

East Midlands Gateway Phase 2 (EMG2)

Document DCO8.11/MCO8.11

DRAFT

Statement of Common Ground between
the DCO Applicant and East Midlands
International Airport Limited/East
Midlands Airport Property Investments
(Industrial) Limited

~~July~~September 2026

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

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SEGRO

1 Introduction

- 1.1 This SoCG has been requested by the Examining Panel and is entered into by (1) SEGRO Properties Limited who has submitted the DCO Application, and (2) East Midlands International Airport Limited ("EMA") and East Midlands Airport Property Investments (Industrial) Limited ("EMIAL") (together "the Airport").
- 1.2 This SoCG has been prepared in respect of development which is the subject of the DCO Application 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 (APP-012D). DCO Works Nos. 20 and 21 including relevant Further Works as described in the draft DCO (APP-012D).
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, Hyams Lane Works, works to Long Holden, 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 (APP-012D).

- 1.3 Capitalised terms refer to the Glossary at Appendix A to Chapter 1 of the Environmental Statement (**AS-020**) unless otherwise stated.
- 1.3 This SoCG relates only to the DCO Application and not the MCO Application and matters relating to East Midlands Airport only. A separate, tripartite SoCG between Prologis, the Airport and the DCO Applicant relating to the EMG2 Main Site only deals with matters in which Prologis are also involved.

2 Details of the Parties to this SoCG

- 2.1 Both EMA and EMIAL are part of the Manchester Airports Group (MAG). EMA is the owner and operator of East Midlands Airport and EMIAL is a subsidiary property investment company.

Both companies have land interests in and around the EMG2 Main Site. EMIAL is only party to this SoCG in relation to its interests in Plots ~~1/16 and 1/17~~1/18, 1/10, 1/11, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 2/1, 2/2, 2/3, 2/4, 2/5, 2/6, 2/25, 2/26, 2/27 and 2/38 in the Book of Reference (**APP 2.1D**).

3 Content of this SoCG

3.1 The areas covered by this SoCG are as follows:

3.1.1 Land Interests

3.1.2 Airport and Aviation Safety Issues

3.1.3 Emergency Access Issues

3.1.4 Work No 14 (Active Travel Link)

3.1.5 Surface Access

3.2 This SoCG records those matters which are agreed and, if appropriate, any matters that are not agreed and still under discussion between the DCO Applicant and the Airport.

3.3 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.

3.4 Within the following table a Red Amber Green (RAG) status has been applied as follows: green: agreed, amber – a matter under discussion and/or further work to be completed and red – not agreed.

3.5 EMA and EMIAL record at the outset that this SoCG has been prepared in circumstances where, as they have consistently submitted to the ExP, key components of SEGRO's evidence base were not submitted with the DCO Application. In particular and of most ~~relevant~~relevance to this SoCG is the highways assessment process, that has been subject to ongoing discussion, additional information release and document revision throughout the examination. EMA and EMIAL's position is accordingly expressly reserved on these aspects (see EMA's Deadline 5 Submission in respect of the current highways position relevant to the Airport).

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date Agreed
Land Interests						
1.	Land Interests of the Airport	Book of Reference (APP-021D) and Land Plans 1 and 2 (APP-027D and APP-028D)	The land interests of EMA within the EMG2 Main Site are accurately set out in the Book of Reference (APP-021D) The interests within the EMG2 Main Site are set out in the tripartite SoCG The other interests around the EMG2 Main Site relate to Plots 1/8, 1/10, 1/11, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 2/1, 2/2, 2/3, 2/4, 2/5, 2/6, 2/25, 2/26, 2/27 and 2/38.	Agreed	Agreed	D2 April 21 2026
2.	Active Travel Link	Book of Reference and Land Plan 2 submitted prior to Deadline 6 Changes to Works No. 14: Document DCO 7.18 (REP5-034D) Works Plans (REP4-006D) and (REP4-007D) Access and Rights of Way Plans (REP4-	Plot 2/6 is required for the construction of the active travel link. (Works No. 14 in the draft DCO (REP2-008D). The link has been the subject of recent discussions between the Applicant and EMA Airport as a result of which there have been some minor changes made to minimise land take and the impact on EMA assets at the end of the runway.	The Airport is not satisfied that there is a need for the Active Travel Link works for the reasons more particularly set out in the Airport's responses to ExQ1, Q7.0.3 (REP1-218D). If the Secretary of State determines that the need for the Active Travel Link has been made out, the Airport does not consider that the Applicant has satisfactorily demonstrated the necessity for a permanent right	Under-discussion	D4 June 16 2026

		008D] and [REP4-009D] Highway Plans [REP4-011D], [REP4-012D], [REP4-013D] and [REP4-014D] <u>Applicant's response to Deadline 6A submissions</u>	The revised details of the route have been agreed and technical details have been submitted bywith the <u>Airport.</u> <u>The Applicant at D4 made a change request in respect of the revised details of the route as set out in detail within Document DCO 7.18 [REP5-034D]. The ExP accepted the change request and invited comments on the changes by Deadline 6a.</u> <u>It is intended that the revised land plans and Book of Reference will be submitted prior to D6.</u> <u>The Applicant notes the Airport's position and is in discussions on a without prejudice basis with a view to acquiring the interests it needs to deliver and secure dedication/adoption of the Active Travel Link by private treaty agreement rather than through compulsory acquisition.</u> <u>The Applicant maintains that the Active Travel Link is needed and, in the absence of a private</u>	of acquisition over Plot 2/6. See Row 11 for the Airport's position on the compulsory acquisition. Notwithstanding the above, discussions between the Applicant and the Airport in relation to the proposed design of the Active Travel Link are ongoing and progress has been made to remove areas of operational land from the boundary.<u>Without prejudice to its position stated above, the Airport has agreed details of the Active Travel Link with the Applicant and is prepared to enter into a licence with the Applicant whereby, conditional upon the Secretary of State finding a need for the Active Travel Link, the Airport would allow the Applicant onto its land to construct and maintain it, prior to deemed dedication and adoption by Leicestershire County Council pursuant to the provisions of the DCO.</u>	
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			<u>treaty agreement to deliver it, compulsory acquisition powers are needed.</u>		
Airport and Aviation Safety Issues					
3.	Protective Provisions	<u>Applicant's response to Deadline 6A submissions</u>	The Applicants and EMA have been in discussions regarding the need for, and potential content of, any protective provisions. The Applicants provided the Airport with revised draft Protective Provisions--. In response EMA proposed an entirely different set of draft Protective Provisions which are not acceptable to the Applicants. In particular, they represent a significant departure from what was agreed at EMG1 and from the recent approach adopted by EMA, as aerodrome operator and statutory consultee, in respect of both the Joint Application and the planning application for the Isley Woodhouse Development. <u>The Applicant has considered the justification put forward by EMA for the differing approach to protective provisions but does not accept the same. The Applicant considers that</u> EMA has provided	The Airport provided the Applicant with its protective provisions on 8 June 2026. No response has been received in respect of the detail of those provisions to date, but the Airport has reviewed the Applicant's position on the protective provisions as submitted at Deadline 4 (DCO Document 77.13 Applicants Response to Deadline 2 and 3 Submissions). This is set out as follows: <i>The Applicants note the response and confirm that discussions regarding aerodrome safeguarding remain ongoing, including in respect of draft protective provisions. EMA proposed draft Protective Provisions at Deadline 1; however, these are not</i>	Under-discussion

			no sensible justification as to why the DCO Scheme should be subject to more stringent and onerous requirements than those imposed in connection with either of those two developments. The Applicants do not accept that there is a difference between an outline application and a DCO relevant to this issue. Both consents are governed by parameter plans and require subsequent approval of details. <u>Even if there were a difference, the protective provisions proposed by EMA in respect of the DCO Application go far beyond and are more onerous than is necessary in the circumstances.</u> <u>The Applicant further does not accept that it should be required to secure consent or approval from EMA rather than the local planning authority. Planning conditions and / or requirements should be discharged by an independent decision maker not a third party who objects to the proposed development and seeks to prevent that proposed development from proceeding in favour of development in which it has a commercial and financial interest.</u>	<i>acceptable to the Applicants. In particular, they represent a significant departure from what was agreed at EMG1 and from the approach adopted by EMA, as aerodrome operator and statutory consultee, in respect of both the Joint Application and the planning application for the Isley Woodhouse Development (see Annex D). EMA has provided no justification as to why the DCO Scheme should be subject to more stringent and onerous requirements than those imposed in connection with either of those two developments.</i> Firstly, the CAA guidance and operational restrictions have evolved since EMG1 was consented, hence why there are differences between the draft protective provisions for EMG2 and those which were agreed on EMG1. EMG1 also didn't feature a proposal for a Community Park, which will have a substantial wildlife management and drainage impact that requires a bespoke approach in protective provisions.	
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				Secondly, the joint application and the proposed Isley Woodhouse application are both outline planning applications. <u>For those applications,</u> EMA would typically expect the level of detail agreed in terms of operational safety matters to be resolved at reserved matters stage for those proposals. EMG2 is a development consent order, meaning the level of detail to be secured in the terms of the consent must be negotiated and secured now, prior to determination of the application. It would be too late to secure such matters as part of detailed design submissions under requirements, as by that point, the power to commence work and the controls over those works would have already been secured in the statutory order. The detailed provisions which EMA are requesting are entirely proportionate with the degree of impacts associated with EMG2, for example: • EMA is requesting that the Applicant submit an Aeronautical Safeguarding	
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				Assessment prior to submitting applications for detailed design approvals. This establishes the principle of what information under the various safeguarding topics should be submitted. • Where any approvals are required to be given under the Aeronautical Safeguarding Assessment, EMA must not unreasonably withhold or delay approvals. • EMA is requesting an ability to approve submitted details of scaled plans, building/crane/structure elevations and coordinates in addition to floor and roof levels. This is to ensure that EMG2 is not exposed to wind shear risk and that height tolerances within the airport operational safety area are	
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				appropriately controlled. • EMA is requesting an ability to approve details relating to obstacle limitation surfaces and instrument flight procedures, which reflects the same controls imposed on EMG1. • EMA is requesting approval rights over a wildlife hazard management plan, including measures of landscaping, habitat management, drainage features, waste management, pest control, monitoring and corrective measures. This is broadly aligned with EMG1 however is suitably focused owing to the addition of the Country Park to the EMG2 development. • EMA is requesting approval rights to control construction activity that poses a risk		
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				to airport operational safety, lighting, glint & glare impacts, structural wind shear, drainage and landscaping outside of the wildlife management plan, radio and communications interferences and drone/unmanned UAS usage. • EMA is seeking controls over crane operations (heights, locations, operational matters and lighting). • EMA is requesting that an aeronautical safeguarding liaison group is set up by the Applicant to coordinate the submission of approvals and to enable closer collaboration between the parties on operational safety matters. All of these provisions are specifically drafted to deal with obvious concerns that could arise as a result of the EMG2	
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				development (structural risk, crane height, glint & glare, lighting, bird hazard, drones, radio interference etc). None of them are disproportionate to the scale of the proposed development, which is a project of national significance large enough to justify promotion through the development consent order process.		
4.	Emergency Access	Draft DCO Doc DCO 3.1 submitted at Deadline 6	The Applicants are unaware of any emergency access issues however paragraph 10 of the D protective provisions already deals with emergency access protection. That paragraph is set out below incorporating some minor typographical corrections which are in bold. The changed paragraph has been included in the DCO to be submitted at Deadline 6. <i>10. The undertaker must not obstruct or in any way interfere with the existing accesses (including all emergency access and egress routes) to East Midlands Airport, other than in accordance with the carrying out of the authorised development,</i>	Emergency access and egress is required at all times via two crash gates north of the airfield which connect with Diseworth Lane (ear to EMG1). These gates enable emergency vehicles based at the Airport to exit the runway at speed in the event of an incident occurring outside of the Airport's perimeter fence. See response to ExQ2, Q2.0.2 (REP4-069D) for further details. <u>Whilst it is accepted that the Applicant's protective provisions include some drafting around access, the provision which the Applicant has put forward offers the Airport no real protection from interference.</u>	Under-discussion	

			without the prior consent of the aerodrome safeguarding authority for East Midlands Airport such consent not to be unreasonably withheld or delayed. Any existing access route which is to be diverted as part of the authorised development must not be closed until the replacement route is constructed and available for use.	The following wording in the Applicant's drafting "other than in accordance with the carrying out of the authorised development" has the effect of allowing any obstruction or interference with existing access routes which derive from the authorised development. This means that the Airport is not involved in discussions around the replacement route. The Airport would simply be required to accept any replacement route that was provided to it by SEGRO, which could be entirely detrimental to its operations. By contrast, the Airport's equivalent protective provision covers this off by ensuring that any obstruction or interference with existing emergency access routes is agreed between the parties (which would enable replacement routes to be agreed).		
Work No 14 (Active Travel Link)						
11.	Justification for Active Travel Link	Sustainable Transport Strategy (APP-84) Latest version being submitted at Deadline 6 (DCO 6.6B)	The Applicant considers it to be important for the EMG2 scheme to provide a good quality active travel route between EMG1 and EMG2 which, together with the	The Airport contends that the Applicant's proposed works to the Active Travel Link are not necessary and the proposed use of the Active Travel Link by	Under-discussion	

			infrastructure provided by EMG1, other existing active travel infrastructure and the upgrade of L57, provides active travel connections from EMG2 to Castle Donington, Kegworth and beyond. The existing route east of the A453 is of a low standard with improvement to it complicated by the lay-by and users between EMG1 and EMG2 would need to undertake three crossings of the A453 (with several 'hops' over the different carriageways). The provision of the Active Travel Link (ATL) aligns with wider stakeholder aspirations for providing a link between EMA and Nottingham via Clifton, Ratcliffe, Kegworth, EMG1 and EMG2 for which initial work was undertaken around 2020 and included for an off-road facility west. As set out in the EMG2 proposals the ATL would become part of National Cycle Route 15 which, together with Hyam's Lane, would fill part of the gap in this route that	members of the public or those employed at EMG2 would be so infrequent as to not justify the interference with private rights that would be necessary to deliver it. There is no compelling case in the public interest for the acquisition of the Active Travel Link. If the Secretary of State determines that the Active Travel Link was necessary, then all of the benefits that the Applicant outlines in the adjacent column can be delivered under temporary possession powers with commensurate handover and maintenance provisions (either in the DCO or separately agreed) to EMA or adoption by the Local Highway Authority. None of the reasoning provided by the Applicant addresses why a specific power of compulsory acquisition to permanently deprive the Airport of the land is necessary and in the public interest.	
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			currently exists between Diseworth and Nottingham. Whilst para 9.5 of the STS (APP-84) sets a mode share target of 2% for active travel, the Applicant notes that this is a minimum. Page 22 of the STS (APP-84) which shows that the majority of EMG1 employees living within a cycling distance are based in Kegworth and Castle Donington. Para 9.4 states that 25% of the EMG2's workforce live within a 60min cycle of the Scheme and para 9.5 states that "There is the potential for [the 2%] to increase as more residential developments emerge within the vicinity of the site and as more off-road/segregated cycle infrastructure is introduced along the major roads, for example through the future East Midlands Combined Authority transport programme".			
Surface Access						
12.	Traffic impact on operation of the Airport	<u>Applicant's response to Deadline 6A submissions</u>	The traffic impact of the proposed development on the operation of the surrounding road network, and therefore	The Airport's response to this item is contained in its Deadline 5 submission. There are still substantial omissions in the	Under-discussion	

			Airport surface access, has been modelled utilising PRTM 2019 (with the application submission) and PRTM 2023 (D1) along with Vissim. The Applicant has in the response to Deadline 3 submissions submitted at D4 (REP4-033) provided a response to the alleged missing information with regard to the assessment of highway impact.	Applicant's Assessment Transport		
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SIGNATURES:

On behalf of the DCO Applicant:

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Signature

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Name

DRAFT

On behalf of the Airport:

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Signature

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Name

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