

Document MCO3.2

Draft Material Change Order

January 2026

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

202[] No.

INFRASTRUCTURE PLANNING

**The East Midlands Gateway Rail Freight Interchange and
Highway (Amendment) Order 20[]**

Made - - - -

Coming into force

An application has been made to the Secretary of State under paragraph 3 of Schedule 6 to the Planning Act 2008(a) in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(b) for a material change to the East Midlands Gateway Rail Freight Interchange and Highway Order 2016(c).

The Secretary of State, having considered the application and the responses to the publicity and consultation carried out in accordance with regulations 10 and 14 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, has decided to make this Order amending the East Midlands Gateway Rail Freight Interchange and Highway Order 2016.

The Secretary of State, in exercise of the powers conferred by paragraph 3 of Schedule 6 to the Planning Act 2008, makes the following Order—

Citation and commencement

1. This Order may be cited as the East Midlands Gateway Rail Freight Interchange and Highway (Amendment) Order 20[] and comes into force on [].

Amendment of the East Midlands Gateway Rail Freight Interchange and Highway Order 2016

2. (1)—The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 is amended as follows.

(2) In article 2 (interpretation), in the definition of “main site”, replace “Works Nos. 2 to 5” with “Works Nos. 2 to 5C”.

(3) In article 2 (interpretation), in the definition of “highway works”, replace “Works Nos. 7, 8, 10, 11, 12 and 13” with “Works Nos. 7, 8, 8A, 10, 11, 12 and 13”.

(4) In article 2 (interpretation), insert—

(a) 2008 c. 29. Paragraph 3 of Schedule 6 was amended by paragraph 72 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011 (c. 20), section 28 of the Infrastructure Act 2015 (c. 7) (there are other amendments to paragraph 3 that are not relevant to this Order), and by S.I. 2018/1232.
(b) S.I. 2011/2055 as amended by S.I. 2012/635, S.I. 2013/522, S.I. 2015/760, S.I. 2017/314, S.I. 2017/524, 2018/378, S.I. 2019/734 and S.I. 2020/1534.
(c) S.I. 2016/17

“additional access and rights of way plan” means the plan certified as the additional access and rights of way plan by the Secretary of State for the purposes of this Order;

“additional environmental statement” means the document certified as the additional environmental statement by the Secretary of State for the purposes of this Order;”

“additional highway plan” means the plan certified as the additional highway plan by the Secretary of State for the purposes of this Order;

“additional parameters plan” means the plan certified as the additional parameters plan by the Secretary of State for the purposes of this Order;

“additional works plan” means the plan certified as the additional works plan by the Secretary of State for the purposes of this Order;

“design approach document” means the document of that description certified as the design approach document by the Secretary of State for the purposes of this Order;

“plot 16” means any authorised buildings erected as part of Works No. 3A;”

(5) In article 4 (parameters of authorised development), after “described on the parameters plans” insert “or the additional parameters plan”.

(6) In article 5(1) (authorisation of use), replace “Works Nos. 1 to 6 inclusive” with “Works Nos. 1 to 6A inclusive”.

(7) In article 12(1) (public rights of way – creation, diversion and stopping up), insert (e)– “divert each of the public rights of way specified in columns (1) and (2) of Part 4 of Schedule 5 (public rights of way to be created) to the extent specified in columns (3) and (4) of that Part of that Schedule.”

(8) After article 12(5) (public rights of way – creation, diversion and stopping up), insert—

“(6) The undertaker must in connection with carrying out of the authorised development provide the new diverted public rights of way specified in columns (3) and (4) of Part 4 of Schedule 5 (new public rights of way to be created) in place of the public rights of way specified in columns (1) and (2) of that Part of that Schedule by the events in column (5) of that Part of that Schedule.”

(9) After article 39 (certification of plans etc.), insert —

“Certification of additional plans etc.

39A.—(1) The undertaker must, as soon as practicable after the making of the East Midlands Gateway Rail Freight Interchange and Highway (Amendment) Order 20[], submit for certification copies of—

- (a) the additional works plan (Document MCO 2.3);
- (b) the additional parameters plan (Document MCO 2.5);
- (c) the additional access and rights of way plan (Document MCO 2.4);
- (d) the additional highway plan (Document MCO 2.8);
- (e) the additional environmental statement (Document MCO 6.1 – 6.23); and
- (f) the design approach document (Document MCO 5.3).

(2) A plan or document so certified by the Secretary of State is admissible in any proceedings as evidence of the contents of the document of which it is a copy.”

(10) In Schedule 1 (authorised development), Part 1, replace Works No. 2(a)(iii) with “gantry cranes and reach stackers up to a height of 24 metres as shown on the additional parameters plan”.

(11) In Schedule 1 (authorised development), Part 1, after Works No. 3, insert—

“Works No. 3A

Within the area shown on the additional works plan for Works No. 3A, the construction of rail served warehousing including—

- (a) construction of a development plateau;
- (b) rail served warehouse and ancillary buildings in accordance with the parameters specified on the additional parameters plan;
- (c) vehicle, cycle and pedestrian access routes and signage;
- (d) roof mounted photovoltaics;
- (e) external plant;
- (f) vehicle maintenance, service yards, washing and refuelling facilities, weighbridges and electric vehicle charging units;
- (g) hardstandings and container storage;
- (h) parking for HGVs and other vehicles (including cycles), driver welfare facilities and HGV fuelling areas; and
- (i) the stopping up of the lengths of existing public rights of way as shown on the additional access and rights of way plan.

Works No. 3B

Within the area shown on the additional works plan for Works No. 3B, the extension of the management offices including—

- (a) buildings in accordance with the parameters specified on the additional parameters plan;
- (b) vehicle, cycle and pedestrian access routes and signage;
- (c) roof mounted photovoltaics;
- (d) external plant; and
- (e) parking for vehicles (including cycles).”

(12) In Schedule 1 (authorised development), Part 1, after Works No. 5, insert—

“Works No. 5A

Within the area shown on the additional works plan for Works No. 5A, the construction of road and drainage infrastructure including—

- (a) access to and egress from the rail served warehousing (Works No. 3A);
- (b) alterations to the existing road constructed as part of Works No. 5 to accommodate the access and egress;
- (c) footways and shared use footways/cycleways; and
- (d) a foul drainage outfall.

Works No. 5B

Within the area shown on the additional works plan for Works No. 5B, the construction of road infrastructure including—

- (a) a pedestrian drop-off lay-by;
- (b) alterations to the existing road constructed as part of Works No. 5 to accommodate the lay-by;
- (c) earthworks retaining structures; and

- (d) a footway from the lay-by connecting to the crossing constructed as part of the EMG1 access works (Works No. 8A).

Works No. 5C

Within the area shown on the additional works plan for Works No. 5C, the construction of infrastructure including—

- (a) a secure parking area for buses;
 - (b) access to and egress from the parking area; and
 - (c) alterations to the existing road constructed as part of Works No. 5 to accommodate the access and egress.”
- (13) In Schedule 1 (authorised development), Part 1, after Works No. 6, insert—

“Works No. 6A

Within the area shown on the additional works plan for Works No. 6A the provision of hard and soft landscape works including—

- (a) earthworks to create screening bunds;
- (b) soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements;
- (c) basins for surface water attenuation;
- (d) wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest;
- (e) noise attenuation including acoustic fencing and/or landscape screening;
- (f) the stopping up of existing and creation of new public rights of way as shown on the access and rights of way plan; and
- (g) signage and totems located within the areas indicated on the additional parameters plan.”

- (14) In Schedule 1 (authorised development), Part 1, after Works No. 8, insert—

“Works No. 8A

Within the area shown on the additional works plan for Works No. 8A, the construction of signalised pedestrian crossings over the EMG1 exit road approach to the A453 signalised junction and associated footway connecting to Works No. 5B.”

- (15) In Schedule 1 (authorised development), Part 4 (associated development), in paragraph (1) of ‘Further works’, replace “Works Nos. 1 to 5” with “Works Nos. 1 to 5C”.

- (16) In Schedule 1 (authorised development), Part 4 (associated development), in paragraph (2) of ‘Further works’, replace “Works Nos. 1 to 6” with “Works Nos. 1 to 6A”.

- (17) In Schedule 1 (authorised development), Part 4 (associated development), in paragraph (2) of ‘Further works’, replace “Works Nos. 7, 8 and 10 to 13” with “Works Nos. 7, 8, 8A and 10 to 13”.

- (18) In Schedule 2 (requirements) insert a new requirement (5A) after requirement (5)—
“The undertaker must use reasonable endeavours to complete the highway works identified as Works No. 8A in schedule 1 (authorised development) prior to occupation of plot 16 or such alternative trigger as may be agreed by Highways England.”

- (19) In Schedule 2 (requirements), replace requirement 6(1) with—

“Save for that phase comprising plot 16, the details of each phase of the authorised development (with the exception of the highway works which are governed by requirements 4 and 5 and Schedules 19 and 20 (protection of interests)) must be in accordance with the

design and access statement (Document 6.9). The design and access statement can be reviewed and updated by the undertaker in agreement with the local planning authority.”

(20) In Schedule 2 (requirements), insert a new requirement 6(1A) before requirement 6(2)—

“(1A) The details of that phase comprising plot 16 must be in accordance with the design approach document (Document MCO 5.3). The design approach document can be reviewed and updated by the undertaker in agreement with the local planning authority.”

(21) In Schedule 2 (requirements), in requirement 8, after “Chapter 5 of the environmental statement” insert “or in the case of that phase comprising plot 16 in accordance with Chapter 10 and appendix 10D of the additional environmental statement”.

(22) In Schedule 2 (requirements), in requirement 10(1), after “any ecological mitigation and enhancement measures included in the environmental statement” insert “or in the case of that phase comprising plot 16 included in the additional environmental statement”.

(23) In Schedule 2 (requirements), in requirement 14(1), after “Chapter 12 of the environmental statement” insert “or in the case of that phase comprising plot 16 in accordance with the lighting strategy in appendix 11A of the additional environmental statement”.

(24) In Schedule 2 (requirements), replace requirement 16 with—

“**16.**—(1) Save for that phase comprising plot 16, the authorised development must be carried out in accordance with the mitigation measures detailed within sections 3.0 and 4.0 of the Flood Risk Assessment and section 5.0 of the Water Framework Direction Assessment submitted with the application as part of the environmental statement (Document 5.2) or be carried out in accordance with any variation to these measures agreed in writing with the Environment Agency, the lead local flood authority or the approving body under Schedule 3 (sustainable drainage) to the Flood and Water Management Act 2010(40), whichever of these is the body having jurisdiction over the watercourse in question.

(2) That phase of the authorised development comprising plot 16 must be carried out in accordance with the mitigation measures detailed within the Flood Risk Assessment submitted with the additional environmental statement (Document MCO 13I) or be carried out in accordance with any variation to the same agreed in writing with the Environment Agency, the lead local flood authority or the approving body under Schedule 3 (sustainable drainage) to the Flood and Water Management Act 2010(40), whichever of these is the body having jurisdiction over the watercourse in question.”

(25) In Schedule 2 (requirements), in requirement 17, after “(Document 5.2)” insert “or in the case of that phase comprising plot 16 in accordance with the Sustainable Drainage Strategy in appendix 13L of the additional environmental statement”.

(26) In Schedule 2 (requirements), insert a new requirement 27—

“Plot 16 Travel Plan

27. Prior to occupation of plot 16 an occupier-specific travel plan is to be submitted to, and be approved in writing by, the relevant planning authority. The occupier-specific travel plan must be substantially in accordance with the site wide travel plan (Document 6.25) or any variation of that plan agreed by the sustainable transport working group. Each occupier of plot 16 must comply with the occupier-specific travel plan for a period of not less than five years from the date of first occupation of plot 16 (or until the cessation of occupation of plot 16 if earlier).”

(27) In Schedule 4 (streets to be permanently stopped up), Part 1 (streets for which a substitute is to be provided), in column (4), replace “(i) Proposed new highway A50 within the area marked vii on the access and rights of way plan (Document 2.3A) shown by blue hatching;” with “(i) Proposed new highway A50 within the area marked ii on the access and rights of way plan (Document 2.3A) shown by blue hatching;”.

(28) In Schedule 5 (public rights of way to be stopped up), insert a new Part 4—

“PART 4

PUBLIC RIGHTS OF WAY TO BE DIVERTED

<i>(1) Area</i>	<i>(2) Public right of way to be diverted</i>	<i>(3) Extent of public right of way to be diverted</i>	<i>(4) Extent of new diversion route</i>	<i>(5) When to be provided</i>
Parishes of Lockington cum Hemington and Kegworth	Public footpath L112 (part)	The existing footpath between the points marked 54-55 on the additional access and rights of way plan shown with a dashed red line	Proposed public footpath between the points marked 54-55 on the additional access and rights of way plan shown indicatively with a dashed and dotted brown line on an alignment to be agreed with the local highway authority and constructed as part of Works No. 3A	By completion of Works No. 3A”

(29) In Schedule 19 (for the protection of Highways England) the definition of “highway works” shall be amended to read—

“means that part of the authorised development to be carried out in the areas identified as i, ii, vi and ix on the highway works components plans the general arrangement of which is shown on the relevant regulation 6(2) plan, and Works 8A as defined by schedule 1 (authorised development) and shown on the additional works plan, and any works ancillary to that part of the authorised development;”

(30) In Schedule 19 (for the protection of Highways England) the definition of “phase” shall be amended to read—

“means that part of the highway works which is to be carried out in separate phases in the areas identified as i, ii, vi and ix on the highway works components plan except that components ii and ix are a single phase, and Works No. 8A as defined by schedule 1 (authorised development) are a single phase, or such other phasing arrangements as are agreed with Highways England;”

Signed by authority of the [Secretary of State for Transport]

Name
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order amends the East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (“the 2016 Order”), a development consent order under the Planning Act 2008 (“the Act”).

This Order follows an application under paragraph 3 of Schedule 6 to the Act for a material change to the 2016 Order to allow —

- (a) the construction of additional rail served warehouse and ancillary buildings;
- (b) the construction of additional highway infrastructure;
- (c) the provision of additional hard and soft landscaping works; and
- (d) an increase to the height of gantry cranes to a maximum height of 24 metres.

This Order, through the insertion of article 39A (certification of additional plans etc.) in the 2016 Order, provides for the certification of revised or substituted plans and documents and any certified plan or document is admissible in any proceedings as evidence of the contents of the plan or document of which it is a copy.