

Document DCO 8.2 / MCO 8.2

Statement of Commonality

September 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
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
5	September 2026	Deadline 7 Submission
<u>6</u>	<u>September 2026 (2)</u>	<u>Deadline 8 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 ~~78~~ and is up to date as at **12 noon on 49 September 2026 (Deadline 78)**.
- 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.
 - (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.

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 Deadlines 5, 6 or ~~Deadline 67~~ have not been resubmitted. No progress has been made on the EMA and EMA/Prologis SoCG so they remain unchanged from Deadline 7 and are not being resubmitted. Table 1 identifies those SoCG which are not being submitted at Deadline ~~87~~ with an asterix.

Table 1

Doc No.	Party	Status of SoCG	Stage reached
North West Leicestershire Council			
8.3A	Overarching SoCG*	Agreed	Signed and submitted at Deadline 7
8.3B	Planning Policy	Under discussion	Discussions are continuing and it is expected that the final version will be submitted at Deadline 8. <u>Signed and submitted at Deadline 8</u>
8.3C	Air Quality*	Agreed	Signed and submitted at Deadline 7
8.3D	Lighting*	Agreed	Signed and submitted at Deadline 6
8.3E	Noise*	Agreed	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	Signed and submitted at Deadline 7
8.4B	Highways*	Agreed	Signed and submitted at Deadline 7
8.4C	Archaeology*	Agreed	Signed and submitted at Deadline 6
8.4D	Ecology*	Agreed	Signed and submitted at Deadline 6
8.4E	Population & Health*	Agreed	Signed and submitted at Deadline 7
8.4F	Materials and Waste*	Agreed	Signed and submitted at Deadline 7

8.4G	Flood Risk and Drainage*	Agreed	Signed and submitted at Deadline 7
Others			
8.5	National Highways*	Agreed	Signed and submitted at Deadline 7
8.6	Nottinghamshire County Council*	Agreed	Signed and submitted at Deadline 5
8.7	Natural England*	Agreed	Signed and submitted at Deadline 7
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	Agreed	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>Signed and submitted at Deadline 8</u>
8.11	East Midlands Airport*	Under discussion <u>Not Agreed</u>	The SoCG being submitted at Deadline 7 <u>was</u> 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>The document submitted at Deadline 7 therefore remains the latest draft.</u>
8.12	EMA and Prologis*	Under discussion	On 28 th August 2026 the Applicant received a response from Prologis and EMA to the draft SoCG sent by the Applicant to EMA and Prologis on 30 June 2026 which was submitted at Deadline 5. 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 was the version being submitted at Deadline 7. <u>No response has been received to the draft sent to Prologis and EMA on 31 August. The document submitted at Deadline 7 therefore remains the latest draft.</u>
8.13	Litton Limited (Donington)	Agreed	Agreed but not yet signed. Expected to be submitted at Deadline 8. <u>Signed and 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
	<u>SoCG not agreed</u>

- 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	Compatible Development
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																		
Litton (Donnington) Ltd	8.13																		

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 and Castle Donington) 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 submitted 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 at either Kegworth or Castle Donington. 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 SoCG, Highway SoCG 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

Doc No.	Party	Areas of Disagreement
North West Leicestershire Council		
8.3A	Overarching SoCG	None
8.3B	Planning Policy	Discussions still in progress <u>Adequacy of detailed wording of the DAD</u> <u>Safeguarding of A453 frontage</u> <u>Compliance with Local Plan policy Ec2(2)</u>
8.3C	Air Quality	None
8.3D	Lighting	None
8.3E	Noise	None
8.3F	Landscape and Visual	None

8.3G	Built Heritage	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.
Leicestershire County Council		
8.4A	Overarching SoCG	Kegworth Issue Disapplication of Acts Safeguarding of A453 frontage
8.4B	Highways	Kegworth Issue Safeguarding of A453 frontage
8.4C	Archaeology	None
8.4D	Ecology	None
8.4E	Population & Health	Kegworth Issue- which has prevented Study Areas, HIA, Air Quality impacts, Noise impacts, Impacts on Vulnerable Groups, Cumulative Impact Assessment and Mitigation being agreed
8.4F	Materials and Waste	None
8.4G	Flood Risk and Drainage	None
Others		
8.5	National Highways	None
8.6	Nottinghamshire County Council*	None
8.7	Natural England	None
8.8	Historic England	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. 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 there would be an "EIA significant effect" but do not confirm the extent of effect.

		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”.
8.9	Forestry Commission	None
8.10	Environment Agency	None
8.11	East Midlands Airport	Discussions still in progress <u>SoCG itself not agreed.</u> <u>Disagreement on:</u> <u>Active Travel Link</u> <u>Protective Provisions</u> <u>Emergency Access</u> <u>Surface Access</u>
8.12	EMA and Prologis	Discussions still in progress <u>SoCG itself not agreed.</u> <u>Disagreement on:</u> <u>History of Land Acquisition</u> <u>Aspects of the Joint Application</u> <u>Compelling case for CA</u> <u>Reasonable Alternatives</u> <u>History and nature of negotiations</u> <u>Compatibility of access arrangements</u> <u>J24 highway works</u> <u>Mitigation for Southern Land</u> <u>Mechanism for the delivery of the entire Freeport site</u> <u>Amount of Freeport benefits</u> <u>Viability evidence</u> <u>Viability of DCO scheme</u> <u>Viability of Joint Application</u> <u>Viability of Southern Land</u>

		S.35 Direction S.104/s.105 split Adequacy of Environmental Statement
8.13	Litton (Donington) Limited	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.