

Document DCO 8.2 / MCO 8.2

Statement of Commonality

September~~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 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
1	April 2026	Deadline 2 Submission
2	June 2026	Deadline 4 Submission
3	June 2026 (2)	Deadline 5 Submission
4	July 2026	Deadline 6 Submission
<u>5</u>	<u>September 2026</u>	<u>Deadline 7 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 The Statements of Common Ground were re-formatted and submitted to accord with the Exp's request contained in their Rule 17 letter ([PD-019](#)).
- 1.3 This document is being submitted at Deadline 6 ~~and a final version is expected to be submitted at Deadline 7. This document and~~ is up to date as at **12 noon on 1 September 28 July 2026 (Deadline 67)**.
- 1.4 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.
 - (b)(c) Section 4 identifies the issues referred to in the various SoCG upon which it has not been possible to reach agreement.

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 and a SoCG has been agreed with Litton (Donington) Limited who are the prospective developers of "EM Point" which is land with the benefit of planning permission located immediately to the east of the Finger Farm roundabout.
- ~~2.6~~ A list of the completed and draft SoCG is set out in Table 1 below along with the stage reached. Those that were signed and submitted at Deadline 5 or Deadline 6 have not been resubmitted. Some statements of common ground are not being submitted since they have either not moved on since they were last submitted or have been signed and submitted at a previous deadline. Table 1 identifies those SoCG which are not being submitted at Deadline 76 with an asterix.

Table 1

Doc No.	Party	Status of SoCG	Stage reached
North West Leicestershire Council			
8.3A	Overarching SoCG	Agreed Under discussion	NWL have advised that they will review the latest version of the SoCG upon the return from leave of the relevant officer on 4 August 2026 Signed and submitted at Deadline 7
8.3B	Planning Policy	Under discussion	NWL have advised that they will review the latest version of the SoCG upon the return from leave of the relevant officer on 4 August 2026 Discussions are continuing and it is expected that the final version will be submitted at Deadline 8.
8.3C	Air Quality	Agreed Under discussion	Agreed subject to confirmation from LCC that content with PRTM 2023 model run outcomes. Signed and submitted at Deadline 7
8.3D	Lighting	Agreed	Signed and submitted at Deadline 6
8.3E	Noise	Under discussion Agreed	Agreed subject to confirmation from LCC that content with PRTM 2023 model run outcomes. Signed and submitted at Deadline 7
8.3F	Landscape and Visual*	Agreed	Signed and submitted at Deadline 6
8.3G	Built Heritage*	Agreed	Signed and submitted at Deadline 6
Leicestershire County Council			
8.4A	Overarching SoCG	Agreed Under discussion	No progress made since Deadline 4 as awaiting progress on technical

			<u>SoCGs. Signed and submitted at Deadline 7</u>
8.4B	Highways	<u>Agreed</u> Under discussion	Latest version submitted with some matters outstanding <u>Signed and submitted at Deadline 7</u>
8.4C	Archaeology*	Agreed	Signed and submitted at Deadline 6
8.4D	Ecology*	Agreed	Signed and submitted at Deadline 6
8.4E	Population & Health	<u>Agreed</u> Under discussion	Latest version submitted with some matters outstanding. A response is awaited from LCC. <u>Signed and submitted at Deadline 7.</u>
8.4F	Materials and Waste	Agreed	Agreed version submitted. All matters agreed subject to outstanding SWMMP (which LCC have now agreed) being submitted at D6. <u>Signed and submitted at Deadline 7.</u>
8.4G	Flood Risk and Drainage	Agreed	<u>Signed and submitted at Deadline 7</u> Agreed and awaiting LCC signature
Others			
8.5	National Highways	<u>Agreed</u> Under discussion	Agreed apart from ongoing discussion on protective provisions. <u>Signed and submitted at Deadline 7</u>
8.6	Nottinghamshire County Council*	Agreed	Signed and submitted at Deadline 5
8.7	Natural England	Under discussion <u>Agreed</u>	Mostly agreed, ongoing discussions to finalise few outstanding issues. <u>Signed and submitted at Deadline 7</u>
8.8	Historic England*	Agreed	Signed and submitted at Deadline 5

8.9	Forestry Commission*	Agreed	Signed and submitted at Deadline 5
8.10	Environment Agency	<u>Agreed Under discussion</u>	<u>Resolved tension between EA desired format of SoCG and R17 letter. Discussions now focussing on content which is now mostly resolved with only a few outstanding points. Agreed subject to submission of agreed revised CEMP and WFD at Deadline 7 following which the agreed and signed SoCG will be submitted at Deadline 8</u>
8.11	East Midlands Airport	Under discussion	<u>The SoCG being submitted is the Applicant's response to the version submitted at Deadline 5 which was sent to EMA on 21 July 2026. No response has yet been received. The SoCG being submitted at Deadline 7 is the response sent by the Applicant to EMA on 25 August, responding to a draft returned by EMA on 14 August 2026 which was responding to a draft sent by the Applicant to EMA on 21 July. No response has as yet been received to the draft sent to EMA on 25 August.</u>
8.12	EMA and Prologis	Under discussion	<u>The On 28th August 2026 the Applicant received a response from Prologis and EMA to the draft SoCG latest version of the SoCG was sent by the Applicant to EMA and Prologis on 30 June 2026 which and was submitted at Deadline 5. No response has yet been received. Significant new text was introduced by Prologis/EMA and this left the Applicant half a working day before Deadline 7 in which to consider the draft. Notwithstanding, a draft was returned to Prologis/EMA on 31 August which is the</u>

			<u>version being submitted at Deadline 7.</u>
<u>8.13</u>	<u>Litton (Donington)</u> <u>Limited</u>	<u>Agreed</u>	<u>Agreed but not yet signed.</u> <u>Expected to be submitted at Deadline 8.</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:

	SoCG agreed
	SoCG under discussion

- 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	<u>Compatible Development</u>
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																		
<u>Litton (Donnington) Ltd</u>	<u>8.13</u>																		

4 Areas of Disagreement

4.1 Table 3 below identifies any areas of disagreement which remain following completion of the SoCG

4.2 One particular issue upon which agreement has not been reached with LCC (concerning the PRTM 2023 assessment and whether or not mitigation is required in Kegworth) has prevented agreement being reached with LCC in several of the LCC SoCG. This issue is addressed by the Applicant in the LCC Highways SoCG and specifically in the document titled PRTM 2023 Sensitivity – Kegworth and Castle Donington submitte at Deadline 6 (REP6-045D) and a consolidated note submitted at Deadline 6A (REP6A-002D).

4.3 Those documents explain that, based on more detailed VISSIM modelling, there is no basis for the concerns expressed by LCC and there is therefore no justification for mitigation at Kegworth nor a monitor and manage requirement. They further explain that there are no implications for the assessment of Air Quality and Noise and Population and Human Health. Whilst this is a single issue it has prevented full agreement being reached in the LCC Overarching, Highway and Population and Health SoCG. Where this issue has prevented agreement being reached the table below identifies this by reference to the “Kegworth issue”.

4.4 Following the submission at Deadline 6 of the Consolidated Note (REP6A-002D) NWLDC has confirmed that they agree that there are no implications for air quality and noise resulting from the PRTM 2023 Sensitivity modelling.

Table 3

<u>Doc No.</u>	<u>Party</u>	<u>Areas of Disagreement</u>
<u>North West Leicestershire Council</u>		
<u>8.3A</u>	<u>Overarching SoCG</u>	<u>None</u>
<u>8.3B</u>	<u>Planning Policy</u>	<u>Discussions still in progress</u>
<u>8.3C</u>	<u>Air Quality</u>	<u>None</u>
<u>8.3D</u>	<u>Lighting</u>	<u>None</u>
<u>8.3E</u>	<u>Noise</u>	<u>None</u>

<u>8.3F</u>	<u>Landscape and Visual</u>	<u>None</u>
<u>8.3G</u>	<u>Built Heritage</u>	<u>Diseworth Conservation Area - The Applicant assesses the harm to be at the low level of less than substantial. NWLDC assess the harm to be at a moderate level of less than substantial.</u>
<u>Leicestershire County Council</u>		
<u>8.4A</u>	<u>Overarching SoCG</u>	<u>Kegworth Issue</u> <u>Disapplication of Acts</u> <u>Safeguarding of A453 frontage</u>
<u>8.4B</u>	<u>Highways</u>	<u>Kegworth Issue</u> <u>Safeguarding of A453 frontage</u>
<u>8.4C</u>	<u>Archaeology</u>	<u>None</u>
<u>8.4D</u>	<u>Ecology</u>	<u>None</u>
<u>8.4E</u>	<u>Population & Health</u>	<u>Kegworth Issue- which has prevented Study Areas, HIA, Air Quality impacts, Noise impacts, Impacts on Vulnerable Groups, Cumulative Impact Assessment and Mitigation being agreed</u>
<u>8.4F</u>	<u>Materials and Waste</u>	<u>None</u>
<u>8.4G</u>	<u>Flood Risk and Drainage</u>	<u>None</u>
<u>Others</u>		
<u>8.5</u>	<u>National Highways</u>	<u>None</u>
<u>8.6</u>	<u>Nottinghamshire County Council*</u>	<u>None</u>
<u>8.7</u>	<u>Natural England</u>	<u>None</u>
<u>8.8</u>	<u>Historic England</u>	<u>Diseworth Conservation Area - The Applicant assesses the harm to Diseworth Conservation Area to be at the low level of less than substantial. HE assesses the harm to be at a moderate level of less than substantial.</u> <u>Church of St Michael and All Angels - The Applicant assesses that there will be a medium level of less than substantial harm to the architectural and historic significance of the Church of St Michael and All Angels. HE state</u>

		<u>there would be an “EIA significant effect” but do not confirm the extent of effect.</u> <u>Church of St Mary and St Hardulph - The Applicant assesses that there will be no impact on the significance of the asset. HE assesses the impacts to be “at a low level”.</u>
<u>8.9</u>	<u>Forestry Commission</u>	<u>None</u>
<u>8.10</u>	<u>Environment Agency</u>	<u>None</u>
<u>8.11</u>	<u>East Midlands Airport</u>	<u>Discussions still in progress</u>
<u>8.12</u>	<u>EMA and Prologis</u>	<u>Discussions still in progress</u>
<u>8.13</u>	<u>Litton (Donington) Limited</u>	<u>There is agreement that both parties should work together however whilst SEGRO are content to commit to not prejudicing the EM Point development that commitment is not reciprocated by Litton which is why it is therefore registered as a disagreement. Notwithstanding it is clear that this will not affect the delivery of either development.</u>