



Planning Inspectorate

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

COMPULSORY ACQUISITION HEARING 2

Date: 12 May 2026

Venue: Hilton Hotel East Midlands Airport and MS Teams

ACTION POINTS

AP No.	Action	Action By:	Response Due By:
27.	To give further consideration to the issue of compulsory acquisition in relation to further rights added at Procedural Deadline A or to provide written confirmation from all persons with affected interests that they are content for their rights to be extinguished, such that the requirements relating to notification, advertisement, representations and hearings under the CA Regulations would not be necessary.	The applicants	Deadline 4 (D4) Tuesday 16 June 2026
28.	The applicant and any relevant IPs are requested to identify the legal authorities relied upon in support of the proposition, referred to in written submissions, that it is settled law that the use of compulsory acquisition powers may be properly justified in order to facilitate a scheme of development in the public interest which is preferable to an alternative scheme advanced by an objector that would not require compulsory acquisition. Please provide references to relevant case law, including full citations, Where any such authorities are not readily accessible via publicly available sources (for example,	The applicants Interested Parties (IPs)	D4

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	BAILII), copies of those decisions should be provided.		
29.	To provide a written note to explain "PARKlife" term.	Prologis (Prologis UK Limited and/ or Prologis UK 121 Limited as appropriate)	D4
30.	Further explanation of "substantial" in relation to the carbon neutral campus/headquarters including co-located head office which was part of the SoS's s35 direction for the business and commercial NSIP. In particular, when properly understood, whether the s35 direction requires a head office under Class E rather than merely ancillary office space and whether the environmental statement assesses this and the dDCO is drafted in such a way that enables this to be delivered. (Post Hearing Note: See also Action Point 65 from ISH3)	The applicants Prologis EMIA (East Midlands International Airport Limited and/ or East Midlands Airport Property Investments (Industrial) Limited as appropriate)	D4
31.	To clarify the definition of "likely" under the EIA Regulations and to explain whether the asserted displacement of socio-economic benefits associated with the joint application, arising from delivery of the DCO Scheme "the delivery scenario", should be assessed as a likely significant effect in the Environmental Statement. To provide case references and copies of those decisions where relevant.	The applicants Prologis EMIA	D4
32.	To provide a short explanatory note, preferably in table format, identifying DCOs that have been granted but not subsequently delivered and to explain whether and how this evidence informs the assessment of	The applicants Prologis EMIA	D4

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	<p>whether the “non-delivery scenario” is likely.</p> <p>The note should also clarify whether this matter should be addressed within the Environmental Statement as a likely significant effect or by other means, if considered outside the scope of the EIA Regulations, but nonetheless deemed important and relevant to the Secretary of State’s decision.</p>		
33.	<p>To submit representations covering the two outstanding bullet points from agenda item 3.2:</p> <ul style="list-style-type: none"> • whether in light of the discussions, and if it is determined that further socio-economic assessment is required for the delivery and non-delivery scenarios, the applicants must then 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 	The applicants Prologis EMIA	D4

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	development and the least certain to come forward.		
34.	To clarify the assumption that the southern land is land-locked and whether, in theoretical terms, access could be achieved through a reconfiguration of the motorway service area, noting that such access has not been modelled, and set out what the implications of this would be in relation to the respective viability analyses.	The applicants Prologis EMIA	D4
35.	To prepare a single joint Excel spreadsheet setting out their respective valuations side by side, using consistent cost headings, clearly identifying areas of agreement and disagreement. All formulas should be retained (not replaced with values). Where different methodologies are used, these should be shown alongside the other valuer's figures and commentary.	The applicants Prologis EMIA	D4
36.	To clarify whether Plot 1/2 (Hyam's Lane) on Land Plan Sheet 1 [APP-027D] would need to be acquired to enable development of the northern and/or southern land, including any north-south access, and to explain how this would be addressed given the Book of Reference identifies the primary ownership as unknown, including whether compulsory acquisition powers would be relied upon.	The applicants Prologis	D4
37.	To provide the letter from the Trent Barton bus operator.	Prologis EMIA	D4 To LCC as soon as possible
38.	To comment as local transport authority as to the content of the Trent Barton letter	LCC	D4