

**PLANNING ACT 2008**

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

**APPLICATION BY SEGRO PROPERTIES LIMITED FOR THE EAST  
MIDLANDS GATEWAY PHASE 2 AND HIGHWAY ORDER 202X**

## **SUMMARY OF RELEVANT REPRESENTATION**

**ON BEHALF OF**

**EAST MIDLAND INTERNATIONAL AIRPORT LIMITED (EMA)**

**EAST MIDLANDS AIRPORT PROPERTY INVESTMENTS (INDUSTRIAL) LIMITED  
(EMIAL)**

**Interested Party References:** 

## 1. **INTRODUCTION**

- 1.1 This document is a summary of the Relevant Representation submitted by East Midlands International Airport Limited (“**EMA**”) and East Midlands Airport Property Investments (Industrial) Limited (“**EMIAL**”) (together “the Airport”) in respect of SEGRO Properties Limited’s (“**SEGRO**”) application for a Development Consent Order (“**DCO**”) for the East Midlands Gateway Phase 2 (“**EMG2**”). EMA and EMIAL are both part of the Manchester Airport Group.
- 1.2 The main site is divided by Hyams Lane. Land to the north of Hyams Lane (the “**EMA/Prologis Land**”) is owned by EMA, EMIAL and Prologis UK Limited (“**Prologis**”). The EMA/Prologis Land benefits from direct access to the A453 and M1 and key utilities connections, making it a strategically important and advanced development opportunity. SEGRO has the benefit of an option agreement over the land south of Hyam’s Lane and seeks to compulsorily acquire the land to the north of Hyam’s Lane through the DCO.

## 2. **OBJECTIONS**

- 2.1 The Airport objects to the DCO Application on the basis that:
- 2.1.1 There is no compelling case in the public interest for the imposition of compulsory acquisition powers as the reasonable alternatives presented by EMA, EMIAL and Prologis have not been satisfactorily considered and discounted, nor has SEGRO demonstrated the viability of EMG2;
- 2.1.2 The purported benefits of EMG2 can be realised more swiftly under the EMA/Prologis Application; and
- 2.1.3 As a statutory airport operator, EMA requires its form of protective provisions to be agreed and included in the DCO, to ensure aerodrome safeguarding issues are addressed and suitable obligations are imposed on SEGRO for the benefit of EMA’s operational estate.
- 2.2 EMA, EMIAL and Prologis requested that the ExP should not examine the DCO Application until SEGRO provided the following information:
- 2.2.1 An updated TA based on the necessary 2023 PRTM (with other consequential amendments to the application (including the Environmental Statement) made as required);
- 2.2.2 An addendum to the Environmental Statement which properly assessed the benefits that would be delivered as a result of the EMA/Prologis Application if the DCO Application was not delivered; and

2.2.3 Viability evidence supporting the claims made by SEGRO that EMG2 is not viable without the EMA/Prologis Land.

### 3. **THE EMA / PROLOGIS ALTERNATIVE**

3.1 EMA, EMIAL and their development partner Prologis entered into an option agreement in October 2024 and together control approximately 30% of the Main Site, including all land north of Hyam's Lane.

3.2 In May 2024, MAG and Prologis submitted to North West Leicestershire District Council an outline planning application (with access to the A453 fixed) for the construction of B2/B8 employment floorspace, training hub, transport hub, associated infrastructure and landscaping (Reference 24/00727/OUTM) ("the Joint Application").

3.3 The Joint Application is in line with relevant adopted and emerging national and local planning policy. Determination of the Joint Application is expected in 2026 with construction anticipated to commence in Q4 2026.

3.4 The EMA/Prologis scheme contributes to the overall objectives of the East Midlands Freeport and realises comparable economic, social and environmental benefits to EMG2 in relation to the EMA/Prologis Land.

3.5 The EMA/Prologis scheme can deliver those benefits earlier than EMG2.

3.6 The EMA/Prologis scheme is designed in such a way as to allow for the southern parcel of the EMAGIC site to come forward and can unlock development south of Hyam's Lane without the need for compulsory acquisition.

### 4. **COMPULSORY ACQUISITION**

4.1 EMA, EMIAL and Prologis consider that they should be responsible for promoting, and are capable of delivering, their own developments on their land in line with the overall Freeport proposition. This would deliver the overall economic and employment benefits of the Freeport and be in the public interest. This amounts to a clear alternative means of delivering the same form of development on the EMA/Prologis Land and shows that compulsory acquisition powers are not necessary to deliver those benefits and, therefore, ought not to be granted.

4.2 There have been discussions between SEGRO, EMA and EMIAL since Summer 2022 but EMA and EMIAL do not regard the discussions to have been a proper or genuine attempt at negotiations to acquire land interests by SEGRO.

4.3 SEGRO seeks compulsory acquisition of the EMA/Prologis Land on the basis that EMG2 would otherwise be undeliverable. However, SEGRO has not sought to demonstrate the same and, therefore, has not met the tests for compulsory

acquisition set out in section 122 of the Planning Act 2008 and related Government guidance.

- 4.4 Viable alternatives exist that would deliver the same benefits without compulsory acquisition, which remains a last-resort power reserved for exceptional public interest cases.
- 4.5 The EMA/Prologis Application already meets the need for industrial and logistics development in this location.
- 4.6 SEGRO's claim that EMG2 needs to be delivered by a single developer is contrary to planning and master-planning practice.
- 4.7 Whilst the intention of the DCO Application is to extinguish the development potential of the EMA/Prologis Application, there remains a genuine opportunity for EMA, Prologis and SEGRO to negotiate a solution for co-development of the Main Site.
- 4.8 SEGRO has failed to assess the private loss of the EMA/Prologis Application that would result from compulsory acquisition, ignoring a mandatory material consideration (both in the context of interference with human rights and in terms of the compelling case in the public interest).
- 4.9 Nor has SEGRO taken into account the loss of public benefits that the sterilisation of the Joint Application would cause. There is no net assessment of the Application's benefits and as such SEGRO overstates the benefits of the DCO Application. It prevents any proper assessment by the ExP of net public benefits of the DCO Application.
- 4.10 SEGRO's funding statement does not meet the policy requirement to provide as much information as possible. It refers vaguely to the size of the parent company but fails to show any agreement as between the parent company and SEGRO for the provision of funding or a decision of the parent company to fund the scheme. In addition, no proper account has been taken of the value of the EMA/Prologis Land, including the value of access across it.
- 4.11 SEGRO has not proven that it needs to acquire the EMA/Prologis Land to make EMG viable.
- 4.12 SEGRO asserts that EMG2 would be anchored by a new centralised UK operation for Maersk. Despite this, no evidence of any agreement for lease between SEGRO and Maersk has been provided to the ExP to support that assertion. On that basis, the ExP should assume that SEGRO has no anchor tenant for EMG2