DLA PIPER

DLA Piper UK LLP
Floor 6 & 7
Two Chamberlain Square
Paradise
Birmingham
B3 3AX
United Kingdom
DX: 13022 Birmingham 1
T: +44 (0) 20 7349 0296
F: +44 (0) 121 262 5794
dlapiper.com

The Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

Your reference

Our reference
ASY/ASY/335094/111

By Email Only: emgateway2@planninginspectorate.gov.uk

28 July 2026

Dear Sirs

DEADLINE 6 SUBMISSIONS IN RELATION TO AN APPLICATION BY SEGRO PROPERTIES LIMITED ("SEGRO") FOR A DEVELOPMENT CONSENT ORDER IN RESPECT OF EAST MIDLANDS GATEWAY PHASE 2

OUR CLIENT: PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED ("PROLOGIS")

We refer to the Examining Panel's Rule 8 letter dated 18 March 2026. We write on behalf of our client Prologis in relation to their submissions at Deadline 6 in connection with the above application submitted via the East Midlands Gateway Phase 2 portal.

Documents Submitted

The following documents have been submitted at Deadline 6:

1. Prologis' Deadline 6 Submission (including the Spawforths Technical Review of the Updated Environmental Statement);

2. Prologis' Responses to ExQ3;

3. Joint Letter to the ExP in relation to Compulsory Acquisition Hearing 3 ("CAH3") (appended to this letter at Appendix 1);

4. Summary of items 1-2 above (appended to this letter at Appendix 2).

Please note that the summaries are intended to aid the Examining Panel but should not be relied upon as the definitive representation of Prologis' case. For the full statement of Prologis' position on any matter, the Examining Panel is respectfully advised to consult the relevant full document in each instance.

Joint Letter to the ExP in relation to CAH3

The joint letter appended at Appendix 1 is submitted by Prologis and EMA/EMIAL ("**APs**") in response to the ExP's notification of CAH3 dated 21 July 2026. The letter explains that the proposed scope of CAH3 (the possible takeover of SEGRO plc by Prologis Inc.) is a matter unrelated to, and does not affect, the APs' objections to the compulsory acquisition of their land. The letter respectfully invites the ExP to retain the CAH3 listing but to adopt a substantially wider agenda. This would allow the systematic and structured consideration of the APs' objections so as to give proper effect to their statutory right to be heard under section 92 of the Planning Act 2008.

Collaboration with EMA/EMIAL

Prologis notes that it has had sight of the Deadline 6 Submission made by East Midlands Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (together "**EMA/EMIAL**"), and that those submissions have been prepared following collaboration and discussion between Prologis and EMA/EMIAL.

Prologis considers that EMA/EMIAL's submissions are aligned with Prologis' own case. Prologis therefore supports and agrees with EMA/EMIAL's submissions insofar as they overlap with and reinforce the points advanced by Prologis, without seeking to repeat those points in Prologis' own submissions.

AI Declaration

In compliance with the requirement in the Rule 8 letter, Prologis confirms that artificial intelligence tools (Microsoft Copilot and Harvey) have been used to a limited extent in the preparation of the submissions enclosed with this letter. Specifically, AI has been used to assist with select research and proof-reading aspects of the documents. The outputs generated by AI have been reviewed and verified by qualified professionals.

Yours faithfully

[redacted]

DLA Piper UK LLP

Appendix 1 – Joint Letter to the ExP

DLA Piper UK LLP
Floor 6 & 7
Two Chamberlain Square
Paradise
Birmingham
B3 3AX
United Kingdom
DX: 13022 Birmingham 1
T: +44 (0) 20 7349 0296
F: +44 (0) 121 262 5794
dlapiper.com

FAO: EMG2 Examining Panel via
The Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

Your reference

Our reference
ASY/335094/111

28 July 2026

To the Examining Panel ("**ExP**")

Planning Act 2008 – sections 91, 92, 93 and 153
The Infrastructure Planning (Examination Procedure) Rules 2010 – rule 13
Application by SEGRO Properties Limited, for an order granting development consent for a scheme comprising the East Midlands Gateway Phase 2 (EMG2)

The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 – regulations 33, 35 and 36
Application by SEGRO (EMG) Limited, for an order making material changes to the previously approved East Midlands Gateway Rail Freight Interchange and Highway Order 2016

1 Introduction

1.1 This is a joint letter from both Prologis UK Limited, Prologis UK 121 Limited (“**Prologis**”) and East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (“**EMA**”). In this letter Prologis and EMA are referred to collectively as “**the APs**”.

1.2 We write in response to the ExP’s notification of Compulsory Acquisition Hearing 3 ("**CAH3**") dated 21 July 2026 issued under rule 13 of the Infrastructure Planning (Examination Procedure) Rules 2010 ("**the CAH3 Notification Letter**"). The CAH3 Notification Letter has set out a limited purpose for CAH3 which is currently confined to exploring "*the potential implications of the possible takeover of SEGRO plc by Prologis Inc. as set out under Q7.0.3 of ExQ3*".

2 Scope of CAH3

2.1 The APs welcome the ExP's decision to list CAH3, however they do not consider the limited scope to be appropriate.

2.2 As further detailed in Prologis' response to ExQ3 7.0.3, the Potential Merger (as defined below) is entirely unrelated to the APs’ objections to the application for compulsory acquisition powers and does not affect those objections. The issues raised by the APs' objections fall to be examined by the ExP and determined by the Secretary of State in the usual way, and the Potential Merger does not alter that.

2.3 Prologis has not yet made an offer (a Rule 2.7 announcement under the City Code on Takeovers and Mergers) for SEGRO PLC (the "**Potential Merger**"). If Prologis does decide to make an offer, then closing of the Potential Merger will likely be subject to merger clearance having been obtained from both the European Commission and the Competition and Markets Authority. The process to obtain the relevant clearances is likely to take several months and the outcome is unlikely to be known before the Secretary of State's decision on the DCO application.

2.4 The Potential Merger does not affect Prologis' continued participation in the examination or the vigorous pursuit of its objection to the proposed DCO.

2.5 The potential for a transaction of this kind to take place may restrict the parties from changing their behaviour on the assumption that it will proceed or entering into new collaborative or co-operative arrangements. However, this only affects behaviour outside the ordinary course of business; it does not restrict conduct undertaken in the ordinary course of business, such as dealing with this examination or negotiations to resolve the objection.

2.6 The continued negotiation of reasonable alternatives to the compulsory acquisition powers sought by SEGRO falls squarely within the scope of conduct that can and must be undertaken by Prologis in the ordinary course of business. The commencement of these negotiations predated the Potential Merger and the negotiations themselves are unrelated to it. In case the Potential Merger were not to proceed – for whatever reason – Prologis must continue to protect its interests.

2.7 Therefore, the ExP can and should proceed on the basis that the Potential Merger has no bearing on the examination. The Potential Merger does not affect the substance of the APs' objections to the proposed DCO, nor does it constrain the actions of the APs or SEGRO in their approach to the examination and in negotiating reasonable alternatives to compulsory acquisition. In any event, both Prologis and SEGRO are subject to significant restrictions on the information they are able to disclose in relation to the Potential Merger, arising under the City Code on Takeovers and Mergers and the UK Market Abuse Regulation. Accordingly, neither party would be in a position to provide more information regarding the Potential Merger than is already in the public domain. A hearing to consider this issue would accordingly serve no useful purpose; it would not be a proper use of limited remaining examination time.

2.8 More significantly, a hearing confined to that single topic would mean that the examination closes in circumstances where the APs' statutory right to have their objections heard at a CAH has not – in substance – been complied with.

3 Request to widen the scope of CAH3

3.1 The APs invite the ExP to retain the CAH3 listing but to adopt a wider agenda so as to provide the "more formal and structured event" required to allow for the "systematic consideration of objections made" by the APs against the compulsory acquisition of their land, as envisaged by the Ministry of Housing, Communities and Local Government's guidance "Planning Act 2008: Guidance on the examination stage of an application" (July 2026) ("**Guidance**").

3.2 As the ExP will be aware, and as detailed in Prologis' response to ExQ3 7.0.2, compulsory acquisition hearings are treated differently in statute (as well as in the Guidance) from other forms of hearing. Whereas the holding of an issue-specific hearing is a matter for the ExP's discretion under section 91 of the Planning Act 2008, section 92 requires the ExP to hold a compulsory acquisition hearing where an affected person so requests, in recognition of the fact that affected persons are entitled as a matter of law to be heard in respect of objections to the compulsory acquisition of their land. The Guidance to which we draw attention above expressly recognises and reflects this distinction, and provides some assistance as to what it means in practical terms as to the way such hearings should be conducted. The Guidance contrasts the approach to compulsory acquisition hearings with the inquisitorial approach taken to issue specific hearings. That reflects the fact that the latter are only held at the discretion of the examining authority (section 91).

3.3 The APs have respectfully made clear in the submissions at Deadline 4[1] that what has taken place by way of compulsory acquisition hearings so far in this examination has not been adequate, either for the purposes of procedural fairness or to give proper effect to the APs' statutory right to be heard under section 92 of the Planning Act 2008. The statutory right for APs to be heard reflects two things. Firstly, the seriousness with which the law treats the proposed compulsory acquisition of a person's land and the corresponding importance of the procedural safeguards which exist to regulate the proposed use of such draconian powers. Secondly, the APs' right reflects a recognition of the important qualitative difference between the opportunity to advance a case in writing and the opportunity to explain that case orally with the ability to call witnesses, make oral legal submissions, and to answer any questions of fact or law the ExP may have in light of that oral presentation of the case.

3.4 As noted in the APs' Deadline 4 submissions[2], the two previous compulsory acquisition hearings were in practice conducted in a manner largely indistinguishable from issue-specific hearings, led by the ExP and constrained to the points, approach and limited duration (a 10 minute presentation) specified in the respective agendas. They did not afford the APs any proper opportunity to present their objections systematically in the way articulated in the Guidance, reflecting the underlying statutory framework.

3.5 There are a number of matters central to the case for compulsory acquisition which the APs would wish to address systematically through an oral hearing, in a way that has not been possible in the examination to date. These are set out further below.

4 Systematic consideration of the APs' case at a compulsory acquisition hearing

4.1 In identifying the matters set out below, the APs do not seek to rehearse the substance of the arguments already advanced in their written submissions, to which the ExP is respectfully referred or to pre-empt the evidence and oral submissions which they would wish to make if given the opportunity.

4.2 A systematic consideration of the APs case at a compulsory acquisition hearing would be likely to involve, at least, the following:

(a) Opening or introductory submissions by counsel for both sides, identifying what are considered to be the key issues raised by the objections in light of the evidence and submissions to date, the correct approach in law to those issues, and the current state of the evidence.

(b) Oral evidence as appropriate from both parties addressing the up-to-date position on the following matters:

(i) Viability

(ii) Planning (including, for example, the planning position and development prospects of the southern land)

---

1 Please see Paragraphs 2.9-2.13 of REP4-077D Prologis Deadline 4 Submission

2 See footnote 1.

(iii) Alternatives

(iv) Highways.

(c) Legal submissions by counsel for both sides on the following matters:

(i) Section 35 of the PA 2008 and the implications of the recent changes to the dDCO both for the issue of *vires* and the application of the compelling case test.

(ii) The application of the tests in section 122 of the PA 2008, having regard to the evidence now before the examination including the EIA updates and the consequences of the failure to update the Statement of Reasons.

(iii) Any other legal issues raised in the parties' written submissions to date which either the parties and/or the ExP consider appropriate.

4.3 A hearing along the lines set out above would provide the sort of structured, more formal and systematic consideration of the objections which the Guidance expects and the statute provides for. It is also likely to materially assist the ExP in reaching sound and well-reasoned conclusions on the case for compulsory acquisition.

4.4 Properly notified in advance, the ExP should expect the parties to manage preparation in such a way as to make good use of the time available, without a CAH becoming protracted. Counsel for both APs would co-ordinate to avoid repetition.

5 Request to the ExP

5.1 The APs respectfully request that the ExP retains the CAH3 listing with a substantially wider agenda reflecting the structure suggested in section 4 above, enabling them to present their objection to the compulsory acquisition of their land in a systematic and structured way, including through the oral evidence of their experts. A comprehensive hearing is in the interests of all parties and the integrity of the examination process.

5.2 In the absence of a further compulsory acquisition hearing reflecting the expectations of the Guidance, the APs' statutory right to be heard will not have been honoured in practice. That would inevitably have adverse consequences for the robustness and procedural fairness of the examination.

Yours sincerely

[redacted]

DLA PIPER UK LLP

On behalf of Prologis

[redacted]

PINSENT MASONS LLP

On behalf of EMA

Appendix 2 – Summaries of Prologis' Deadline 6 Submissions

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

SUMMARY OF DEADLINE 6 MAIN SUBMISSION

ON BEHALF OF

PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED

1 Statement of Reasons and the Non-Delivery Scenario

1.1 SEGRO has declined the ExP's request to update its Statement of Reasons in light of the delivery and non-delivery scenarios, leaving the ExP without the analysis it needs. Absent that analysis it is hard to see how the ExP could lawfully recommend the compulsory acquisition powers.

1.2 SEGRO's justification that it does not wish to "blur the lines" between the EIA and compelling case assessments is misconceived, as the CA Guidance (paragraph 15) recognises the overlap and socio-economic impacts are plainly germane to both.

1.3 SEGRO's "Scenario A / Scenario B" comparison implicitly accepts the additive/attributable distinction Prologis has advanced, but is too simplistic, ignoring the risk of non-delivery, partial delivery or delayed delivery.

1.4 Its position that there is "no material prospect" of development on the Southern Land absent the DCO is extreme and internally inconsistent, relying on a supportive policy position that applies equally to the Prologis/MAG land it assumes will come forward quickly.

2 Section 35 Direction

2.1 That SEGRO now seeks to downplay the description of development is itself indicative that the project has changed materially. Section 35ZA requires a qualifying request to "specify the development", so the description is central, not incidental.

2.2 SEGRO's suggested tests of a "fundamental" difference, or of the same "broad character" and "substantial physical size", are unsupported by authority. The correct question is whether the development applied for accords with the description, giving the words their ordinary meaning. If there is a material difference, the Secretary of State has no jurisdiction.

2.3 SEGRO faces a dilemma of its own making – maintain its line (in which case the application does not accord with the Direction) or amend it (in which case the altered development is unassessed). Given the limited time remaining, amendment may no longer be available.

3 Compelling Case

3.1 SEGRO's limited Deadline 5 response does not disturb the additive/attributable distinction (which it now appears to acknowledge) or the correct section 122(3) approach, which remain unrebutted.

4 Viability

4.1 The substance is addressed in Mr Roberts's Second Response Report; the salient point (paragraph 8.12) is that Mr Cottage no longer provides any evidence as to the viability of the Aldridge land and relies on an entirely hypothetical scheme that does not reflect the dDCO.

5 Applicant's Updates to the Environmental Statement

5.1 The ExP required SEGRO to amend the ES baseline to include the Joint Application and to assess both the "delivery" and "non-delivery" scenarios with a detailed assessment, not a summary exercise. SEGRO made only limited main-text changes and relegated the substance to two cursory new appendices (4B and 4C), reviewed by Spawforths at Appendix 1.

5.2 Appendix 4B (non-delivery) assumes all effects are temporary because sterilisation ceases on expiry of the CA powers, but glosses over the lengthy delay, ignores that the Joint Application permission would lapse, and makes no reference to the Freeport window – implying delivery within it is immaterial, which undermines SEGRO's own reliance on Freeport benefits.

5.3 Its assumption that a fresh permission would be granted and implemented quickly also contradicts both its attacks on the Joint Application and its "no material prospect" position on the Southern Land.

5.4 Appendix 4C (delivery) rests on the same unreliable assumption that nothing would happen on the Southern Land, and inconsistencies between the two Environmental Statements (including landscape and visual effects) make the reported "difference" unreliable and not like-for-like. The ExP cannot safely rely on either appendix.

6 dDCO

6.1 Article 5 now authorises "co-located office functions" but Schedule 1 is unchanged, so no separate non-ancillary office building is authorised and any non-ancillary office use remains unassessed.

6.2 Revised Requirement 27 strips out the drafting National Highways required, with a VISSIM sensitivity test still awaited, and does not adequately control mezzanine uses.

6.3 Requirement 32 requires only 10% of gross floorspace to "comprise a campus", removes all reference to a "headquarters" or "head office functions", leaves "co-located" undefined, imposes no minimum or maximum office proportion, and cannot secure the "substantial" campus the Direction requires.

7 Highways

7.1 On bus provision, SEGRO is in materially the same position as Prologis, with no firm service commitment, and its comparison of the two transport hubs is misleading and, in several respects, factually incorrect. Deliverability, not fine design detail (a matter for NWLDC at reserved matters), is what is relevant.

7.2 The mitigation packages are not comparable like-for-like, the Joint Application addressing Finger Farm roundabout and the EMG2 scheme M1 Junction 24 for schemes of differing impacts.

8 Further Matters

8.1 If, as SEGRO suggests, the Southern Land could be accessed via a reconfigured motorway service area (which Prologis disputes), that runs against SEGRO's own case by making development without the DCO more likely and removing its ransom and predetermination arguments.

8.2 SEGRO's further objection to the Joint Application of 3 July 2026 contains nothing materially new, and its contention that the grant of planning permission would prejudice the DCO does not withstand scrutiny.

9 Appendix 1 – Spawforths technical review of Environmental Statement Appendices 4B and 4C

9.1 Appendix 4B (Non-Delivery Scenario):

(a) The review reproduces SEGRO's assessment table and adds a Joint Applicant response column. The over-arching criticism is that the assessment is very high level and cursory, asserting conclusions unsupported by evidence (a summary exercise contrary to the Rule 17 request).

(b) SEGRO's "very low" probability of impact is neither justified nor reasonable, ignoring the viability and deliverability evidence showing a high probability the DCO will not be delivered, and its "temporary" characterisation is undefined. On Prologis's analysis, delivery of alternative development could be at least ten years beyond DCO approval (the five-year life of the CA powers plus up to five further years to prepare, consent and deliver a fresh scheme), with the Freeport benefits lost entirely.

(c) Throughout the table Prologis notes that the Joint Application methodology is broadly accurately reproduced, but the significance of the adverse effects of non-delivery is left unstated and understated, and it disputes the "very low" probability and "temporary" labels in each case.

9.2 Appendix 4C (Delivery Scenario):

(a) The same over-arching criticisms apply, and the review draws out where SEGRO's conclusions are counter-intuitive and demonstrate that the two Environmental Statements are not directly comparable, rather than adding a fresh assessment.

(b) There is no consideration of development coming forward on the Southern Land in a non-DCO scenario, so the evidential gap in the compulsory acquisition case is unfilled, and differences in method and judgement between the two Statements (particularly on landscape and visual effects, where the DCO ES treats only Major or Moderate/Major effects as significant) produce the counter-intuitive result that the larger DCO scheme is reported as having a neutral or lesser impact than the smaller Joint Application, making the comparison unreliable.

(c) Prologis also repeatedly notes that construction-stage effects have been mislabelled as "permanent".

DLA Piper UK LLP

28 July 2026

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

SUMMARY OF RESPONSES TO EXQ3

ON BEHALF OF

PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED

1 **ExQ 1.0.1 – National Planning Policy Framework**. The draft NPPF (December 2025) is a material consideration, though of reduced weight given its draft status, and does not provide the primary policy context for DCO applications, which fall to be determined under the Planning Act 2008 and relevant national policy statements. The final NPPF will, however, be an obligatory material consideration of significant weight for any Town and Country Planning Act 1990 application, so the Secretary of State must have regard to it when assessing the likelihood of permission being granted for similar development on the Prologis/MAG and Southern Land. The draft NPPF makes that policy context even more supportive – through a presumption in favour of sustainable development (Policy S3), a positive presumption for certain development outside settlements including major storage and distribution addressing an evidenced unmet need (Policy S5), and new economic policies (E2 and E3) giving substantial weight to logistics and freight. This increases the prospects of permission, particularly as the Regulation 19 draft North West Leicestershire Local Plan includes the Order Land as an employment allocation.

2 **ExQ 7.0.2 – Revised guidance on the compulsory purchase process.** The Updated Guidance (17 June 2026) is directed to compulsory purchase orders under the Acquisition of Land Act 1981, not to CA requests under the Planning Act 2008; the CA Guidance that governs here is unchanged and not expected to be reviewed until 2027, so the changes are unlikely to make a material difference. Although the description of compulsory purchase as a "last resort" has been removed from paragraph 2.8, that phrase does not appear in the CA Guidance and the substantive requirements (a compelling case in the public interest and genuine efforts to acquire by agreement) are retained. The Updated Guidance's continued emphasis on early, genuine and sustained engagement, the proper consideration of alternatives, and deliverability reinforces the deficiencies Prologis has identified. Namely that SEGRO's engagement was not genuine, informed, open-minded or timely, and no substantive negotiation took place before the DCO Application. Prologis also draws attention to the new National Infrastructure Planning Guidance, which recognises that a compulsory acquisition hearing is "typically a more formal and structured event" allowing systematic consideration of objections (something the first two hearings did not afford) and invites the ExP to enable this at any further hearing.

3 **ExQ 7.0.3 – Possible takeover of SEGRO plc by Prologis Inc.** On 22 July 2026 Prologis announced a best and final offer for SEGRO, which the SEGRO board indicated it would be minded to recommend, and the Takeover Panel has extended the deadline for a firm intention (Rule 2.7) or a statement of no intention (Rule 2.8) to 12 August 2026. Any takeover would require CMA and European Commission clearance, expected to take some 7 to 9 months. The possible takeover does not change Prologis's position. It maintains its objection to compulsory acquisition, and unless and until any takeover completes and results in a change of control it has no bearing on the DCO Application, which should be determined on the parties as they presently stand. Prologis will update the ExP at Deadlines 7 and 8 and confirms the Joint Application is anticipated to reach NWLDC's Planning Committee in late summer subject to resolution with LCC and National Highways.

4 **ExQ 7.0.4 – Prologis Land.** The reference to "Prologis Land" requires clarification. Prologis's freehold land was acquired from the Jarrom family, not from EMA/EMIAL, while the MAG land was the subject of a structured process in which MAG selected Prologis as preferred development partner in May 2024, with contracts exchanged in October 2024. Prologis understands SEGRO was an unsuccessful bidder in that process, which is not properly reduced to a comparison of headline price alone but involved wider commercial terms and deliverability considerations.

5 **ExQ 7.0.5 – Viability.** The definitive explanation of the negotiation log entry is a matter for the Applicants. Prologis considers the entry has been misread. The reference to "landowner consent to release terms of its Option Agreement" means consent to disclose the existing terms to Prologis, not to vary or be released from them. Whilst meetings have taken place and limited information has been shared on a without prejudice basis, no copy of the Option Agreement has been provided. On this understanding, the premise of the question falls away and there is no implication for the £225,000 (with inflation) per acre figure; Prologis's position on viability is as set out in Mr Roberts's evidence.

6 **ExQ 19.0.1 – Co-located office functions.** This question raises the same issue Prologis addresses at Section 7 of its Deadline 6 Submission regarding Article 5 and Requirement 32 of the dDCO, to which the ExP is referred.

DLA Piper UK LLP

28 July 2026