

Document DCO 8.2 / MCO 8.2

Statement of Commonality

APRIL 2026 (2)

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

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

**DRAFT STATEMENT OF COMMONALITY
(DOCUMENT DCO 8.2 / MCO 8.2)**

Version	Date	Status of Version
0	April 2026	Deadline 1 Submission
<u>1</u>	<u>April 2026</u>	<u>Deadline 2 Submission</u>

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1 Introduction

- 1.1 This document has been prepared to provide the Examining Panel (ExP) with the position on Statements of Common Ground (SoCG) between the Applicant and various other parties.
- 1.2 This document is being submitted at Deadline ~~24~~ and will be updated during the course of the Examination with a final version expected to be submitted at Deadline 6. This document is up to date as at 20 April 2026.
- 1.3 The remainder of this report is structured as follows:
 - (a) Section 2 addresses the general structure of the contents of the SoCG and provides an up to date list of the SoCG and their status.
 - (b) Section 3 sets out the commonality between SoCG.

2 Structure and List of SoCG

- 2.1 The contents of the SoCG mostly follow the same structure. This involves an introduction to the SoCG outlining the development to which it relates, and statement of the role of the relevant parties.
- 2.2 The SoCG then set out matters agreed, matters under discussion and matters not agreed in tabular form. The table indicates the status of the discussions between the parties using a RAG code.
- 2.3 Each SoCG firstly deals with the DCO and then the MCO.
- 2.4 Some differences between the structure of the individual SoCG arise from the consideration of specific topics and the extent to which the structure is acceptable to other parties with whom the Applicant is seeking to reach agreement on the substantive issues. Notwithstanding minor differences in structure all SoCG include a RAG table.
- 2.5 SoCG have been prepared with all the parties referred to in the Rule 8 letter. In addition, a SoCG has been prepared with the Forestry Commission.
- 2.6 A list of the draft SoCG submitted at Deadline 1 is set out in Table 1 below along with the stage reached. SoCG which have not progressed since Deadline 1 are not being re-submitted to the ExP. The SoCG submitted at D2 are marked with an asterix in Table 1.
- 2.7 In their response to the draft SoCG EMA and Prologis wished to broaden out the scope of the SoCG to include subject matter not requested by the ExP. The Applicant has resisted this since the parties have expressed their positions at length in the relevant representations and written representations and responses thereto. It was clear there would be little common ground and areas of disagreement would comprise repeating the parties' cases. Should the ExP require the parties to consider the expansion of the SoCG to focus on any particular aspect of the application then the Applicant would be pleased to pursue this.

Table 1

Doc No.	Party	Status of SoCG	Stage reached
North West Leicestershire Council			
8.3A	Overarching SoCG	Under discussion	NWL advised they will review after Deadline 1 <u>– a response is awaited at the date of writing.</u>
8.3B	Planning Policy	Under discussion	NWL advised they will review latest draft after Deadline 1 <u>– a response is awaited at the date of writing.</u>
8.3C	Air Quality	Under discussion	Agreed subject to confirmation that PRTM 2023 model run verification does not change the assessment.
8.3D	Lighting	Under discussion	Only outstanding point is in relation to the lighting of building facades facing Diseworth and how any Requirement will be worded to secure this (ExP-WQ1 12.0.7 refers)
8.3E	Noise	Under discussion	Agreed subject to confirmation that PRTM 2023 model run verification does not change the assessment and agreement on wording of requirements to secure electric hook ups.
8.3F	Landscape and Visual	Under discussion	Outstanding queries being discussed.
8.3G	Heritage	Under discussion	NWL advised they will review latest draft after Deadline 1 <u>– a response is awaited at the date of writing however it is understood it is agreed with only final confirmation awaited.</u>
Leicestershire County Council			
8.4A	Overarching SoCG	Under discussion	LCC advised it will respond to the latest drafts of all SoCG after Deadline 1. <u>A response was received on 20 April indicating no changes at this stage pending resolution of other SoCG.</u>

			Understanding of the Applicant is that there are outstanding queries relating to Requirements and protective provisions. It is also dependent upon other LCC SoCGs being agreed
8.4B	Highways	Under discussion	LCC advised it will respond to the latest draft after Deadline 1. <u>A response was received on 20 April too late for consideration by the Applicant prior to D2.</u> Understanding of the Applicant is that the only outstanding issues relate to PRTM 2023 and LRN assessment (Document DCO 7.8 / MCO 7.8)
8.4C	Archaeology	Under discussion	LCC advised it will respond to the latest draft after Deadline 1 <u>A response was received on 20 April indicating no changes at this Understanding stage.</u> <u>Understanding</u> of the Applicant is the only outstanding issue is agreement on scope of further detailed trenching works.
8.4D	Ecology	Under discussion	LCC advised it will respond to the latest draft after Deadline 1. <u>A response was received on 20 April too late for consideration by the Applicant prior to D2.</u> <u>However, the</u> understanding of the Applicant is that <u>good progress has been made and</u> the SoCG is agreed subject to agreement on level of harm to skylarks and checking BNG calculations
8.4E	Population & Health*	Under discussion	LCC advised it will respond to the latest draft after Deadline 1. <u>A response was received on 20 April too late for consideration by the Applicant prior to D2, however the response received has been submitted at Deadline 2 at the request of LCC.</u> Understanding of the Applicant is that it is agreed subject to confirmation that PRTM 2023 model run verification does not change the assessment <u>although there are ongoing concerns on the part of</u>

			<u>LCC as to the adequacy of the assessment.</u>
8.4F	Materials and Waste	Under discussion	LCC advised it will respond to the latest draft after Deadline 1. <u>A response was received on 20 April too late for consideration by the Applicant prior to D2.</u> Understanding of the Applicant is that it is agreed subject to revisions being made to the ES Chapter submitted at Deadline 1
8.4G	Drainage	Under discussion	LCC advised it will respond to the latest draft after Deadline 1. <u>A response was received on 20 April confirming that awaiting final wording of requirement 17</u> Understanding of the Applicant is the only outstanding matter is the wording of a requirement which will be resolved in the next dDCO <u>to be submitted at Deadline2</u>
Others			
8.5	National Highways*	Under discussion	Mostly agreed — final version awaiting NH consideration of the LinSig modelling of the EMG 1 junction relating to the impact of Plot 16 in isolation and Applicant's response to queries on Air Quality and BNG Progress since Deadline 1 means that all matters are agreed with the exception of (1) outstanding signalling/signage departures (2) BNG and (3) drafting of protective provisions which are the subject of ongoing consideration.
8.6	Nottinghamshire County Council	Agreed	Awaiting signature only
8.7	Natural England*	Under discussion	Mostly agreed, ongoing discussions to finalise. <u>Good progress has been made and an updated draft is being submitted at Deadline 2</u>
8.8	Historic England	Under discussion	Awaiting response to draft

8.9	Forestry Commission	Agreed	Agreed and signed by Forestry Commission
8.10	Environment Agency	Under discussion	Outstanding queries being discussed.
8.11	East Midlands Airport*	Under discussion	Response to d <u>Draft received from EMA sent to EMA on 27 April</u> March – <u>amended SoCG sent back to EMA and submitted at Deadline 2</u> no <u>response received at time of writing</u>
8.12	EMA and Prologis*	Under discussion	Response to d <u>Draft received from sent to Prologis on 7 April</u> 18 March – <u>amended SoCG – sent back to Prologis and EMA and submitted at Deadline 2</u> no <u>response received at time of writing</u>

3 Commonality

- 3.1 Table 2 overleaf provides a summary of the principal issues covered in SoCG and identifies commonality in the topics which are dealt with in the individual SoCG.
- 3.2 The table identifies which topics are dealt with in each SoCG. The table also identifies the status of the topic within the SoCG using a RAG system as follows:

	Matter agreed
	Under discussion
	Matter not agreed

- 3.3 Where it is not applicable to a party the table entry is blank. The orange “under discussion” category covers a wide range of positions from there being complete agreement subject only to the inclusion of an already agreed draft requirement being included in the next dDCO to there being outstanding discussions on issues of a more substantive nature.

Party	SoCG Ref. No.	Compulsory Acquisition	Planning Policy	Waste and materials	Lighting	Climate	Highways	Air quality	Noise	Ecology	Airport Safeguarding	Landscape and Trees	Archaeology and Built Heritage	Drainage	Geology, soils and groundwater	Contaminated land	Socio-economics	Population and Health
NWL	8.3																	
LCC	8.4																	
Nottinghamshire CC	8.6																	
National Highways	8.5																	
Environment Agency	8.10																	
Natural England	8.7																	
Historic England	8.8																	
Forestry Commission	8.9																	
Prologis/EMA	8.12																	
EMA	8.11																	