

Document DCO 8.9/MCO 8.9

Statement of Common Ground between the Applicant and The Forestry Commission (relating to Trees and woodland)

June 2026

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

CONTENTS

Section	Page
1. Introduction	3
2. Parties to the SoCG	4
3. Structure of this SoCG	4
4. DCO	5
5. MCO	8
6. Conclusions	10
Signatures	10
Appendix – Record of Engagement	11

1 Introduction

1.1 This Statement of Common Ground ("SoCG") is a written statement produced during the application process for a Development Consent Order ("DCO") and is prepared jointly by the applicant and another party.

1.2 The Guidance entitled 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects' (April 2024) ("the Guidance") describes a SoCG as follows:

"A Statement of Common Ground (SoCG) is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at the examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority" (paragraph 007)

1.3 This SoCG has been prepared as part of the information accompanying the applications for a DCO and a Material Change Order ("MCO") for the scheme known as East Midlands Gateway Phase 2 ("EMG2" or "the Scheme") comprising:

Main Component	Summary of Component	Works Nos.
DCO Application made by the DCO Applicant for the DCO Scheme		
EMG2 Works	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. Together with an upgrade to the EMG1 substation and provision of a Community Park.	DCO Works Nos. 1 to 5 including Further Works as described in the draft DCO (Document DCO 3.1). DCO Works Nos. 20 and 21 including relevant Further Works as described in the draft DCO (Document DCO 3.1).
Highway Works	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, Hyam's Lane Works, L57 Footpath Upgrade, A6 Kegworth Bypass/A453 Junction Improvements and Finger Farm Roundabout Improvements.	DCO Works Nos. 6 to 19 including relevant Further Works as described in the draft DCO (Document DCO 3.1).
MCO Application made by the MCO Applicant for the MCO Scheme		
EMG1 Works	Additional warehousing development on Plot 16 together with works to increase the permitted height of the cranes at the EMG1 rail-freight terminal, improvements to the public transport interchange, site management building and the EMG1 Pedestrian Crossing.	MCO Works Nos. 3A, 3B, 5A, 5B, 5C, 6A and 8A in the draft MCO (Document MCO 3.1).

1.4 This SoCG has been prepared in accordance with the Guidance to assist the Examining Authority in examining the applications for the DCO and MCO by providing an understanding of the status of discussions or negotiations between the Applicant and another party.

1.5 Capitalised terms refer to the Glossary at Appendix A to Chapter 1 of the Environmental Statement (Document 6.1A) unless otherwise stated.

2 Parties to this SoCG

2.1 This SoCG is entered into by (1) SEGRO who has submitted the DCO Application through SEGRO Properties Limited and has submitted the MCO application through SEGRO (EMG) Limited (referred to collectively as "the Applicant") and (2) The Forestry Commission.

2.2 The Forestry Commission enters into this SoCG in its capacity as statutory consultee.

2.3 A record of the engagement between the Applicant and The Forestry Commission in relation to ecology and biodiversity is set out in the Appendix to this SoCG.

3 Structure of this SoCG

3.1 This SoCG has been structured with two clearly defined sections. The first section considers matters relevant to the DCO and the second section considers matters relevant to the MCO. Where a particular matter is common to both the DCO and the MCO this is clearly stated and recorded in both sections.

3.2 The areas covered by this SoCG are as follows:

3.2.1 The identification and assessment of impacts on woodland habitats, including lowland mixed deciduous woodland listed on the Priority Habitat Inventory (England).

3.2.2 The identification, classification, and treatment of veteran and other irreplaceable trees within the development site.

3.2.3 The proposed bespoke compensation measures for unavoidable tree loss, including the use of deadwood monoliths and ecological continuity planning.

3.2.4 The scope and implementation of tree and woodland protection measures during construction, including compliance with BS5837:2012.

3.2.5 The extent, location, and composition of proposed woodland planting and how this contributes to habitat connectivity, resilience, and biosecurity.

3.2.6 The approach to long-term management and monitoring of woodland habitats and veteran tree mitigation features, including reference to UK Forestry Standard (UKFS) principle.

3.3 This SoCG records those matters which are agreed, and, if appropriate, any matters that are not agreed and still under discussion between the Applicant and The Forestry Commission in relation to trees and woodland.

3.4 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.

3.5 Within the following tables a Red Amber Green (RAG) status has been applied as follows: **green**: agreed, **amber** - a matter that is under discussion and/or further work is being completed and **red** - not agreed.

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
Trees and Woodlands						
4.1	Level of baseline assessment, habitat classification and arboricultural impact assessment (AIA)	ES Chapter 9: Ecology and Biodiversity, Section 9.5, (Reference REP3-014) and ES Appendix 10C: Arboricultural Assessment (Reference REP3-047)	The Applicant has undertaken an appropriate assessment of trees and woodland across the site, including baseline survey, habitat classification, and arboricultural impact assessment. This includes the identification of priority habitats, ancient and veteran trees.	The Forestry Commission agrees that the Applicant has undertaken an appropriate assessment of trees and woodland across the site, including baseline survey, habitat classification, and arboricultural impact assessment. This includes the identification of priority habitats, ancient and veteran trees.	Agreed	07/04/26
4.2	Status of off site woodland at Donington Services	ES Appendix 10C: Arboricultural Assessment (Reference REP3-047)	The offsite woodland adjacent to Donington Services is recognised as lowland mixed deciduous woodland, a Priority Habitat under Section 41 of the NERC Act 2006.	The offsite woodland adjacent to Donington Services is recognised as lowland mixed deciduous woodland, a Priority Habitat under Section 41 of the NERC Act 2006.	Agreed	07/04/26
4.3	Veteran trees	ES Appendix 10C: Arboricultural Assessment (Reference REP3-047)	The EMG2 Main Site contains 15 trees that meet either the NPPF (2024) definition of veteran trees or the BNG Irreplaceable Habitat Regulations 2024 definition.	The EMG2 Main Site contains 15 trees that meet either the NPPF (2024) definition of veteran trees or the BNG Irreplaceable Habitat Regulations 2024 definition.	Agreed	07/04/26
4.4	Retained trees	ES Appendix 10C: Arboricultural Assessment	Six trees (T4, T7, T51, T55, T81 and T85) within the EMG2 Main Site will be retained within the site design. This is considered to	Six trees (T4, T7, T51, T55, T81 and T85) within the EMG2 Main Site will be retained within the site design. The Forestry Commission	Agreed	07/04/26

		(Reference REP3-047)	represent a suitable balance between facilitating development and retaining the site's highest value trees.	agrees that this represents a suitable balance between facilitating development and retaining the site's highest value trees.		
4.5	Ash trees	ES Appendix 10C: Arboricultural Assessment (Reference REP3-047)	Under routine agricultural management, many of the ash trees qualifying as irreplaceable habitat would likely be lost within the next decade due to ash dieback and structural decline.	Under routine agricultural management, many of the ash trees qualifying as irreplaceable habitat would likely be lost within the next decade due to ash dieback and structural decline.	Agreed	07/04/26
4.6	Root protection areas	ES Appendix 10C: Arboricultural Assessment (Reference REP3-047)	Root Protection Areas (RPAs) of retained trees will be protected in line with BS5837:2012 through measures to avoid soil compaction, trenching, and chemical contamination. These will be set out in the Arboricultural Method Statement and the CEMP.	Root Protection Areas (RPAs) of retained trees will be protected in line with BS5837:2012 through measures to avoid soil compaction, trenching, and chemical contamination. These will be set out in the Arboricultural Method Statement and the CEMP.	Agreed	07/04/26
4.7	Compensation strategy for unavoidable loss of veteran trees	ES Appendix 9J: LEMP (Reference REP3-043)	A bespoke compensation strategy will be implemented for the unavoidable loss of veteran and irreplaceable trees. This includes the creation and installation of standing monoliths, log piles, relocated tree stumps, and deadwood microhabitat features, positioned in areas of new woodland and near retained mature trees.	A bespoke compensation strategy will be implemented for the unavoidable loss of veteran and irreplaceable trees. This includes the creation and installation of standing monoliths, log piles, relocated tree stumps, and deadwood microhabitat features, positioned in areas of new woodland and near retained mature trees. On balance, the Forestry Commission does not object to the loss of the veteran trees on site, subject to the	Agreed	07/04/26

				implementation of the proposed mitigation strategy as set out in Appendix 9J - LEMP		
4.8	Proposals for new habitats	ES Chapter 9: Ecology and Biodiversity, Section 9.5, Paragraph 9.5.42-9.5.57 (Reference REP3-014)	The proposals include approximately 19 hectares of new woodland and associated scrub and orchard planting. These habitats will enhance biodiversity, create landscape connectivity, and provide buffering around retained features.	The proposals include approximately 19 hectares of new woodland and associated scrub and orchard planting. These habitats will enhance biodiversity, create landscape connectivity, and provide buffering around retained features.	Agreed	07/04/26
4.9	Long-term management of retained and created habitats	ES Appendix 9J: LEMP (Reference REP3-043)	Long-term management of retained and created habitats will be secured in accordance with Appendix 9J - LEMP and relevant Habitat Maintenance and Monitoring Plans when produced. The Applicant is committed to embedding principles from the UK Forestry Standard (UKFS) into future woodland and tree management.	Long-term management of retained and created habitats will be secured in accordance with Appendix 9J - LEMP and relevant Habitat Maintenance and Monitoring Plans when produced. The Forestry Commission supports the Applicant's commitment to embedding principles from the UK Forestry Standard (UKFS) into future woodland and tree management.	Agreed	07/04/26
4.10	Assessment conclusions	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The Applicant considers that its approach to the assessment, retention, mitigation, and management of trees and woodland is realistic, proportionate, and ecologically appropriate given the site constraints and species condition.	The Forestry Commission agrees that the Applicant's approach to the assessment, retention, mitigation, and management of trees and woodland is realistic, proportionate, and ecologically appropriate given the site constraints and species condition.	Agreed	07/04/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
Trees and Woodland						
5.1	Level of baseline assessment, habitat classification and arboricultural impact assessment (AIA)	ES Chapter 9: Ecology and Biodiversity, Section 9.5, (Reference REP3-014) and ES Appendix 10C: Arboricultural Assessment (Reference REP3-047)	The Applicant has undertaken an appropriate assessment of trees and woodland across the site, including baseline survey, habitat classification, and arboricultural impact assessment. This includes the identification of priority habitats, ancient and veteran trees.	The Forestry Commission agrees that the Applicant has undertaken an appropriate assessment of trees and woodland across the site, including baseline survey, habitat classification, and arboricultural impact assessment. This includes the identification of priority habitats, ancient and veteran trees.	Agreed	07/04/26
5.2	King Street Plantation	ES Chapter 9: Ecology and Biodiversity, Section 9.6 (Reference REP3-014)	The offsite woodland, King Street Plantation is recognised as lowland mixed deciduous woodland, a Priority Habitat under Section 41 of the NERC Act 2006.	The offsite woodland, King Street Plantation is recognised as lowland mixed deciduous woodland, a Priority Habitat under Section 41 of the NERC Act 2006.	Agreed	07/04/26
5.3	Veteran Trees	ES Appendix 10C: Arboricultural Assessment (Reference REP3-047)	The MCO Site contains 1 tree, T120, that meets either the NPPF (2024) definition of veteran trees or the BNG Irreplaceable Habitat Regulations 2024 definition. T120 will be retained within the site design.	The MCO Site contains 1 tree, T120, that meets either the NPPF (2024) definition of veteran trees or the BNG Irreplaceable Habitat Regulations 2024 definition. T120 will be retained within the site design.	Agreed	07/04/26
5.4	Habitat creation	ES Chapter 9: Ecology and Biodiversity, Section 9.6, Paragraph 9.6.35	The development will link King Street Plantation with new woodland and habitat areas across the EMG2 and EMG1 sites, thereby improving	The Forestry Commission supports the opportunity to link King Street Plantation with new woodland and habitat areas across the EMG2 and EMG1	Agreed	07/04/26

		(Reference REP3-014)	ecological resilience and habitat continuity.	sites, thereby improving ecological resilience and habitat continuity.		
5.5	Long-term management of retained and created habitats	ES Appendix 9J: LEMP (Reference REP3-043)	Long-term management of retained and created habitats will be secured in accordance with Appendix 9J - LEMP and relevant Habitat Maintenance and Monitoring Plans when produced. The Applicant is committed to embedding principles from the UK Forestry Standard (UKFS) into future woodland and tree management.	Long-term management of retained and created habitats will be secured in accordance with Appendix 9J - LEMP and relevant Habitat Maintenance and Monitoring Plans when produced. The Forestry Commission supports the Applicant's commitment to embedding principles from the UK Forestry Standard (UKFS) into future woodland and tree management.	Agreed	07/04/26
5.6	Assessment conclusions	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The Applicant considers that its approach to the assessment, retention, mitigation, and management of trees and woodland is realistic, proportionate, and ecologically appropriate given the site constraints and species condition.	The Forestry Commission agrees that the Applicant's approach to the assessment, retention, mitigation, and management of trees and woodland is realistic, proportionate, and ecologically appropriate given the site constraints and species condition.	Agreed	07/04/26

6 Conclusions

6.1 The Applicant and The Forestry Commission confirm that all trees and woodland matters under discussion in relation to the Scheme have been agreed as recorded in the tables in sections 4 and 5 above.

SIGNATURES:

On behalf of the Applicant:

[Redacted Signature]

.....
Signature

[Redacted Name] – FPCR, Senior Director - Ecology

.....
Name

On behalf of The Forestry Commission:

[Redacted Signature]

.....
Signature

[Redacted Name] – Local Partnership Advisor

.....
Name

APPENDIX

RECORD OF ENGAGEMENT

Date	Form of engagement	Summary of matters dealt with
03-Oct-24	Email	Initial request to the Forestry Commission for a Teams meeting to discuss potential mitigation for veteran trees under the Irreplaceable Habitat Regulations 2024.
08- Oct-24	Email	Discussion with the Forestry Commission regarding the availability of a BNG specialist and confirmation that bespoke compensation would be required for loss of veteran/irreplaceable trees.
17-Mar-2025	Statutory consultation response	Forestry Commission provided formal consultation response noting potential woodland loss, proximity to Priority Habitat, and presence of veteran trees. Emphasised need for BS5837 protection measures during construction. Highlighted veteran trees as irreplaceable habitat under NPPF para. 193(c). Sought detail on woodland planting area, species, and provenance. Recommended long-term UKFS-compliant woodland management.
09-Apr-25	Email	Applicant provided additional information and requested a Teams call to explore mitigation for veteran/high-value trees.
29-May-25	Teams call	Detailed discussion of veteran tree locations, condition of declining ash, retention versus loss, bespoke mitigation measures (monoliths, deadwood retention), and woodland creation. Agreement reached on key principles.
29-May-25	Email	Applicant sent a written summary of the Teams call covering key points of agreement and recommendations, including a retention list and mitigation proposals.

12-Jun-25	Email	Forestry Commission confirmed the Applicant's summary as accurate and a good reflection of discussions, endorsing it as the basis for the SoCG.
18-Aug-25	Email	The Forestry Commission provided feedback on the first draft of the SoCG. Clarification provided on the Forestry Commission's stance on NPPF vs BNG veteran definitions and minor terminology amendments.
15 – Dec - 2025	Email	An updated SoCG covering all points raised issued to the Forestry Commission for approval.