

Document MCO 3.2

Explanatory Memorandum to Material Change Order

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

EXPLANATORY MEMORANDUM TO MATERIAL CHANGE ORDER (DOCUMENT MCO 3.2)

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1 Introduction

Background

- 1.1 This memorandum accompanies an application (MCO Application) made by SEGRO (EMG) Limited (MCO Applicant) to the Secretary of State for a material change order to The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (SI 2016/17) (the EMG1 DCO). The MCO Application is made pursuant to section 153 and schedule 6 of the Planning Act 2008 (PA 2008).
- 1.2 The EMG1 DCO was made on 12 January 2016 and came into force on 2 February 2016. It authorised a nationally significant infrastructure development being a strategic rail freight interchange (SRFI) comprising a rail freight terminal and warehousing located to the north of East Midlands Airport (EMG1). EMG1 was substantially completed in October 2024.
- 1.3 The MCO Application relates to a second phase of EMG1, known as 'East Midlands Gateway 2', 'EMG2', the 'EMG2 Project' or 'the Proposed Development'.

EMG2 Project

- 1.4 The EMG2 Project comprises three main components:

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 relevant Further Works as described in the draft DCO (Document DCO 3.1) [REP5-008D]. DCO Works Nos. 20 and 21 including relevant Further Works as described in the draft DCO (Document DCO 3.1) [REP5-008D].
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	DCO Works Nos. 6 to 19 including relevant Further Works as described in the draft DCO (Document DCO 3.1) [REP5-008D].

	Bypass/A453 Junction Improvements and Finger Farm Roundabout Improvements.	
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) [REP5-006M].

- 1.5 A more detailed description of the EMG2 Project and its components can be found in Chapter 3 of the Environmental Statement (ES) submitted with the MCO Application (Document DCO 6.3 / MCO 6.3) [[REP3-006](#)]. The components are also shown on the Components Plan (Document DCO 2.7 / MCO 2.7) [[REP4-010](#)].
- 1.6 Two concurrent applications are being made for the three component parts of the EMG2 Project:
- 1.6.1 The first application, the applicant for which is SEGRO Properties Limited, is for a Development Consent Order (the DCO Application) for the DCO Scheme comprising the EMG2 Works component and the Highway Works component.
- 1.6.2 The second application, being the MCO Application, is made by the MCO Applicant for the MCO Scheme comprising the EMG1 Works component.
- 1.7 The strategy for securing consent for the EMG2 Project is more fully described in the related Guide to the Application (Documents DCO 1.3 / MCO 1.3) [[APP-005D](#) / [APP-009M](#)].

MCO Applicant

- 1.8 The MCO Applicant, SEGRO (EMG) Limited (Company number 07567544) of 1 New Burlington Place London W1S 2HR, is a subsidiary of SEGRO PLC, a UK Real Estate Investment Trust (REIT) and a FTSE 100 company. It is also the owner and operator of EMG1. SEGRO (EMG) Limited is the new name for Roxhill (Kegworth) Limited¹.
- 1.9 The EMG1 DCO identified Roxhill (Kegworth) Limited as an 'undertaker' being the entity granted the benefit of the EMG1 DCO². The MCO Applicant is therefore entitled to make the MCO Application pursuant to paragraph 3(4) of Schedule 6 of the PA 2008 being both an applicant for the EMG1 DCO (paragraph 3(4)(a) of Schedule 6) and a person with an interest in the land with the benefit of the EMG1 DCO (paragraph 3(4)(b) of Schedule 6).

MCO Application

¹ Formally changed at Companies House on 25 May 2017.

² See article 2(1) of the EMG1 DCO.

- 1.10 The MCO Application is made pursuant to paragraph 3(1) of Schedule 6 to the PA 2008 and the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (2011 Regulations).
- 1.11 Regard has been had to the guidance entitled 'Planning Act 2008: guidance on changes to Development Consent Orders' (December 2015) in preparing the MCO Application.
- 1.12 The MCO Application seeks an MCO for consent for the MCO Scheme comprising the EMG1 Works including additional warehousing development at EMG1 (known as Plot 16) together with alterations to the permitted height of gantry cranes within the SRFI (by 4 metres to 24 metres overall), an expansion of the management suite, enhancements to the public transport interchange by the installation of EV charging infrastructure and provision of a drop-off layby and provision of a signalised pedestrian crossing over the EMG1 exit road approach to the access junction to EMG1 (EMG1 Pedestrian Crossing).
- 1.13 EMG1 was substantially completed in October 2024, less than 4 years ago, and the Secretary of State therefore has the power to make a change to the EMG1 DCO pursuant to paragraph 5(2) of Schedule 6 of the PA 2008.

2 Purpose of the MCO

- 2.1 This memorandum is submitted with the MCO Application in accordance with regulation 16(2)(e) of the 2011 Regulations and relates to the draft MCO (**Document MCO 3.1**) [\[REP5-006M\]](#) submitted with the MCO Application.
- 2.2 Since the EMG1 DCO came into force in February 2016, the MCO Applicant has worked hard to ensure that EMG1 is delivered effectively and efficiently, and it is now substantially complete and operational. The MCO Applicant is seeking consent for a material change to the EMG1 DCO for the MCO Scheme.

MCO Scheme

- 2.3 The MCO Scheme comprising the EMG1 Works are defined in the draft MCO (**Document MCO 3.1**) [\[REP5-006M\]](#) and shown on the Works Plan (**Document MCO 2.3**) [\[APP-016M\]](#) accompanying the MCO Application.
- 2.4 In brief, the MCO Scheme comprises:
- 2.4.1 Construction of a new rail-served warehouse building on land adjacent to the rail-freight terminal referred to as Plot 16 (MCO, Works No. 3A) together with associated access and drainage (MCO, Works No. 5A) and landscaping (MCO, Works No. 6A);
 - 2.4.2 Alterations to the maximum permitted height of gantry cranes at the rail freight interchange by 4 metres, to 24 metres overall;
 - 2.4.3 An expansion of the EMG1 management suite by the EMG1 site entrance to cater for the additional demand on management facilities resulting from EMG1 (MCO, Works No. 3B);
 - 2.4.4 Enhancements to the public transport interchange by way of the installation of EV charging infrastructure for buses and provision of a drop-off layby adjacent to the transport hub (MCO, Works No. 5B and 5C); and
 - 2.4.5 Provision of the EMG1 Pedestrian Crossing (MCO, Works No. 8A).
- 2.5 A more detailed description of the MCO Scheme can be found in Chapter 3 of the ES (**Document MCO 6.3**) [\[REP3-006\]](#).

Proposed changes to EMG1 DCO

- 2.6 To secure consent for the MCO Scheme, the MCO Application accordingly seeks to:
- 2.6.1 Add new works to the scope of the works already consented by the EMG1 DCO; and
 - 2.6.2 Alter the existing consent in the EMG1 DCO in respect of the maximum permitted height of the gantry cranes at the SRFI to provide additional operational efficiency to the rail terminal within the SRFI.
- 2.7 The plans submitted with the MCO Application include:

Uncertified Plans

- 2.7.1 **Location Plan (Order Limits) (Document MCO 2.1)** [\[APP-059M\]](#) enabling the identification of the land affected by the MCO Application, the administrative boundaries and the context of the EMG1 DCO;
- 2.7.2 **Illustrative Landscape Masterplan (Document MCO 2.6)** [\[REP2-006M\]](#), provided to assist in demonstrating a form of development which would comply with the parameters which have been assessed (as shown on the additional parameters plan described in paragraph 2.7.6 below). It identifies simply one way in which a development may come forward in conformity with the additional parameters plan; and
- 2.7.3 **Components Plan (Document MCO 2.7)** [\[REP4-010\]](#) identifying the various components of the EMG2 Project to show how the EMG1 Works fit within the wider EMG2 Project.

Plans proposed to be submitted for certification

- 2.7.4 **Works Plan (Document MCO 2.3)** [\[APP-016M\]](#) identifying the additional works which are referred to in the draft MCO (**Document MCO 3.1**) [\[REP5-006M\]](#) and, where appropriate, to show limits of deviation. This plan is referred to as the 'additional works plan' in the draft MCO (**Document MCO 3.1**) [\[REP5-006M\]](#);
 - 2.7.5 **Access and Rights of Way Plan (Document MCO 2.4)** [\[APP-062M\]](#) which identifies the diversion of a public footpath. This plan is referred to as the 'additional access and rights of way plan' in the draft MCO (**Document MCO 3.1**) [\[REP5-006M\]](#);
 - 2.7.6 **Parameters Plan (Document MCO 2.5)** [\[REP1-013M\]](#) which identifies the parameters with which the MCO Scheme must comply. The parameters plan is the plan upon which the environmental assessment reflected in the ES which has been submitted with the MCO Application (**Document MCO 6.1 – 6.23**). This plan is referred to as the 'additional parameters plan' in the draft MCO (**Document MCO 3.1**) [\[REP5-006M\]](#);
 - 2.7.7 **Highway Plan (Document MCO 2.8)** [\[APP-065M\]](#) illustrating the EMG1 Pedestrian Crossing (MCO, Works No. 8A). This plan is referred to as the 'additional highway plan' in the draft MCO (**Document MCO 3.1**) [\[REP5-006M\]](#).
- 2.8 The Parameters Plan (**Document MCO 2.5**) [\[REP1-013M\]](#) identifies the parameters which apply to the MCO Scheme. These include the maximum overall floorspace to be constructed, the building height range and the green infrastructure to be provided. These provide the “Rochdale Envelope” for the purposes of the environmental assessment of the proposed development. This is in line with Advice Note 9 “Rochdale Envelope” (July 2018).
- 2.9 The control of development is consequently secured by reference to:
- 2.9.1 Article 4 (parameters of authorised development) of the EMG1 DCO which will apply to the MCO Scheme;
 - 2.9.2 The description of the works in schedule 1 of the EMG1 DCO as proposed to be amended by the draft MCO (**Document MCO 3.1**) [\[REP5-006M\]](#);

- 2.9.3 The requirements in schedule 2 of the EMG1 DCO as proposed to be amended by the draft MCO (**Document MCO 3.1**) [[REP5-006M](#)]; and
- 2.9.4 The parameters and limits of deviation shown on the plans identified in paragraph 2.7 above.
- 2.10 Additional details in accordance with those shown on the Parameters Plan, including, for example, the precise location and height of buildings within Plot 16, the detailed landscaping scheme for the MCO Scheme and ecological mitigation details, are to be approved following the grant of the MCO and following the submission of details to the local planning authority pursuant to the requirements contained in schedule 2 of the EMG1 DCO as proposed to be amended.
- 2.11 In the case of the works to the public highway, the detailed working drawings of the works involved will be governed by schedules 19 (for the protection of National Highways) and 20 (for the protection of Leicestershire County Council as highway authority) of the EMG1 DCO as appropriate.

3 Draft MCO

- 3.1 The purpose and effect of the provisions of the draft MCO (**Document MCO 3.1**) [[REP5-006M](#)] are explained in sequence below.

Article 1 (Citation and commencement)

- 3.2 This article provides for citation and commencement of the MCO.

Article 2 (Amendment of the East Midlands Gateway Rail Freight Interchange and Highway Order 2016)

- 3.3 Paragraph (1) states that the amendments set out in the following paragraphs will be made to the EMG1 DCO.

Article 2 (interpretation) of the EMG1 DCO

- 3.4 Paragraph (2) makes changes to Article 2 (interpretation) of the EMG1 DCO to insert new definitions of:

3.4.1 "additional works plan" (**Document MCO 2.3**) [[APP-061M](#)];

3.4.2 "additional highway plan" (**Document MCO 2.8**) [[APP-065M](#)];

3.4.3 "additional parameters plan" (**Document MCO 2.5**) [[REP1-013M](#)];

3.4.4 "additional access and rights of way plan" (**Document MCO 2.4**) [[APP-062M](#)];

3.4.5 "additional environmental statement" (**Document MCO 6.1 – 6.23**);

3.4.6 "design approach document" (**Document MCO 5.3**) [[REP2-022](#) and [REP2-024](#)];

3.4.7 "plot 16"; and

3.4.8 "2010 Act".

- 3.5 Paragraph (3) makes changes to Article 2 (interpretation) of the EMG1 DCO to change the definition of "highway works" to insert reference to Work Nos. 8A, being the proposed new EMG1 Pedestrian Crossing.

- 3.6 Paragraph (4) makes changes to Article 2 (interpretation) of the EMG1 DCO to change the definition of "main site" to insert reference to the new works which comprise the MCO Scheme.

- 3.7 The amendments to Article 2 of the EMG1 DCO are necessary to update existing definitions and insert new definitions into the EMG1 DCO to accommodate delivery of the MCO Scheme.

Article 4 (parameters of authorised development) of the EMG1 DCO

- 3.8 Paragraph (5) makes changes to Article 4 (parameters of authorised development) of the EMG1 DCO to include reference to the additional parameters plan. The additional parameters plan regulates the maximum floorspace, finished floor level and height of plot 16 and the extension to the existing management suite. The parameters plan also sets the maximum gantry crane height. It is necessary to update Article 4 of the EMG1

DCO to incorporate these additional parameters to regulate the maximum amount of additional development to be permitted pursuant to the MCO Application.

Article 5 (authorisation of use) of the EMG1 DCO

- 3.9 Paragraph (6) makes changes to Article 5 (authorisation of use) of the EMG1 DCO to include reference to the new works which comprise the MCO Scheme. This change ensures that the additional development to be permitted by the MCO Application operates as part of EMG1 and within its lawful use as a rail freight terminal with additional warehousing at plot 16 and development ancillary to those purposes, such as the increase to the gantry crane heights and extension of the existing management suite.

Article 12 (public rights of way – creation, diversion and stopping up) of the EMG1 DCO

- 3.10 Paragraph (7) makes changes to Article 12 (public rights of way – creation, diversion and stopping up) of the EMG1 DCO to provide for the diversion of public rights of way as described in Part 4 of Schedule 5 (public rights of way to be created).
- 3.11 Paragraph (8) makes a further change to Article 12 (public rights of way – creation, diversion and stopping up) of the EMG1 DCO to insert a new paragraph (6) to require the undertaker to provide the new diverted public right of way specified in Part 4 of Schedule 5 (public rights of way to be created) by completion of Works No. 3A.
- 3.12 These changes to Article 12 of the EMG1 DCO are necessary to secure the diversion of existing footpath L112 to accommodate plot 16 and ensure timely delivery.

New Article 39A (certification of additional plans etc.) of the EMG1 DCO

- 3.13 Paragraph (9) inserts a new article 39A (certification of additional plans etc.) listing the documents which are to be certified by the Secretary of State following the making of the MCO. This follows the precedent created by article 39 of the EMG1 DCO and ensures the plans regulating the MCO Scheme are added into the EMG1 DCO and certified.

Schedule 1 (authorised development) of the EMG1 DCO

- 3.14 Paragraph (10) makes a change to Schedule 1 (authorised development) of the EMG1 DCO to amend Work No. 2(a)(iii) to permit the gantry cranes and reach stackers to be up to a height of 24 metres as shown on the additional parameters plan.
- 3.15 Paragraph (11) makes a change to Schedule 1 (authorised development) of the EMG1 DCO to insert Works No. 3A and 3B, which permit the construction of plot 16 and the extension to the management suite respectively.
- 3.16 Paragraph (12) makes a change to Schedule 1 (authorised development) of the EMG1 DCO to insert Works No. 5A, 5B and 5C, comprising internal road infrastructure works .
- 3.17 Paragraph (13) makes a change to Schedule 1 (authorised development) of the EMG1 DCO to insert Works No. 6A to deliver hard and soft landscaping works with alterations to public rights of way.
- 3.18 Paragraph (14) makes a change to Schedule 1 (authorised development) of the EMG1 DCO to insert Works No. 8A to provide signalised pedestrian crossings.

- 3.19 Paragraphs (15), (16) and (17) make changes to Part 4 (associated development) of Schedule 1 (authorised development) of the EMG1 DCO to insert reference to the new works.
- 3.20 The changes to the authorised development in Schedule 1 of the EMG1 DCO are necessary to ensure the works required to deliver the MCO Scheme are included in the EMG1 DCO and have development consent.

Schedule 2 (requirements) of the EMG1 DCO

- 3.21 Paragraph (18) makes a change to Schedule 2 (requirements) of the EMG1 DCO to insert a new requirement 5A to provide that Works No. 8A, comprising the EMG1 Pedestrian Crossing, are to be undertaken prior to occupation of plot 16 or such alternative trigger as may be agreed by Highways England (now National Highways) provided such alternative trigger does not give rise to any materially new or materially different significant effects on the environment that have not been assessed. This additional requirement is necessary to secure delivery of the signalized crossings for access from EMG1 to the bus interchange. The requirement directly relates to the proposed development and has a precise trigger by reference to occupation of plot 16 to ensure enforceability.
- 3.22 Paragraph (19) makes a change to Schedule 2 (requirements) of the EMG1 DCO to amend requirement 6(1) so that it does not apply to plot 16. Plot 16 is excluded from the original design and access statement because it has been superseded by the Design Approach Document [APP-220] which supports the MCO Application.
- 3.23 Paragraph (20) makes a change to Schedule 2 (requirements) of the EMG1 DCO to insert a new requirement 6(1A) to provide that plot 16 must be carried out in accordance with the design approach document (**Document MCO 5.3**) [[REP2-022](#) and [REP2-024](#)]. This requirement is directly related to delivery of the proposed MCO Scheme and is necessary to secure the design principles which will inform the final design of the development. The requirement has been drafted to clarify that plot 16 represents its own discrete phase to ensure precision and enforceability.
- 3.24 Paragraph (21) updates requirement 6(2)(f) to require details of electric charging points and car sharing spaces to be provided. This update reflects the increasing move to electric vehicles and a request from the local planning authority.
- 3.25 Paragraph (22) amends requirement 8 (provision of landscaping and ecological mitigation) in Schedule 2 (requirements) of the EMG1 DCO to provide that plot 16 must be carried out in accordance with Chapter 10 and Appendix 10D of the additional environmental statement (**Document MCO 6.10 and MCO 6.10D**) [[AS-041](#) and [AS-048](#)]. It is necessary to update this requirement to ensure that plot 16 is delivered in accordance with the updated landscaping details submitted with the MCO Application. The amended wording carves out plot 16 and precisely identifies the appropriate details in the additional environmental statement to ensure enforceability.
- 3.26 Paragraph (23) amends requirement 10(1) (ecological management plan) in Schedule 2 (requirements) of the EMG1 DCO to provide that plot 16 must be carried out in accordance with the mitigation and enhancement measures included in the additional environmental statement (**Document MCO 6.1 – 6.23**). It is necessary to update this requirement to ensure that plot 16 is delivered in accordance with the updated ecological mitigation identified in the additional environmental statement submitted with the MCO Application. The amended wording precisely identifies plot 16 as a separate phase and confirms the written ecological management plan for plot 16 must adhere to

the ecological mitigation and enhancement measures identified in the additional environmental statement to ensure enforceability.

- 3.27 Paragraph (24) amends requirement 11(1) (construction environmental management plan) in Schedule 2 (requirements) of the EMG1 DCO to provide that the construction environmental management plan (CEMP) for plot 16 must be in accordance with the principles set out in the addendum to the construction management framework plan (**Document MCO 6.3A**). This is to address comments made by the Environment Agency.
- 3.28 Paragraph (25) amends requirement 14(1) (lighting details) in Schedule 2 (requirements) of the EMG1 DCO to provide that plot 16 must be carried out in accordance with the lighting strategy at Appendix 11A of the additional environmental statement (**Document MCO 6.11A**) [[APP-128](#)]. This requirement is directly related to delivery of the proposed MCO Scheme and is necessary to secure the correct lighting strategy applicable to the MCO Scheme as detailed in the additional environmental statement. The requirement has been drafted to clarify that plot 16 represents its own discrete phase to ensure precision and enforceability.
- 3.29 Paragraph (26) provides that requirement 16 (flood risk and surface water drainage) of the EMG1 DCO will be amended so that the original wording of the requirement applies to all the authorised development save for that phase comprising plot 16. A new requirement 16(2) then provides that the phase comprising plot 16 will be undertaken in accordance with the mitigation measures in the Flood Risk Assessment submitted with the additional environmental statement (**Document MCO 6.13G**) [[AS-058](#)]. It is necessary to update this requirement to ensure that plot 16 is delivered in accordance with the updated drainage and flood risk assessment appended to the additional environmental statement submitted with the MCO Application. The amended wording precisely identifies plot 16 as a separate phase and confirms the plot 16 must adhere to the mitigation measures identified in the additional environmental statement to ensure enforceability.
- 3.30 Paragraph (27) amends requirement 17 (flood risk and surface water drainage) in Schedule 2 (requirements) of the EMG1 DCO to provide that plot 16 must be carried out in accordance with the Sustainable Drainage Strategy at Appendix 13J of the additional environmental statement (**Document MCO 6.13J**) [[APP-151](#)]. It is necessary to update this requirement to ensure that plot 16 is delivered in accordance with the updated sustainable drainage statement appended to the additional environmental statement submitted with the MCO Application. The amended wording precisely identifies plot 16 as a separate phase and confirms the plot 16 must adhere to the mitigation measures identified in the additional environmental statement to ensure enforceability. The amended wording also provides for consultation with the Environment Agency.
- 3.31 Paragraphs (28) to (30) update the relevant standards applicable to contaminated land in requirement 24 and mirror the position to be secured in the EMG2 dDCO. This updating was requested by the local planning authority.
- 3.32 Paragraph (31) makes a change to Schedule 2 (requirements) of the EMG1 DCO to insert a new requirement 27 to require an occupier-specific travel plan to be submitted and approved prior to occupation of plot 16. The approved travel plan must then be complied with at all times from first occupation of plot 16, unless use of plot 16 ceases prior to that date, to mirror the approach adopted for the EMG2 Main Site. This requirement is directly related to the occupation and use of plot 16 and is necessary to secure the sustainable transport measures used to assess the impact of the MCO

Scheme. The requirement has been drafted specifically for plot 16 and to secure approval of an occupier travel plan in accordance with the overarching site wide travel plan to ensure precision and enforceability.

- 3.33 Paragraph (32) inserts a new requirement 28 to require electric hook up facilities to be provided for all warehouses to be served by HGVs with chiller units. This requirement mirrors the approach for the EMG2 Main Site and has been requested by the local planning authority.

Schedule 4 (streets to be permanently stopped up) of the EMG1 DCO

- 3.34 Paragraph (33) makes a change to Schedule 4 (streets to be permanently stopped up) of the EMG1 DCO to correct an error in the EMG1 DCO.

Schedule 5 (public rights of way to be stopped up) of the EMG1 DCO

- 3.35 Paragraph (34) makes a change to insert a new Part 4 into Schedule 5 (public rights of way to be stopped up) of the EMG1 DCO. This provides for the part diversion of public footpath L112 which is necessary to accommodate the construction of plot 16.

Schedule 16 (for the protection of the Airport Operator) of the EMG1 DCO

- 3.36 Paragraphs (35) and (36) insert a new part 2 into Schedule 16 (for the protection of the airport operator) to secure updated protective provisions in favour of the operator of East Midlands Airport to reflect changes in standards since the EMG1 DCO was made. The provisions mirror the approach for the EMG2 Main Site and have been requested by the Airport Operator.

Schedule 19 (for the protection of Highways England) of the EMG1 DCO

- 3.37 Paragraphs (37) and (38) make changes to the definitions of "highway works" and "phase" in Schedule 19 (for the protection of Highways England) to include reference to the new works to be provided as part of the MCO Scheme.