

East Midlands Gateway Phase 2 (EMG2)

Document DCO 8.12

DRAFT

Statement of Common Ground between
the DCO Applicant and East Midlands
International Airport Limited/East
Midlands Airport Property Investments
(Industrial) Limited and Prologis UK 121
Limited/Prologis UK Limited

June 2026

The East Midlands Gateway Phase 2
and Highway Order 202X and The East Midlands Gateway
Rail Freight and Highway (Amendment) Order 202X

1 Introduction

- 1.1 This SoCG has been requested by the Examining Panel and is entered into by (1) SEGRO Properties Limited who has submitted the DCO Application, (2) East Midlands International Airport Limited (EMA) and East Midlands Airport Property Investments (Industrial) Limited ("EMIAL") (together "EMIA") and (3) Prologis UK Limited (PUKL) and Prologis UK 121 Limited (PUK121) (together "Prologis").
- 1.2 This SoCG has been prepared in respect of development which is the subject of the DCO application comprising:

Main Component	Summary of Component	Works Nos.
DCO Application made by the DCO Applicant for the DCO Scheme		
EMG2 Works	<p>Logistics and advanced manufacturing development located on the EMG2 Main Site south of East Midlands Airport and the A453, and west of the M1 motorway. The development includes HGV parking and a bus interchange.</p> <p>Together with an upgrade to the EMG1 substation and provision of a Community Park.</p>	<p>DCO Works Nos. 1 to 5 including Further Works as described in the draft DCO (REP2-008D).</p> <p>DCO Works Nos. 20 and 21 including relevant Further Works as described in the draft DCO (REP2-008D).</p>
Highway Works	<p>Works to the highway network: the A453 EMG2 access junction works (referred to as the EMG2 Access Works); significant improvements at Junction 24 of the M1 (referred to as the J24 Improvements), works to the wider highway network including the Active Travel Link, Hyams Lane Works, works to Long Holden, L57 Footpath Upgrade, A6 Kegworth Bypass/A453 Junction Improvements and Finger Farm Roundabout Improvements.</p>	<p>DCO Works Nos. 6 to 19 including relevant Further Works as described in the draft DCO (REP2-008D).</p>

- 1.3 Capitalised terms refer to the Glossary at Appendix A to Chapter 1 of the Environmental Statement ([APP-067](#)) unless otherwise stated.
- 1.3 This SoCG relates only to the DCO Application and not the MCO Application. It also only deals with matters in which all three parties are involved relating to the EMG2 Main Site. A separate SoCG between EMA and the DCO Applicant deals with matters in which Prologis are not involved.

2 Details of the Parties to this SoCG

- 2.1 Both EMA and EMIAL are part of the Manchester Airport Group ("**MAG**"). EMA is the owner and operator of East Midlands Airport and EMIAL is a subsidiary property investment company. Both companies have land interests within the EMG2 Main Site.
- 2.2 Prologis is a developer and has an agreement with EMA to acquire the land owned by EMA within the EMG2 Main Site.
- 2.3 The plan in Appendix 1 ('the plan') identifies the separate interests of EMA, Prologis and the DCO Applicant within the EMG2 Main Site.

3 Content of this SoCG

- 3.1 The areas covered by this SoCG are as follows:
 - 3.1.1 Land Interests
 - 3.1.2 History of land acquisition
 - 3.1.3 The planning application reference 24/00727/OUTM submitted by EMA and promoted by EMA and Prologis for development of that part of the EMG2 Main Site lying to the north of Hyam's Lane ("Joint Application")
 - 3.1.4 The DCO Application
 - 3.1.5 Negotiations between the parties
 - 3.1.6 Infrastructure and interface matters
 - 3.1.7 The Freeport
 - 3.1.8 Viability
 - 3.1.9 Matters under discussion
 - 3.1.10 Matters not agreed
- 3.2 This SoCG records those matters which are agreed and, if appropriate, any matters that are not agreed and still under discussion between the DCO Applicant and EMA/Prologis.
- 3.3 Where this SoCG is identified as a draft, some matters may still be under discussion. If appropriate, a final version that confirms the final positions of the parties on relevant matters will be submitted before the close of the Examination.
- 3.4 Within the following table a Red Amber Green (RAG) status has been applied as follows: green: agreed, amber – a matter under discussion and/or further work to be completed and red – not agreed.

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date Agreed
Land Interests						
1.	Land Interests of EMIA	Book of Reference (APP-021D) and Land Plans (APP-027D and APP-028D)	<p>The land interests of EMIA within the EMG2 Main Site are accurately set out in the Book of Reference (APP-021D)</p> <p>The interests are as follows:</p> <p>Plot 1/2 - Hyams Lane subsoil</p> <p>Plot 1/4 – Land coloured blue on the plan - EMIAL freehold subject to option in favour of Prologis and subject to an overage agreement</p> <p>Plot 1/6 – Right of Way – EMIAL</p> <p>Plot 1/7 and Plot 2/2 – Land coloured turquoise on the plan (part) – EMA freehold subject to option in favour of Prologis</p> <p>Plot 2/3 – Land coloured turquoise on the plan (remainder of turquoise land) – EMA freehold subject to separate minerals ownership</p>			D2 April 21 2026

			There are other interests around the EMG2 Main Site which are owned by MAG and are accurately set out in the Book of Reference and Sheets 1 and 2 of the Land Plans. However, those further interests fall outside the scope of this SoCG.		
2.	Land Interests of Prologis	Book of Reference (APP-021D) and Land Plans (APP-027D and APP-028D)	<p>The land interests of Prologis within the EMG2 Main Site are accurately set out in the Book of Reference (APP-021D)</p> <p>The interests are as follows:</p> <p>Plot 1/2 – Hyams Lane subsoil</p> <p>Plot 1/3 – Land coloured yellow on the plan – Prologis UK 121 Limited freehold acquired from Messrs Jarrom</p> <p>Plots 1/4 – Land coloured blue on the plan – Prologis UK 121 Limited option to acquire from EMIAL</p> <p>Plot 1/5 – Land coloured orange on the plan – Prologis UK 121 Limited freehold acquired from Messrs Jarrom.</p>		D2 April 21 2026
History of Land Acquisition					

3.	Acquisition of land within EMG2 Main Site by SEGRO	<p>Applicants Response to Relevant Representations of Prologis and EMIAL (REP1-051D Appendix 5 Paras 1.16 – 1.28 and Appendix 6 Paras 2.1 – 2.5 Annex 1)</p> <p>Applicant’s Response to Deadline 1 Submissions – Written Representations of Prologis (REP2-032 Appendix 12 response to Prologis paras 4.15 - 4.16 and para 5.10)</p> <p>Applicant’s Response to Deadline 2 & 3 submissions Appendix 6 and 7 (Doc 7.13) and Applicants response to ExQ2 7.0.2 and 7.0.3 (Doc 7.16) both submitted at Deadline 4</p>	<p>The Applicant’s position is summarised below</p> <ul style="list-style-type: none"> - The Applicant acquired an option on the land south of Hyams Lane in 2018 - The Applicant then worked with EMIAL to promote the entire site through the Local Plan exercise and to consider various options to bring forward the site and also airside development during 2020 - 2023. - Despite many offers having been made to EMA it became apparent that it would prove difficult to reach agreement within any certain timescale and, due to that, and the attraction of a certain consenting timescale and process with which the Applicant was familiar given its DCO experience, an application was made for the s.35 Direction which was issued in February 2024. - EMA submitted its (incomplete) planning application in June 2024 in the knowledge of the intention 			
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			<p>of the Applicant to progress the DCO.</p> <p>- the Applicant has always sought to negotiate with EMIAL and, since the end of 2024, Prologis to try and avoid the need to compulsory acquire land.</p>			
4.	Acquisition of land within EMG2 Main Site by Prologis	<p>Applicants Response to Relevant Representations of Prologis and EMIAL (REP1-051D Appendix 5 Paras 1.16 – 1.28 and Appendix 6 Paras 2.1 – 2.5 Annex 1)</p> <p>Applicant’s Response to Deadline 1 Submissions – Written Representations of Prologis (REP2-032 Appendix 12 response to paras 4.15 - 4.16 and para 5.10)</p> <p>Applicant’s Response to Deadline 2 & 3 submissions Appendix 6 and 7 (Doc 7.13) and</p>	<p>- Prologis acquired its interests in the land in October 2024 in the knowledge of the intention of the Applicant to progress the DCO.</p> <p>- The Applicant has consistently sought to negotiate with Prologis to try and avoid the need to compulsory acquire land and continues to do so.</p>			

		Applicants response to ExQ2 7.0.2 and 7.0.3 (Doc 7.16) both submitted at Deadline 4				
The Joint Application						
5.	Details of Joint Application		On 31 May 2024, EMA submitted the Joint Application to NWLDC. The application has since been promoted jointly by Prologis and MAG and updated in November 2025 (" Joint Application ").	On 31 May 2024, EMA submitted the Joint Application to NWLDC (ref. 24/00727/OUTM). The application has since been promoted jointly by Prologis and MAG and updated in November 2025.		D4 16 June 2026
6.	Content of Joint Application		The Joint Application seeks outline planning permission for up to 135,000 sqm of Class B2/B8 floorspace (plus ancillary offices), together with a new all-movements junction on the A453, a Training Hub, a Transport Hub and associated infrastructure on the Prologis/EMIA Land.	The Joint Application seeks outline planning permission for up to 135,000 sqm of Class B2/B8 floorspace (plus ancillary offices), together with a new all-movements junction on the A453, a Training Hub, a Transport Hub and associated infrastructure on the Prologis/EMIA Land.		D4 16 June 2026
7.	Location of Joint Application		The Prologis/EMIA Land is located within the EMAGIC cluster of the East Midlands Freeport and forms part of the designated tax site.	The Prologis/EMIA Land is located within the EMAGIC cluster of the East Midlands Freeport and forms part of the designated tax site.		D4 16 June 2026

8.	Freeport Status		Development on the Prologis/EMIA Land pursuant to the Joint Application, if granted and delivered within the Freeport Window would qualify for Freeport fiscal reliefs available to qualifying occupiers.	[Wording changed so not replicated – EMA/Prologis to check happy]		
9.	Approval of both DCO and Joint Application		The grant of planning permission pursuant to the Joint Application would not, as a matter of law or planning policy, create a legal bar to the grant of a DCO for the DCO Application, or vice-versa.	The grant of planning permission pursuant to the Joint Application would not, as a matter of law or planning policy, create a legal bar to the grant of a DCO for the DCO Application, or vice-versa.		D4 16 June 2026
10.	Affect of approval of Joint Application on deliverability/viability of the DCO Application		The grant of consent would not itself be a bar to delivery/viability of the DCO scheme subject to the Applicant having the necessary powers to acquire all of the land interests including those subject to the joint application.	The grant of planning permission pursuant to the Joint Application would not affect the deliverability or viability of the DCO Application.		
11.	Affect of implementation of Joint Application on deliverability/viability of the DCO Application	Viability Appraisal and Summary of Viability Appraisal [REP1-027D and REP1-028D] Applicant's Response to Deadline 2 & 3 submissions Appendix 6 (Doc 7.13)	If the DCO scheme were approved without the necessary CA powers then the DCO scheme would not be deliverable and viable since - the scheme to the north of Hyams Lane under the Joint Application is a different scheme from			

		submitted at Deadline 4	<p>that to be authorised by the DCO</p> <ul style="list-style-type: none"> - the land to the south of Hyams Lane would not be viable to deliver as a phase 2 - the highway works for any phase 2 are unknown however the NSIP included in the DCO in respect of works to J24 would not be delivered. 		
12.	Comparability of public benefits of DCO and Joint Application	<p>Applicants' Response to Examining Panel's First Written Questions [REP1-054] – see response to ExQ 1.3.2</p> <p>EMIA Response to ExQ1 [REP1-218D] – see response to ExQ 1.3.2</p> <p>Prologis Response to ExQ1 [REP1-272D] – see response to ExQ 1.3.2</p>	<p>The public benefits which arise from the DCO Application are materially greater than that arising from the Joint Application as set out in the documentation referred to. These benefits include:</p> <ul style="list-style-type: none"> - the greater floorspace hence greater economic and employment benefits - the comprehensive planning of the site facilitating internal bus connectivity and more 		

			<p>extensive community park</p> <ul style="list-style-type: none"> - the sustainable travel benefits including active travel links - the delivery of a key improvement to Junction 24 which is required to mitigate the traffic impact from the development but has a wider benefit in helping to provide capacity for future planned growth in the area. 			
The DCO Application						
13.	S.35 Direction	Environmental Statement Appendix B Section 35 Direction [APP-068]	The DCO Application has been brought into the Planning Act 2008 regime pursuant to a Section 35 Direction made on 21 February 2024. The Section 35 Direction identified the proposed project as: "a logistics and manufacturing hub, including a substantial carbon neutral campus/headquarters including co-located head office functions."	The DCO Application has been brought into the Planning Act 2008 regime pursuant to a Section 35 Direction made on 21 February 2024. The Section 35 Direction identified the proposed project as: "a logistics and manufacturing hub, including a substantial carbon neutral campus/headquarters including co-located head office functions."		D4 16 June 2026

14.	CA content	Book of Reference (APP-021D) and Land Plans (APP-027D and APP-028D)	The DCO Application seeks powers of compulsory acquisition and/or temporary possession over, among other land, the Prologis/EMIA Land pursuant to Part 5 of the draft DCO and section 122 PA 2008.	The DCO Application seeks powers of compulsory acquisition and/or temporary possession over, among other land, the Prologis/EMIA Land pursuant to Part 5 of the draft DCO and section 122 PA 2008.		D4 16 June 2026
15.	CA powers		For the Secretary of State to include compulsory acquisition powers in a DCO, section 122(3) PA 2008 requires the Secretary of State to be satisfied that there is a compelling case in the public interest for those powers. This is a test that is distinct from, and not automatically satisfied by, any decision to grant development consent.	For the Secretary of State to include compulsory acquisition powers in a DCO, section 122(3) PA 2008 requires the Secretary of State to be satisfied that there is a compelling case in the public interest for those powers. This is a test that is distinct from, and not automatically satisfied by, any decision to grant development consent.		D4 16 June 2026
16.	CA Guidance		The Guidance related to procedures for the compulsory acquisition of land (September 2013) applies to the consideration of the compulsory acquisition powers sought in the DCO Application.	The Guidance related to procedures for the compulsory acquisition of land (September 2013) applies to the consideration of the compulsory acquisition powers sought in the DCO Application.		D4 16 June 2026
17.	Compelling Case		The Applicant contends that there is a compelling case in the	EMIAL/Prologis contend that there is not a compelling case		

			public interest for the acquisition of the EMIAL and Prologis land	in the public interest for the acquisition of the EMAIL and Prologis land		
18.	Reasonable Alternatives		The Applicant contends that all reasonable alternatives to the compulsory acquisition of the EMIAL/Prologis land as required by paragraph 8 of the CA Guidance have been explored	EMIAL/Proplogis contend that all reasonable alternatives to the compulsory acquisition of the EMIAL/Prologis land as required by paragraph 8 of the CA Guidance have not been explored		
Negotiations between the Parties						
19.	Between the Applicant and EMIAL	Pre-application Land and Rights Negotiations Tracker [APP-022D] Applicants' Response to Relevant Representations of Prologis and EMIAL (REP1-051D Appendix 5 Paras 1.16 – 1.28 and Appendix 6 Paras 2.1 – 2.5 Annex 1) Applicant's Response to Deadline 1 Submissions – Written Representations of Prologis (REP2-032)	Negotiations between SEGRO and EMIA first commenced in February 2020.	Negotiations between SEGRO and EMIA first commenced in February 2020.		D4 16 June 2026

		<p>Appendix 12 response to paras 4.15 - 4.16 and para 5.10)</p> <p>Applicant's Response to Deadline 2 & 3 submissions Appendix 6 and 7 (Doc 7.13) and Applicants response to ExQ2 7.0.2 and 7.0.3 (Doc 7.16) both submitted at Deadline 4</p>				
20.	Between the Applicant and Prologis	Applicant's response to ExQ2 7.0.2 and 7.0.3 (Doc 7.16) submitted at Deadline 4	Negotiations between the Applicant and Prologis (on behalf of both EMIAL and Prologis) first commenced in November 2024.	Negotiations between the Applicant and Prologis (on behalf of both EMIAL and Prologis) first commenced in November 2024.		D4 16 June 2026
21.	Current state of negotiations		No agreement has yet been reached	No agreement has yet been reached		
22	Chronology of negotiations	Applicants Response to Relevant Representations of Prologis and EMIAL (REP1-051D Appendix 5 Paras 1.16 – 1.28 and Appendix 6 Paras 2.1 – 2.5 Annex 1)	The chronology of engagement is set out in the submissions made by the Applicant. The Applicant has made extensive efforts over years to reach agreement with EMIAL to avoid CA and more recently with Prologis including discussing a variety of	The precise chronology and characterisation of the negotiations between SEGRO and Prologis, including the adequacy of SEGRO's engagement with alternatives to compulsory acquisition, is a matter in dispute between the parties.		

		<p>Applicant's Response to Deadline 1 Submissions – Written Representations of Prologis (REP2-032 Appendix 12 response to paras 4.15 - 4.16 and para 5.10)</p> <p>Applicant's response to ExQ2 7.0.2 and 7.0.3 (Doc 7.16) submitted at Deadline 4</p>	arrangements which would avoid CA.			
Infrastructure and Interface Matters						
23.	Highway Access to southern land		<p>The highway access corridor through to the southern land indicated in the Joint Application may be physically achievable and suitable subject to issues of the status of Hyams Land being resolved. Whether the proposed roundabout at the access to the A453 from the Prologis land and the internal estate road through the northern land are adequate to deal with traffic from both the Joint Application and the southern land has not, as far as the Applicant is aware, been tested. Until that roundabout</p>	<p>The Joint Application includes a Principal Highway Access Corridor capable of being extended to the Southern Land boundary, subject to commercial agreement.</p>		

			<p>and estate road have been confirmed as suitable to access the whole site (including the additional floorspace provided in the Joint Application on the northern land compared with the DCO scheme) it cannot be confirmed that the Joint Application provides suitable access for the southern land which is acceptable to the highway authorities.</p> <p>Aside from viability issues, any access is in any event reliant on approval and delivery of the Joint Application and the Applicant being able to reach agreement with a commercial competitor with implications for delay.</p>			
24.	Compatibility of access arrangements		<p>The access proposals in the Joint Application are not compatible with the access proposals in the DCO Application.</p> <p>The DCO scheme has the benefit of bus and cycle access across the strip of land owned by Moto as a result of which the access enables bus and cycle penetration into the site with shuttle bus connectivity with all</p>			

			parts of the site unlike the Joint Application.			
25.	J24 highway mitigation	<p>Agreed Joint Position Statement relating to SRN Mitigation Scheme [REP1-060D] now included in National Highways SoCG (Doc 8.5) submitted at Deadline 4</p> <p>Applicant's response to D2 & D3 submissions Appendix 6 and 7 (Doc 7.13) submitted at Deadline 4</p>	<p>The highway mitigation proposed in the DCO is required to mitigate the impact of the DCO scheme. It has a wider benefit in that it is consistent with (but not reliant upon) the emerging proposals for a strategic scheme at J24 which will enable, and is required for, planned growth in the area. The Applicant is part of a consortium of developers which have been considering the strategic scheme with National Highways of which the mitigation for the DCO scheme is considered a key first element.</p>	<p>The highway mitigation strategy for Junction 24 of the M1 is being progressed through a multi-developer consortium framework, of which SEGRO is a participant. The J24 mitigation solution is not a product of the DCO Application alone.</p>		
26.	Highway works proportionate	<p>Applicant's response to D2 & D3 submissions Appendix 6 and 7 (Doc 7.13) submitted at Deadline 4</p>	<p>The highway works proposed in the DCO are required to mitigate the impact of the development and as such are proportionate to the development proposed. The fact that the works also have wider benefits does not affect that proportionality.</p>			
27.	Mitigation for southern land		<p>It is not known what highway mitigation would be required for the southern land were it to be</p>			

			<p>developed as a phase 2 to the Joint Application. Of relevance is:</p> <ul style="list-style-type: none"> - the full highway mitigation is not yet known for the Joint Application - the DCO NSIP involving the green package could not be delivered without a DCO or by the southern land alone 			
Freeport						
28.	Location		The EMG2 Main Site falls within the EMAGIC cluster of the East Midlands Freeport and forms part of the designated tax site.	The EMG2 Main Site falls within the EMAGIC cluster of the East Midlands Freeport and forms part of the designated tax site.		D4 16 June 2026
29.	Freeport Window		The Freeport Window - the period during which qualifying occupiers may access Freeport fiscal reliefs - is currently stated to expire on 30 September 2031.	The Freeport Window - the period during which qualifying occupiers may access Freeport fiscal reliefs - is currently stated to expire on 30 September 2031.		D4 16 June 2026
30.	Freeport Reliefs		The Freeport fiscal reliefs accrue to qualifying occupiers, not to the developer of the relevant land.	The Freeport fiscal reliefs accrue to qualifying occupiers, not to the developer of the relevant land.		D4 16 June 2026

31.	Availability of reliefs		Development on the Prologis/EMIA Land delivered pursuant to either the Joint Application or the DCO Application, if occupied within the Freeport Window, would be capable of qualifying for Freeport fiscal reliefs.	Development on the Prologis/EMIA Land delivered pursuant to either the Joint Application or the DCO Application, if occupied within the Freeport Window, would be capable of qualifying for Freeport fiscal reliefs. Note word change – occupied for commenced		D4 16 June 2026
32.	Mechanism for delivery		There is no legislative requirement as to the delivery mechanism for development or for the entirety of the site to be brought forward by a single developer or as a single development however it is good planning practice for large sites to be planned comprehensively to achieve the optimal form of development providing the best opportunity to maximise the economic and social benefits whilst minimising the environmental impacts.	There is no legislative or policy requirement as to the delivery mechanism for development or for the entirety of the site to be brought forward by a single developer or as a single development.		
33.	Amount of Freeport benefits		The DCO scheme will achieve materially greater benefits related to the Freeport which is a matter relevant to the consideration of whether or not			

			there is a compelling case in the public interest.			
Viability						
34.	Evidence	<p>Viability Appraisal and Summary of Viability Appraisal</p> <p>[REP1-027D] and [REP1-028D]</p> <p>Applicant's response to D2 & D3 submissions Appendix 6 (Doc 7.13) submitted at Deadline 4</p>	<p>Viability evidence was submitted by the Applicant at D1 dealing with the viability of the DCO scheme and the viability of the southern land alone. The viability evidence also cast doubt on the viability of the development of the Joint Application. At D4 the Applicant will respond to the viability evidence submitted by Prologis/EMIAL at D3.</p>			
35.	Viability of DCO scheme		The DCO scheme is viable			
36.	Viability of Joint Application	<p>Viability Appraisal and Summary of Viability Appraisal</p> <p>[REP1-027D] and [REP1-028D]</p> <p>Applicant's response to D2 & D3 submissions Appendix 6 (Doc 7.13)</p>	<p>The Joint Application scheme does not appear to be viable although key information from Prologis to carry out a full appraisal (such as the amount paid for the land and identification and confirmation of highway mitigation) is not available.</p>			

		submitted at Deadline 4				
37.	Viability of Southern Land	Applicant's response to D2 & D3 submissions Appendix 6 (Doc 7.13) submitted at Deadline 4	The southern land is not viable			
38.	Areas of agreement /disagreement	Applicant's response to D2 & D3 submissions Appendix 6 (Doc 7.13) submitted at Deadline 4	Respective experts have been asked by ExP to prepare a document identifying the issues between them and so this SoCG defers to that document in respect of specific valuation issues			D4 16 June 2026

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SIGNATURES:

On behalf of the DCO Applicant:

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Signature

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Name

DRAFT

On behalf of EMIA:

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Signature

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Name

On behalf of Prologis:

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Signature

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Name

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APPENDIX 1

[Ownership plan]

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