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 8 SUBMISSION

ON BEHALF OF

PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED

CONTENTS

1 Introduction

1.1 This submission is made on behalf of Prologis UK Limited and Prologis UK 121 Limited ("**Prologis**") in response to the material submitted by SEGRO Properties Limited ("**SEGRO**") at Deadline 7 of the Examination into the East Midlands Gateway Phase 2 Development Consent Order (the "**DCO Application**") and the associated application for a Material Change Order to the East Midlands Gateway Rail Freight Interchange and Highway Order 2016.

1.2 Terms used in this submission have the same meaning as in Prologis's previous submissions unless otherwise defined.

1.3 This submission should be read together with, and does not repeat, Prologis's earlier submissions, to which it cross-refers where relevant.

1.4 SEGRO's Deadline 7 material is overwhelmingly repetitious of positions already before the ExP. Where that is so, Prologis identifies the issue and relies upon its previous submissions rather than answering at length. In particular, SEGRO's position is not materially advanced, and therefore Prologis's position is unchanged, in respect of the following matters:

(a) Viability – The material submitted by SEGRO at Deadline 7 is limited and high level. It introduces no new appraisal or evidence, and it does not address the substance of Mr Roberts' evidence. Prologis relies upon Mr Roberts' Third Report[1] submitted at Deadline 7 and his two previous Reports. It does not repeat that evidence here.

(b) Compulsory acquisition – SEGRO maintains its refusal to update the Statement of Reasons, on the ground that all relevant material is already before the Examination.[2] That is not an adequate answer, and it leaves the ExP and the Secretary of State at a significant disadvantage in understanding and reporting upon SEGRO's case. The Statement of Reasons was prepared on a basis that has since been overtaken by events, but it has not been updated. In particular: (i) it pre-dates the ExP's Rule 17 letter dated 2 June 2026[3] communicating its determination as to the likelihood of, and therefore the need to address, the implications of both the 'delivery' and 'non-delivery' scenarios; and (ii) it pre-dates SEGRO's effective abandonment of a key element of its stated case for the grant of powers of compulsory acquisition, namely the assertion that the Southern Land would not be viable or deliverable as a standalone development. This question of viability was agreed by SEGRO to be "an extremely important issue" and one calling for evidence (see Prologis's Deadline 7 submissions[4] at section 5). The ExP and the Secretary of State cannot therefore rely on the Statement of Reasons as representing a comprehensive and current description of SEGRO's case for compulsory acquisition.

2 Section 35 Direction

2.1 The starting point is that nothing of substance has changed that could affect the jurisdictional obstacle that has been demonstrated to exist to the making of the order sought. The relevant parts of the dDCO are unchanged and SEGRO has offered no further drafting directed at attempting to address the *vires* issue. The jurisdictional position at Deadline 8 is therefore materially as it stood at Deadline 6, and Prologis's case is as set out in its Deadline 6 Submission.[5]

[1] [REP7-087] – Prologis Deadline 7 Submission, Appendix 1

[2] [REP7-044] – DCO 7.27 SEGRO's Response to Deadline 6 and 6a Submissions, page 33

[3] [PD-021] – ExP's Rule 17 Letter dated 2 June 2026

[4] [REP7-087] – Prologis Deadline 7 Submission

[5] [REP6-107] – Prologis Deadline 6 Submission, section 3

2.2 SEGRO's final attempts to articulate an answer to Prologis's case amount to no more than a series of assertions which fails to engage with Prologis's reasoning. It therefore offers the ExP and the Secretary of State little if any assistance in examining and determining this critical jurisdictional point:

(a) SEGRO asserts that there is "no material divergence" between the DCO Scheme and the development to which the Section 35 Direction applies, and that Prologis's attempts to draw a distinction between the two are "without substance". But it does so without any accompanying reference to authority, legal analysis or engagement with the reasoning advanced. By contrast, Prologis's submissions provide a clear, systematic and detailed explanation as to (i) why the development for which development consent is sought is materially different to the development to which the Direction applies, and (ii) why the drafting 'solution' relied upon by SEGRO is not just ineffective but also meaningless and of no legal effect. A bare denial (however vehemently maintained) cannot supply an answer to a question of law which determines both jurisdiction and the availability of compulsory acquisition powers. Neither the ExP nor the Secretary of State will be able to avoid grappling with the detail of Prologis's analysis in its written submissions on these points. It is telling that SEGRO has chosen not to do so.

(b) SEGRO persists in its misguided argument that the Section 35 mechanism is "relatively rudimentary"[6] and that in some way this excuses the material disparity between the development for which development consent is sought and the development to which the Direction applies. The statutory position is clear. A Direction may only be made in response to a "qualifying request". Section 35ZA(11) defines such a request as one that "**specifies the development** to which it relates" (emphasis added). In addition, the ExP will note that the same formulation is used in section 37(3)(a) to describe what an application for a DCO must contain. That parallel provision is significant and reflects the importance of the requirement for the qualifying request (and hence the Direction) to be specific as to the development "to which it relates". Prologis's submissions have consistently drawn attention to this provision and explained its consequences. SEGRO's Deadline 7 response continues the pattern of simply ignoring the words used by Parliament in the Act and instead seeking to advance its own preferred (and entirely invented) formulations. It asserts, for example, that an applicant for a direction must supply to the Secretary of State "only limited documentation … identifying the **broad form of development** proposed …", and that the decision is made "on the basis of a … '**high level summary'** of proposed development", a "**broad outline** of development" or "the **details summarised** in the Application". Those are not the words used in the Act, which require both the qualifying request (and hence the Direction) and the subsequent application for development consent to "specify the development" to which each relates, and the ExP and the Secretary of State will have to consider and test the position here by reference to the statute. There is nothing in the legislation, whether the words chosen by Parliament are given a literal or a purposive interpretation, that could enlarge the description of development to which the Direction applies. The description of development in the Direction reflects that specified in the relevant qualifying request.[7]

(c) Further, the ExP will be aware that SEGRO's own qualifying request was not confined to a short or high-level description of the development to which it related. It was accompanied by some 65 pages of appendices. Prologis has set the detail of the application material out in its Deadline 4 Submission which is not repeated here.[8] The point is not that every detail in the supporting documents became a binding requirement. It is that the development was specified with considerable particularity; that the extent and content of that material provides important context for interpreting the words used in the Direction. Once SEGRO became aware that the development that it wishes to seek consent for was no longer the development specified in the qualifying request and the Direction, it could and should have sought a variation before submitting the application for a DCO. It did not do so, and it is not

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[6] [REP7-044] – DCO 7.27 SEGRO's Response to Deadline 6 and 6a Submissions, page 37

[7] [REP4-084D] – Prologis Deadline 4 Submission paragraphs 3.5-3.6

[8] [REP4-084D] – Prologis Deadline 4 Submission paragraphs 3.7-3.12

now open to SEGRO instead to seek to re-characterise the specified development to which the direction applies by ignoring and/or giving no meaning or effect to important elements of that specification.

(d) SEGRO refers again to the fact that the Section 35 Direction itself invites amendment if the details of the Proposed Project change, as if in some way that might assist it in making its case. It plainly does not. The purpose and significance of this guidance is as explained in Prologis's response to ExQ2 Q.1.0.5.[9] It recognises the jurisdictional significance of the description of development and draws attention to the need to identify and address any potential discrepancy *before the application is submitted*. SEGRO elected not to seek confirmation before submitting its application and so proceeded at risk of the issue it now faces and which it is too late to address.[10]

2.3 SEGRO's submissions in respect of the 'campus' continue to refer to and rely on draft Requirement 33 as guaranteeing "provision of this 'campus' element of the proposed development". No attempt is made to address the submissions in which Prologis has demonstrated Requirement 33 to be devoid of any legal effect and to be incapable of aligning the development for which development consent is sought with the development to which the Direction applies. The further submissions made by SEGRO at Deadline 7 about the absence of additional detail in the Direction miss the key point – Prologis's case is based on the ordinary and contextual meaning of the words used in the Direction and does not depend on further detailed prescription. The absence of such further prescription in the Direction cannot enlarge the description of the development to which it applies, and it does not permit SEGRO to substitute a broader description of its own. The words used in the Direction mean what they say, and the development for which development consent is sought does not correspond with them.

2.4 SEGRO now adds the observation that no legal challenge was brought against the Section 35 Direction,[11] but that takes SEGRO nowhere. Whether the Section 35 Direction was lawfully made has never been in issue. The question is a different one of conformity; whether the Secretary of State has power to grant development consent for the development actually applied for, in reliance upon the Section 35 Direction as made. The ExP is respectfully referred to Prologis's previous submissions on this issue.[12]

2.5 In its Deadline 7 submissions, SEGRO now invites the ExP and the Secretary of State to test conformity with the Section 35 Direction not by reference to the description of development which the Section 35 Direction contains, but by reference to the six reasons given by the Secretary of State for making the Section 35 Direction in respect of the development specified in the qualifying request. These are listed in a series of bullet points on page 38 of its response. SEGRO then asserts that these attributes apply equally to the DCO Scheme and that "[i]n these circumstances, the pragmatic and lawful approach" is to use this list of reasons (in some unspecified way) as a guide to whether this is "materially the same development" as that to which the Direction applies.

2.6 That approach is patently misconceived and wrong in principle. It confuses and conflates two distinct questions. The first is a matter of law, namely: what is the correct interpretation of the words used in the Direction to describe the development to which it applies. The second is a matter of judgment and does not arise here, namely: could the same conclusions as those which led to that Direction being made be reached in respect of a different development to that which is described in the Direction. The first question must be answered by the ExP and the Secretary of State in determining the application for development consent, because it logically comes as a first step in establishing whether there is jurisdiction to make the order sought. The second would only arise in response to a qualifying request for a new or varied direction relating to a different description of development.

[9] [REP4-082D]

[10] [REP4-084D] – Prologis Deadline 4 Submission paragraphs 3.29-3.30 and [REP4-082D] - Prologis Responses to ExQ2, Q.1.0.5

[11] [REP7-045] – DCO 7.28, SEGRO's Summary and Signposting Document, paragraph 6.5

[12] [REP1-267D] – Prologis Written Representation, paragraphs 3.1 to 3.17, [REP2-050D] – Prologis Deadline 2 Submission, section 2, [REP4-084D] – Prologis Deadline 4 Submission, section 3, [REP4-082D] – Prologis Responses to ExQ2, Q1.0.5

SEGRO is therefore asking the Secretary of State to act unlawfully by conflating two distinct statutory processes in the way Prologis identified in its response to ExQ2 Q.1.0.5.

2.7 Unsurprisingly, SEGRO’s invitation to the ExP and the Secretary of State to proceed in this way is unsupported by any authority or legal analysis, and it substitutes a self-selected proxy for the statutory question, which is whether the development applied for accords with the description of the development to which the Section 35 Direction applies, giving the words of the Direction their clear and ordinary meaning.[13]

2.8 This attributes-based approach is the latest in a series of unsupported and legally flawed formulations. It follows the "fundamental difference" and "same broad character" tests previously asserted by SEGRO on the interpretation of the Section 35 Direction.[14] Each shares the same flaw; using the reasons for the Section 35 Direction to contradict, rather than to illuminate, the description of development to which the Direction relates. That is not a legitimate approach to interpretation, still less where the meaning of the Section 35 Direction determines both jurisdiction and the availability of compulsory acquisition powers.[15]

3 dDCO

3.1 SEGRO’s Deadline 7 submissions confirm that where the dDCO refers to “co-located office” this simply means ancillary office space.[16] They also make explicit that in the context of the dDCO the term “co-located” “does not admit of any particular significance … save to confirm that the ancillary office space to be provided will be located ‘on site’, to serve the logistics/advanced manufacturing space”. What SEGRO does not do is engage with the inescapable conclusion which flows from its own position, despite Prologis having clearly spelt this out in its earlier submissions.[17] If "co-located office" means no more than ancillary office use, then Requirement 33 secures nothing beyond what the site would deliver in any event, as ancillary office accommodation is already inherent in, and authorised for, B2/B8 development across the whole of the application site. The requirement therefore does nothing at all to align the development for which consent is sought with the description of development to which the Direction applies, but the fact that it is proffered “to allay any concerns” suggests a recognition that a problem exists.

3.2 That problem, however, is mischaracterised in SEGRO’s submissions as relating to “delivery of the carbon neutral campus”, effectively inviting the Secretary of State to ignore the references in the Direction to "headquarters" and to "head office functions", or to treat these parts of the Direction as having no legal effect whatsoever.

3.3 The reasons advanced to justify that extraordinary suggestion are based on the notion that because "head office" has no definition in planning law, the nature of the office function undertaken is not a matter susceptible to planning control.[18] That is an inadequate and flawed analysis. The Direction uses those terms because they were included in the description of development specified in the qualifying request, and they plainly do have a land use planning significance in describing significant non-ancillary E-class office uses as part of the development proposed. A development consent that would not authorise the development of non-ancillary E-class office use is materially inconsistent with the description of development to which the Direction applies. As is generally the case, the authorisation of a particular development in the anticipation it will attract a particular type of occupier and occupation does not guarantee delivery of that outcome, but the grant of consent must at least authorise it. In this case, however, SEGRO has not sought consent for the significant non-ancillary E-class office use included in the Direction. The reference to the development of “headquarters” and “head office functions” has been stripped from the operative provisions of Requirement 33 and

[13] [REP2-050D] – Prologis Deadline 2 Submission paragraphs 2.3-2.13

[14] [REP5-033] – DCO 7.17 SEGRO's Response to Deadline 4 Submissions, page 146-148

[15] [REP4-084D] – Prologis Deadline 4 Submission paragraphs 3.7-3.28

[16] [REP7-044] – DCO 7.27 SEGRO's Response to Deadline 6 and 6a Submissions, page 49

[17] [REP6-107] – Prologis Deadline 6 Submission, paragraph 7.9

[18] [REP7-044] – DCO 7.27 SEGRO's Response to Deadline 6 and 6a Submissions, page 48

survives only in its heading. Further, had the words meant no more than ancillary office accommodation, they would not have needed to appear in the Direction at all, still less to have been relied upon so heavily in the qualifying request in making the case that what was proposed amounted to a development of national significance. SEGRO chose to describe the development in those specific terms, and to place emphasis upon them, in order to obtain the Direction, and it is that description of development, and not some broader or more generic account of it, to which the Direction applies.

3.4 The consequences are those Prologis identified at Deadline 6[19] and maintains. The features upon which SEGRO relied to obtain the Section 35 Direction, and upon which the finding of national significance rested, have been progressively removed from the development which the Order would actually authorise and secure. What remains is an application for development consent for a typical B2/B8 scheme and not for the development to which the Direction applies. National significance cannot be assumed for a development which does not include the very features relied upon to obtain the Direction. Once the very features which gave that development its claimed national significance are stripped out, the development applied for no longer corresponds with the development to which the Direction applies, and the Direction is incapable of supplying the jurisdictional foundation for the Order sought. Therefore there is simply no jurisdiction to grant development consent for the DCO Scheme, and none to authorise the compulsory acquisition which depends upon it.

4 Procedural Fairness

Variation of Section 35 Direction

4.1 SEGRO's Deadline 7 response to Prologis's Deadline 6a submissions relies entirely upon what it had already said at Deadline 6a. There is nothing further provided in answer to the legal obstacles which Prologis identified to a late variation of the Direction in its Deadline 4 submissions.[20] SEGRO has now had three opportunities to address those obstacles and explain to the ExP and the Secretary of State whether they dispute that they are obstacles, and, if not, how they consider the obstacles might be overcome: at Deadline 5, in response to Prologis's Deadline 4 submissions; at Deadline 6a, in response to the ExP's express questions; and again at Deadline 7. It has taken none of them. Had a satisfactory answer been available, it is reasonable to expect that it would by now have been given, and the ExP is invited to draw the appropriate inference.

4.2 The power to vary is exercisable only in response to a qualifying request, and no such request has been made. It cannot properly be deployed retrospectively to confer jurisdiction upon an application for development consent for development to which the direction does not apply, and which has already been accepted, examined and reported upon. At present, there is no application to vary the Direction, and no indication that one will be made.

4.3 In its response to ExQ2 Q1.0.5[21] Prologis identified the following obstacles to such a belated attempt to confer jurisdiction, reproduced here for ease of reference:

> "A purported variation made at the end of the process when the application reaches the SoS for the decision-making stage would subvert the scheme of the PA 2008 and have the effect of depriving Affected Persons such as Prologis of the following important procedural safeguards:
>
> a.) the ability to challenge the lawfulness of a s.35 direction potentially affecting its rights at a time before an application could lawfully be accepted for a DCO including powers of CA (entailing the expenditure of considerable time and cost to seek to respond to and resist that application).

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[19] [REP6-107] – Prologis Deadline 6 Submission, section 3

[20] [REP4-084D] - Prologis Deadline 4 Submission, section 3 and [REP4-082D] - Prologis Responses to ExQ2, Q.1.0.5

[21] [REP4-082D] – Prologis Responses to ExQ2

b.) the ability to make use of the opportunities presented by the examination process to probe and test an application for a DCO including CA powers in the context of a prior written and reasoned decision by the Secretary of State that the underlying development for which those powers are sought is nationally significant; and

c.) the ability to persuade the ExP of the merits of its case, and to rely on the ExP's duty to use its inquisitorial powers to probe and test the merits of the application for a DCO including CA powers in the context of a prior written and reasoned decision by the Secretary of State that the underlying development to which the application relates is nationally significant.

Such an outcome would not only be unreasonable, it would also result in a manifestly unfair process and outcome and is clearly not what Parliament intended in framing the relevant provisions in the way that it did. In simple terms, the direction is the decision that enables an application for a DCO to be accepted, examined and then determined.

If instead of the development for which a direction has been sought and obtained a developer wishes to promote an application for a different development, it must first obtain a variation of the direction to allow this to be done and only then can an application for development consent for that development be accepted, examined and determined."

4.4 Furthermore, if a belated application for a variation were made, it would raise, for the first time, the question of whether the development as varied is nationally significant. Because that question only arises in the context of an application to make or to vary a direction, it is not a matter that has been the subject of scrutiny in this Examination. Instead, the Examination has proceeded throughout on the basis that the issue of national significance is exclusively for the Secretary of State when exercising the decision-making function conferred by section 35 and that it is not, and could not properly be, a matter for the Examination itself.

4.5 That is reflected in the ExP's approach to the issues in its letter of 10 August 2026. The ExP there posed its three options on the contingent footing of what SEGRO's position would be were the ExP or the Secretary of State to conclude that the application for development consent fell outside the Direction. The nature of the ExP's request reflected the fact that any variation to the Direction would be a wholly separate matter for the Secretary of State to consider pursuant to a qualifying request made under different statutory provisions, and not a matter for the ExP. Quite rightly, no request has been made to SEGRO or other Interested Parties to express a view as to whether any such variation would be appropriate applying the tests in section 35(2).

4.6 Thus, any belated attempt to vary the direction so as to seek to confer jurisdiction only at the final stage would have significant knock-on implications for the procedural fairness of the process as a whole.

4.7 It would substantially aggravate the procedural fairness issues which Prologis and EMA have jointly raised from the very outset of this process, and which are summarised in their joint Deadline 7 Submission.[22] A variation at the decision-making stage would compound the existing unfairness, introducing the central jurisdictional premise of the compulsory acquisition case for the first time only after the close of the Examination. Fairness falls to be judged by reference to the process as a whole, including aspects of the process which post-date the Examination and their implications for the effectiveness of the procedural safeguards that Parliament has provided to protect the rights of Affected Persons. A post-examination variation would be yet another – particularly egregious – example of SEGRO's case for the taking of the Affected Persons' land only being disclosed piecemeal rather than at the outset, with adverse consequences for the Affected Persons' ability to shape and influence the Examination and to make effective use of their statutory right to be heard in resisting the application for such powers.

4.8 Finally, if the Secretary of State decided that jurisdiction to grant development consent would only arise in the event that the Direction was varied that would mean that the Affected Persons and all

[22] AP's Procedural Unfairness Submission dated 1 September 2026

other Interested Parties had spent considerable time and money responding to an application for a DCO that should not have been submitted and should not have been accepted.

Summary and Signposting Document

4.9 Prologis records one further matter, briefly, because it bears upon the fairness of the process as a whole. By its letter of 10 August 2026, the ExP directed that the summary and signposting documents permitted at Deadline 7 should not repeat representations already made, should not comprise closing submissions, and would be unlikely to be accepted if those constraints were not observed.[23] Prologis took care to adhere to that direction, as the structure and approach of its own summary and signposting document demonstrate.

4.10 Prologis did so because it is the ExP which bears responsibility for the overall fairness of the process, and the ExP had evidently concluded that closing submissions would not assist it. SEGRO's document does not observe the same discipline and both in appearance and substance is indistinguishable from conventional closing submissions.[24] Prologis adhered in good faith to a constraint imposed in clear terms by the ExP which denied it the opportunity to provide in writing the full and structured presentation of its case which it was refused the opportunity to make orally. SEGRO has not done so, and acceptance of its closing submissions would introduce further imbalance and unfairness in the process.

5 Chronology of Engagement

5.1 SEGRO has appended to its Deadline 7 material a fresh chronology of engagement[25] (Annex A to DCO 7.27), advanced as its answer to the engagement limb of the updated guidance.

5.2 Consistent with the position it has maintained throughout these proceedings, Prologis does not, as a general matter, dispute that contact has taken place between the parties. What Prologis does firmly dispute is the gloss which SEGRO has placed upon those contacts. SEGRO's commentary on the entries is self-serving rather than a neutral record. It consistently overstates SEGRO's willingness to reach agreement, understates Prologis's own sustained efforts to progress alternatives, and casts Prologis as the party responsible for delay. In particular, no individual entry in the chronology can be relied upon as evidence that SEGRO was engaged in, still less driving, the process. The ExP is invited to treat SEGRO's accompanying commentary with considerable caution, and to place limited weight upon it beyond the bare fact of the contact recorded.

5.3 Prologis has reviewed SEGRO's updated chronology of engagement at DCO 7.27, Annex A, against its own contemporaneous records. In circumstances where the ExP does not have the benefit of the detail that lies behind the chronology, it is considered that a point-by-point rebuttal commentary is unlikely to assist, and instead Prologis provides the following non-exhaustive response, which covers what are judged to be the main points of relevance to the ExP's assessment of this matter, including an update of the latest position:

[23] [PD-032] – ExP's Rule 17 Letter dated 10 August 2026

[24] [REP7-045] – DCO 7.28, SEGRO's Summary and Signposting Document

[25] [REP7-044] – DCO 7.27, SEGRO's Response to Deadline 6 and 6a Submissions, Annex A

Date of Correspondence	Comment on SEGRO's characterisation
27 May 2025	This is a misrepresentation, Prologis provided a detailed response to a number of points, including two alternative options put forward by Prologis which had been disregarded by SEGRO without acceptable reasoning.
9 July 2025 2 September 2025 5 September 2025 17 September 2025 29 September 2025 4 November 2025 22 December 2025 9 April 2026	SEGRO repeatedly asserts, in comments against the chronology, that Prologis's repeated requests for information are obstructive and that its preference was to progress discussions during meetings. However, it is not possible to have substantive and meaningful meetings or to make progress without the required information being available. The requests were repeatedly made because the required information was not forthcoming for a sustained period. By way of example, Prologis requested information to facilitate the provision of an access to land south of Hyam's Lane, a matter on which both National Highways and LCC Highways had encouraged the parties to engage.
6 August 2025	Information was shared on screen during the meeting however appraisals were not shared for review until 17 November 2025. SEGRO's assertion that all information was shared on a 'open book' basis is not accurate.
17 September 2025 14 October 2025	An example of unfair characterisation seen throughout the chronology, in that when SEGRO seeks to amend meeting records it is to protect its position, however when Prologis does the same it is to frustrate and delay negotiations.
29 October 2025 4 March 2026	It is not constructive to propose that each party appoints independent valuers to resolve differences in land value opinions, as SEGRO suggested in October 2025, but then to resist this as per SEGRO's own record that "*SEGRO had indicated a preference for developer-led value discussions*" in March 2026, while asserting that Prologis is not engaging proactively.
13 February 2026	SEGRO state that Prologis were invited to acquire the SEGRO interest and that no subsequent response was received. This is not correct. Prologis responded on 24 February 2026 (as recorded in the chronology) on a number of matters including that this would be an option that Prologis would be willing to explore.
18 May 2026	This is not correct, the information provided by Prologis mirrored that provided by SEGRO.
12 June 2026 25 June 2026	Calls mischaracterised as being from SEGRO to Prologis when the opposite was the case.
4 August 2026 7 August 2026	Comprising three separate correspondences, the result of which was the arranging of a single meeting. Noted as an example of the amount of correspondence not necessarily correlating to meaningful progress.
19 August 2026	Dialogue has been back and forth to this point; the suggestion that all matters are now with Prologis at the end of the examination is not a fair reflection of the latest position. Consistent with this, Prologis and SEGRO have had a subsequent without prejudice meeting on 2 September 2026.
2 September 2026	Without prejudice meeting at which some limited progress was made between the two parties in respect of their respective appraisals.

5.4 In summary, Prologis has consistently sought to progress alternatives to compulsory acquisition, while the information and engagement necessary for substantive negotiation have been slow to materialise from SEGRO. Prologis therefore maintains its position that SEGRO has not undertaken proper, effective and substantive negotiation, and has not exhausted reasonable alternatives to compulsory acquisition, as required by section 122 of the Planning Act 2008 and the associated Guidance.[26]

6 Updates

Joint Application

6.1 Given that only a week has passed since the last update, the Joint Application is in a materially similar position as it was at Deadline 7,[27] namely that National Highways' holding objection still remains but Prologis is nonetheless confident that there are no in-principle obstacles to the grant of planning permission. The application is expected to go to committee by November 2026 and well before the date on which the Secretary of State's decision must be made. Prologis repeats its invitation to the ExP to recommend that a post-examination update be sought by the Secretary of State on the Joint Application, and to address what effect resolution before determination of the DCO application should have.

Takeover of SEGRO plc

6.2 As previously submitted, Prologis is subject to restrictions under the City Code on Takeovers and Mergers and the UK Market Abuse Regulation and is not at liberty to disclose details of the discussions beyond the public domain.[28] The position is that a best and final offer made by Prologis was unanimously recommended by SEGRO's board to its shareholders. Any transaction remains subject to shareholder approval and to CMA and European Commission clearance. Unless and until any transaction completes and results in a change of control, the Examination should proceed on the basis that Prologis and SEGRO remain separate entities. The ExP is invited to recommend that a post-examination update be sought by the Secretary of State.

DLA Piper UK LLP

9 September 2026

[26] *Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land* (September 2013)

[27] [REP7-087] – Prologis Deadline 7 Submission, section 10

[28] [REP6-105D] – Prologis Responses to ExQ3, Q7.0.3