

PLANNING ACT 2008

**THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010**

**APPLICATION BY SEGRO PROPERTIES LIMITED FOR A
DEVELOPMENT CONSENT ORDER IN RESPECT OF EAST
MIDLANDS GATEWAY PHASE 2**

DEADLINE 6a SUBMISSION

ON BEHALF OF

PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED

1 Introduction

- 1.1 This submission is made on behalf of Prologis UK Limited and Prologis UK 121 Limited (“**Prologis**”) in connection with the application by SEGRO Properties Limited (“**SEGRO**”) for a Development Consent Order (“**DCO**”) for East Midlands Gateway Phase 2 (“**EMG2**”).
- 1.2 This submission responds to the ExP’s letter of 10 August 2026¹ issued under rules 8(3), 9 and 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 and regulations 29, 30 and 44 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (“**10 August Letter**”).
- 1.3 Terms used in this submission have the same meaning as set out in Prologis’s previous submissions unless otherwise defined.
- 1.4 The 10 August Letter sought responses from SEGRO and LCC to a series of questions, some of which relate to issues raised in written submissions made on behalf of Prologis. Whilst primarily directed to those two parties, the 10 August Letter also indicated that other interested parties could reply to the requests if they wished to do so.
- 1.5 Prologis has already made detailed submissions in relation to those matters raised in the 10 August Letter which are of most direct relevance to its case. As Prologis understands it, those parts of the 10 August Letter which relate to the Section 35 Direction and the issue of Associated Development are intended at least in part to elicit a full response from SEGRO to Prologis’s detailed submissions on those points.
- 1.6 There are of course other matters raised in the 10 August Letter where the responses provided by SEGRO and LCC will be of relevance to Prologis’s objection (e.g. in respect of transport impacts) and Prologis reserves the right to comment on those responses once they are received.
- 1.7 The questions posed by the ExP in respect of the Section 35 Direction address the following “options” in the event that the ExP/Secretary of State conclude that the development for which consent is sought does not correspond with the development to which the Direction applies:
 - (a) refusal of the application;
 - (b) variation of the Section 35 Direction; or
 - (c) amendment of the application for development consent.
- 1.8 Prologis has made submissions at Deadline 4² that there were in fact only two options available, namely refusal or amendment of the application for development consent. Prologis’s Deadline 4 submissions set out and explained the substantial obstacles that stood in the way of seeking to address this issue via amendment to the application.³ In any event, the window of opportunity in respect of that option has now closed.
- 1.9 At Deadline 4 Prologis provided detailed written submissions to the ExP as to why it was not lawfully open to the Secretary of State to seek to address the want of jurisdiction by means of a variation to the Section 35 Direction during the decision-making process.⁴

¹ [PD-032](#)

² [REP4-084D](#), paragraphs 3.29-3.30. Please note that Prologis’ Main Deadline 4 Submission has been mislabelled on the Examination Library as a Post-Hearing Submission.

³ *ibid*, paragraphs 3.31 – 3.32

⁴ [REP4-082D](#), ExQ 1.0.5

1.10 Hence, Prologis's Deadline 6 submission⁵ stated at paragraph 1.3 that:

"...as matters stand at Deadline 6 the application remains one that the ExP cannot lawfully recommend for approval, and for which the Secretary of State would have no power lawfully to grant consent."

1.11 SEGRO's Deadline 5 submissions in response to Prologis's Deadline 4 submissions⁶ failed entirely to engage with or respond to the substance of what had been said as to the infeasibility of either variation of the Section 35 Direction or amendment of the application. Insofar as SEGRO provided a response at Deadline 5, it sought to side-step these two issues by maintaining its position that the development for which development consent was sought was the development to which the Section 35 Direction applied.

1.12 Similarly, SEGRO has yet to respond substantively to the submissions Prologis has made as to whether all of the proposed highway mitigation works are properly to be classified as Associated Development, applying the relevant principles set out in guidance.

1.13 Prologis was therefore pleased to read in the 10 August Letter that the ExP wanted SEGRO to provide a direct response on all these matters.

1.14 In those circumstances, and mindful that simply repeating submissions made previously would be unlikely to assist the ExP, Prologis wishes to understand whether and if so to what extent SEGRO disputes the submissions it had already made on these matters, and the basis of any dispute, before exercising its right to respond as necessary at the next appropriate deadline.

DLA Piper UK LLP

18 August 2026

⁵ [REP6-106](#)

⁶ [REP5-033](#), Appendix 8