advance, and so there's no credible case that development will come forward on a certain level. We say the correct approach, and this is it. This is what the panel should be having regard. Is this what is likely to happen in the event that the DCO is granted with compulsory acquisition powers. Compare that scenario like what is likely if the DCO has gone on to that sort with what is likely to happen if the DCO that basis, I need no DCO or DCO without compulsory acquisition power, we say what is likely to happen in our scenario A if the DCO is granted, one then has we say the myriad multiple benefits which we've already spoken to. I'm not going to speak to those now, in a scenario where the DCO is

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not granted

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as support, we say the benefits

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are far

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less expensive and far less certain, because it may be the objectives are able to deliver development on the northern half of the site, but again, currently that no permission, there's no evidence on viability. It may or may not happen, in any event that development will not deliver the benefits of the DCS scheme. The larger, far larger community park, the HTV parking green package of highway works and so on. And further we say there will not be any development on some part of the VCO application until all that provision will be lost. Those are the two scenarios which you have to weigh. What is light tree

 1:13:19

in the

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one and what is likely everything else is just noise. So inspired, my own friend talks about President, that's nothing to the

 1:13:36

point what is likely, that's what's to happen on the agenda, it went my next day next month for us to have a break for lunch, which wouldn't do for an hour. It's now, if we go through until just over an hour seven, if we come back at two o'clock, hearing is adjourned.

 1:13:57