

Document MCO 3.1

Draft Material Change Order

~~JUNE~~ JULY 2026

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 Rail Freight and Highway (Amendment) Order 202X

DRAFT MATERIAL CHANGE ORDER (DOCUMENT MCO 3.1)

Version	Date	Status of Version
0	October 2025	Submission
1	January 2026	Section 51 Response
2	February 2026	Procedural Deadline A
3	April 2026	Deadline 2
4	June 2026	Deadline 5
<u>5</u>	<u>July 2026</u>	<u>Deadline 6</u>

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⁽¹⁾ in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011⁽²⁾ for a material change to the East Midlands Gateway Rail Freight Interchange and Highway Order 2016⁽³⁾.

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

~~(3)(1) 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)(2)~~ In article 2 (interpretation), in the appropriate places insert—

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- (1) 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.
- (2) 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.
- (3) S.I. 2016/17

“the 2010 Act” means the Flood and Water Management Act 2010(1);

“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;”

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

~~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”.~~

(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)–

“(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); ~~and~~
- (g) the addendum to the construction management framework plan (Document MCO 6.3A).

(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, in Works No. 2, after “gantry cranes” insert “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) buildings in accordance with the parameters specified on the additional parameters plan;
- (c) roof mounted photovoltaics;
- (d) external plant;
- (e) vehicle maintenance, service yards, washing and refuelling facilities, weighbridges and electric vehicle charging units;
- (f) hardstandings and container storage;
- (g) parking for HGVs and other vehicles (including cycles), driver welfare facilities and HGV fuelling areas; and
- (h) 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 comprising part of the bus interchange buildings constructed under Works No. 5 including—

- (a) buildings in accordance with the parameters specified on the additional parameters plan;
- (b) roof mounted photovoltaics;
- (c) external plant; and
- (d) parking for vehicles.”

(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); and
- (b) alterations to the existing road constructed as part of Works No. 5 to accommodate the access and egress.

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; and
- (b) alterations to the existing road constructed as part of Works No. 5 to accommodate the lay-by.

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) basins for surface water attenuation;
- (c) biodiversity enhancements including wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest;
- (d) noise attenuation including acoustic fencing and/or landscape screening;
- (e) the stopping up of existing and creation of new public rights of way as shown on the additional access and rights of way plan; and
- (f) 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 Wilders Way approach to the A453 signalised junction as it exits the main site 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 (32) 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 complete the highway works identified as Works No. 8A in schedule 1 (authorised development) prior to occupation of plot 16 or such alternative later stage or event as agreed by the relevant highway authority in writing provided that completion of the highway works by such alternative later stage or event is not likely to give rise to any materially new or materially different significant effects on the environment that have not

been assessed in the additional environmental statement or in any updated environmental information.”

(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 in writing 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 by agreement in writing with the local planning authority.”

(21) In Schedule 2 (requirements), replace requirement 6(2)(f) with—

“bicycle, motorcycle and vehicle parking (including (i) the location and quantum of electrical charging points which are to comprise a minimum of ten per cent (10%) of total car parking spaces with passive provision provided for all car parking spaces and (ii) the location of car parking spaces for those car sharing which are to be at least eleven per cent (11%) of the total car parking spaces);”

(22) 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”.

(23) 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”.

(24) In Schedule 2 (requirements), in requirement 11(1), after “construction management framework plan (Document 6.10)” insert “and in the case of that phase comprising plot 16 in accordance also with the principles set out in the addendum to the construction management framework plan (Document MCO 6.3A)”.

(24)(25) 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”.

(25)(26) 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)~~2010 Act, 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 6.13G) 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)~~ 2010 Act, whichever of these is the body having jurisdiction over the watercourse in question.”

(27) In Schedule 2 (requirements), in requirement 17 after—

(1) ~~after~~ “(Document 5.2)” insert “or in the case of that phase comprising plot 16 in accordance with the Sustainable Drainage Statement – EMG1 Works in appendix 13J of the additional environmental statement”; and

~~(26)~~(2) “and approved in writing by” insert “, in consultation with the Environment Agency in relation to matters relating to its function.”;

~~(27)~~(28) In Schedule 2 (requirements), replace requirement 24(2)(a) with—

“(a) British Standard 10175:2011+A2:2017 “Investigation Of Potentially Contaminated Sites Code of Practice”;

~~(28)~~(29) In Schedule 2 (requirements), replace requirement 24(2)(d) with—

“(d) the Environment Agency’s Land Contamination Risk Management manual (or any successor document) (“the LCRM”).”

~~(29)~~(30) In Schedule 2 (requirements), replace requirement 24(3)(b) with—

“(b) LCRM;

(c) British Standard 8485:2015+A1:2019 ‘Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings’; and

(d) Construction Industry Research and Information Association (‘CIRIA’) C735 – ‘Good Practice on the Testing and Verification of Protection Systems for Buildings and against Hazardous Ground Gases’ Construction CIRIA 2014.”

~~(30)~~(31) 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 in accordance with the site wide travel plan (Document 6.25) or any variation of that plan agreed by the local planning authority in writing following consultation with the sustainable transport working group. Each occupier of plot 16 must comply with the occupier-specific travel plan at all times from the date of first occupation of plot 16 (or until the cessation of occupation of plot 16 if earlier).”

~~(31)~~(32) In Schedule 2 (requirements), insert a new requirement 28—

“Plot 16 Electric hook up facilities

28. No warehouse provided on plot 16 which will be served by HGVs with chiller units shall be first occupied or used unless electric hook up facilities are available for use by those vehicles. The electric hook up facilities shall thereafter be retained whilst ever the warehouse continues to be served by HGVs with chiller units.”

~~(32)~~(33) 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;”.

~~(33)~~(34) 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

(1) Area	(2) Public right of way to be diverted	(3) Extent of public right of	(4) Extent of new diversion route	(5) When to be provided
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		<i>way to be diverted</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 in writing and constructed as part of Works No. 6A	By completion of Works No. 3A”

~~(34)~~(35) In Schedule 16 (for the protection of the Airport Operator) insert “Part 1” before paragraph 1.

~~(35)~~(36) In Schedule 16 (for the protection of the Airport Operator), insert a new Part 2 after paragraph 6—

“PART 2

1. Prior to commencement of plot 16, an Instrument Flight Procedure Assessment relating to the building and any associated tall equipment used during the construction of the building demonstrating no harmful impact to East Midlands Airport must be submitted to the local planning authority for approval. This is to be undertaken by East Midlands Airport’s CAA approved Procedure Design Organisation (APDO) NATS plc or other organisation approved by the local planning authority.

2. If required by the local planning authority, prior to commencement of construction of plot 16, a wind shear assessment for that building in its entirety, demonstrating no harmful impact to East Midlands Airport must be submitted to the local planning authority for approval.

3. All exterior lighting provided as part of plot 16 shall be capped at the horizontal with no upward light spill.

4. If required by the local planning authority, no lighting directly beneath any roof lights that will emit light upwards shall be provided within plot 16. Only downward facing ambient lighting to spill from the roof lights upwards is permitted.

5. Prior to commencement of construction of plot 16, the undertaker shall submit to the local planning authority for its approval in consultation with the aerodrome safeguarding authority for East Midlands Airport a Technical Safeguarding Assessment demonstrating no harmful impact to East Midlands Airport’s communication, navigation and surveillance systems. All radio frequency emitting devices used within plot 16 shall comply with and be operated in accordance with the approved assessment.

6. Prior to commencement of construction of plot 16, an Aviation Perspective Glint and Glare Assessment of the proposed building and any intended solar installations on that

building demonstrating no harmful impact to operations at East Midlands Airport must be submitted to the local planning authority for approval in consultation with the aerodrome safeguarding authority for East Midlands Airport.

7. No reflective materials including solar photovoltaics other than clear or obscure glass must be added to any building within the additional parameters plan without the express consent of the local planning authority in consultation with the aerodrome safeguarding authority for East Midlands Airport.

8. The undertaker must carry out the development shown on the additional parameters plan in accordance with the management strategy for the safeguarding of East Midlands Airport.

9. The undertaker must produce a Bird Management Plan to minimise any bird hazard impact (as envisaged in section 4 of the management strategy for the safeguarding of East Midlands Airport) covering the design, construction and operation of development shown on the additional parameters plan and obtain approval to the Bird Management Plan from the airport operator prior to the submission of any details for approval under requirement 7 (detailed design approval). The approval of the Bird Management Plan must not be unreasonably withheld or delayed. The approved Bird Management Plan must then be complied with at all times

10. The undertaker must not obstruct or in any way interfere with the existing access~~es~~ (including all emergency access ~~and egress~~ routes) to East Midlands Airport, other than in accordance with the carrying out of the development shown on the additional parameters plan, 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 development shown on the additional parameters plan must not be closed until the replacement route is constructed and available for use.

11. Any difference or dispute arising between the undertaker and the aerodrome safeguarding authority for East Midlands Airport under this Schedule must, unless otherwise agreed between the undertaker and the airport operator, be determined by arbitration in accordance with article 41 (arbitration).”

~~(36)~~(37) In the definition of “highway works” in paragraph 2 of Schedule 19 (for the protection of Highways England), after “regulation 6(2) plan” insert—

“, and Works ~~No.~~ 8A as defined by schedule 1 (authorised development) and shown on the additional works plan”

~~(37)~~(38) In the definition of “phase” in paragraph 2 of Schedule 19 (for the protection of Highways England), after “single phase,” insert—

“ and Works No. 8A as defined by schedule 1 (authorised development) are a single phase,”

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 —

- (1) the construction of additional rail served warehouse and ancillary buildings;
- (2) the construction of additional highway infrastructure;
- (3) the provision of additional hard and soft landscaping works; and
- (4) 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.