

Document DCO 5.2 / MCO 5.2

Consents and licences required under other legislation

July 2025

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

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1 Background

- 1.1 This statement accompanies the applications made by SEGRO Properties Limited and SEGRO (EMG) Limited (referred to as 'SEGRO' or 'the Applicants') relating to a second phase at East Midlands Gateway Logistics Park ('EMG1').
- 1.2 EMG1 is a nationally significant infrastructure development comprising a rail freight terminal and warehousing. It was authorised by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (SI 2016/17) ('the EMG1 DCO') and is substantially complete.
- 1.3 This second phase is referred to as 'East Midlands Gateway 2' or 'EMG2' or the 'EMG2 Project'. In brief it comprises three main components:

Main Component	Details	Works Nos.
DCO Application / 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.	DCO Works Nos. 1 to 5 as described in the draft DCO.
	Together with an upgrade to the EMG1 substation and provision of a community park.	DCO Works Nos. 20 and 21 as described in the draft DCO.
Highway Works	Works to the highway network: the A453 EMG2 access junction works; significant improvements at Junction 24 of the M1 (referred to as the J24 Improvements) and works to the wider highway network including active travel works.	DCO Works Nos. 6 to 19 as described in the draft DCO.
MCO Application / 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 access works.	MCO Works Nos. 3A, 3B, 5A, 5B, 5C, 6A and 8A in the draft MCO.

- 1.4 A more detailed description of the EMG2 Project and its components can be found in Chapter 2 of the Environmental Statement submitted with the applications (**Document DCO 6.2 / MCO 6.2**).
- 1.5 The Applicants have made two concurrent applications for the three component parts of the EMG2 Project.
- 1.6 The first application, the applicant for which is SEGRO Properties Limited, is for a Development Consent Order (referred to as the DCO Application) for the EMG2 Works component and the Highway Works component. The DCO Application is made pursuant to section 37 of Part 5 of the Planning Act 2008 (PA 2008) in accordance with the direction made by the Secretary of State under section 35 of the PA 2008 and dated 21 February 2024 (**Appendix 1B to Document DCO 6.1B / MCO 6.1B**).

- 1.7 The second application, the applicant for which is SEGRO (EMG) Limited, is for a Material Change Order to the existing EMG1 DCO (referred to as the MCO Application) for the EMG1 Works component. The MCO Application is made pursuant to section 153 and schedule 6 of the PA 2008.

2 Purpose of this statement

- 2.1 This statement has been prepared:

2.1.1 In the case of the DCO Application, pursuant to the requirements of Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('2009 Regulations') which permits the submission of "*any other documents considered necessary to support the application*"; and

2.1.2 In the case of the MCO Application, pursuant to Regulation 16(2)(j) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 ('2011 Regulations') which permits the submission of "*any documents and plans considered necessary to support the application*".

- 2.2 This statement has been prepared to identify the consents, agreements and licences that may be required under other legislation in addition to the DCO and MCO, and should be read alongside the other application documents, in particular the Environmental Statement ('ES') (**Document DCO 6.1-6.23 / MCO 6.1-6.23**).

3 Consents Strategy

- 3.1 The basis of the Applicants' consents strategy is that:

3.1.1 A DCO must be sought as the principal consent for the works (under the PA 2008) and to provide the necessary land acquisition and temporary possession powers to deliver those works;

3.1.2 The intent of the PA 2008 and Government policy is to enable development and construction related consents to be included within the DCO. Therefore, where possible and practicable, any necessary consents have been included within the DCO;

3.1.3 The EMG2 Project benefits from the intent of the PA 2008 and Government policy as most of the consents required for the construction of the proposed development will be in place at the point of the making of the DCO. This minimises the need for any further approvals before the works authorised by the DCO can commence; and

3.1.4 The EMG2 Project has and will be developed based on strong collaboration between key stakeholders, and any additional consents and agreements are expected to be secured at key stages of the development as necessary. The progress on these items will be reported to the Examining Authority, with a summary of the current situation reported in Appendix A of this Statement.

4 Consents and Agreements

DCO Consents

- 4.1 The principal consent for the EMG2 Works and the Highways Works will be a DCO. The DCO provides development consent for the works and enables land acquisition and temporary possession of land, along with other consents and powers.

- 4.2 The DCO Application may however need to be supplemented by other consents and agreements because:

- 4.2.1 A specific consent cannot be contained in the DCO;
 - 4.2.2 A consenting authority declines to allow a consent to be contained within the DCO; or
 - 4.2.3 It is not desirable, or appropriate to include a consent within the DCO due to the stage of design development and /or because the detail required is not yet available.
- 4.3 At this point of the DCO Application (submission of the application), the majority of consents and all the powers required have been included, or addressed, within the DCO as permitted by the relevant provisions of the PA 2008. These fall into the following categories:
- 4.3.1 Authorisation of all permanent and temporary works;
 - 4.3.2 Compulsory acquisition of land and / or rights over land such as easements, restrictive covenants and the temporary possession of land;
 - 4.3.3 Consent to carry out street works and to stop up highways permanently or temporarily;
 - 4.3.4 Highways matters (such as designating and classifying types of highway);
 - 4.3.5 Traffic regulation matters (such as speed limits, clearways and restrictions on use);
 - 4.3.6 Consent to stop and divert public rights of way;
 - 4.3.7 Consent to stop up and re-provide private means of access;
 - 4.3.8 Consent to carry out tree works (including works to trees subject to a Tree Preservation Order);
 - 4.3.9 Consent to remove hedgerows (including any 'important hedgerows');
 - 4.3.10 Consent to carry out any required utility diversions (subject to protective provisions); and
 - 4.3.11 Consent for the discharge of water.
- 4.4 The consents and agreements that may need to be sought separately from the DCO are identified in Appendix A of this Statement.
- 4.5 Appendix A does not contain an exhaustive list of all other consents and agreements that may be required. It is instead largely dependent on the final detailed design, the detailed construction site set up and methodologies, and discussions with the consenting authorities from whom consents may be required. These are not sufficiently developed at this stage to confirm their requirements and therefore it is not practicable to include them within the DCO.

MCO Consents

- 4.6 The principal consent for the EMG1 Works will be the Material Change Order (MCO) which amends the extant EMG1 DCO. The MCO provides development consent for the works but no land acquisition powers are required and at this time no other consents and powers outside of the MCO are anticipated to be required. This position will be kept under review and updated should the need for additional consents be identified.

DCO Agreements

- 4.7 Agreements with relevant stakeholders may be required in parallel to the DCO process and may take a variety of forms.

4.8 A fundamental part of the DCO process is the preparation and agreement of Statements of Common Ground (“SoCG”) with a variety of relevant stakeholders to identify the matters on which parties agree and disagree, to narrow the focus for examining the application concerned and to make the examination process more efficient. These have been and will be progressed by the Applicants working with stakeholders and include:

4.8.1 North West Leicestershire District Council

4.8.2 Leicestershire County Council

4.8.3 National Highways

4.8.4 Natural England

4.8.5 Environment Agency

4.8.6 Historic England

4.8.7 East Midlands Airport

4.9 Progress on finalising any SoCG or other forms of agreement, along with updated / final documents, will be reported to the Examining Authority as part of the Examination process.

MCO Agreements

4.10 The agreements listed in the DCO section above are expected to extend to and encompass, as appropriate, the MCO Application. Where areas of agreement or disagreement relate specifically to the MCO or DCO only, this will be clearly identified in each SoCG.

Appendix A: Consents and Agreements Table

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
Ecology - Invasive Non Native Species	<p>Agreement to use herbicides in or near water.</p> <p><i>Food and Environment Protection Act 1985</i></p> <p><i>Control of Pesticides Regulations 1986, as amended</i></p>	Environment Agency	Use of herbicides within 8m of a watercourse (e.g. if Himalayan Balsam is found at a culvert location and requires to be sprayed).	Not required at this stage but to be discussed with the Environment Agency if required at a later stage.
Materials & Waste	<p>Waste exemptions for operations such as U1 (import of waste for use in construction) and T15 (crushing of aerosols to minimise hazardous waste) (if exemption limits can be met)</p> <p><i>Environmental Permitting (England and Wales) Regulations 2016</i></p> <p><i>Pollution Prevention and Control Act 1999</i></p>	Environment Agency	A waste exemption may be required for the storage, treatment, use or disposal of limited quantities and types of material during construction of the proposed scheme. This will be dependent on the nature of the activities taking place during the construction phase. Whilst an exemption is provided for temporary storage of waste at the place of production (Non Waste Framework Directive (NWFD) exemption NWFD 2), this does not need to be registered with the Environment Agency. Though all limits and conditions must still be complied with.	Post consent, if required exemptions will be registered online prior to construction activities.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
Materials & Waste / Emissions to Air	<p>Environmental Permit – Part B Local Authority Pollution Prevention and Control</p> <p><i>Local Authority Pollution Prevention and Control I Act, 1999</i></p> <p><i>Environmental Permitting (England and Wales) Regulations 2016</i></p>	Local Authority	A Part B Local Authority Environmental Permit is required from the Local Authority to operate mobile plant for crushing, grinding, screening, grading or mixing, with machinery designed for that purpose of: bricks, tile or concrete or any designated mineral. This applies where demolition material is screened by machine prior to crushing, and to any other pre-treatment activity and the screening of the product.	Post consent, discussions will take place with the Local Authority and subcontractors if it is deemed crushing or screening activities are required. This will be well in advance of construction works.
Materials & Waste	<p>Environmental Permit - Mobile Treatment Plant Permit and Deployment</p> <p><i>Environmental Permitting (England and Wales) Regulations 2016</i></p> <p><i>Pollution Prevention and Control Act 1999</i></p>	Environment Agency	A mobile plant permit for crushing operations or site permits will be required if not using a subcontractor with their own mobile licences	Post consent, discussions will take place with the Environment Agency in advance of construction works requiring crushing and mobile plant permits to determine the need for these permits.
Materials & Waste	<p>Environmental Permit - Waste operation</p> <p><i>Environmental Permitting (England and Wales) Regulations 2016</i></p>	Environment Agency	A Standard Rules or Bespoke Environmental Permit may be required for the storage, segregation, treatment, use, recovery or disposal of waste where not already authorised, agreement will be sought for a regulatory position statement or low risk waste position	Post consent, discussions will take place with the Environment Agency in advance of construction works resulting in the use, storage, segregation, treatment or disposal of waste to determine the need for these permits.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<i>Pollution Prevention and Control Act 1999</i>			
Materials & Waste	Materials Management Plan and/or Earthworks Plan	CL:aire Qualified Person Environment Agency	<p>Use of excavated materials within the proposed scheme will be undertaken in accordance with the principles of the Contaminated Land: Applications in Real Environments (CL:AIRE) (2011). The Definition of Waste: Development Industry Code of Practice (DoWCoP) Version 2.</p> <p>Imported materials must be demonstrated to be non-waste and suitable for use without posing a risk to human health or the environment. This will be evidenced through appropriate documentation, such as chemical testing results, source history, and supplier certifications.</p> <p>A Material Management Plan (MMP) and/or earthworks plan will cover the reuse of uncontaminated soil and other materials excavated during the works for earthworks within the Order Limits.</p> <p>CL:AIRE (2011) DoWCoP should be used for reuse of any soils which contain contamination (i.e. non-natural concentrations) that needs treatment or use of waste from the EMG2 Project on another nearby site. If excavated spoil</p>	<p>The EMG2 Project includes reuse of uncontaminated soils within the scheme. In addition to the reuse of site-won materials, the EMG2 Project may include the import of clean, uncontaminated fill or aggregate materials to supplement on-site resources where necessary. The importation of materials will comply with relevant waste classification, tracking, and verification requirements.</p> <p>Post consent, the Applicant will engage with the Environment Agency to confirm that the MMP is acceptable for the proposed earthworks and that all procedural requirements under DoWCoP have been satisfied. This includes providing evidence that both site-won and imported materials have been appropriately assessed, managed, and recorded to ensure environmental compliance and alignment with sustainable materials use principles.</p>

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
			cannot meet DoWCoP criteria and is retained on-site, this may be classed as a waste recovery activity requiring a bespoke environmental permit.	
Noise and vibration during the construction stage	Section 61 consent if proposed by the contractor. <i>Section 61 of the Control of Pollution Act 1974</i>	North West Leicestershire District Council	Section 61 consent offers the Applicants protection from any subsequent action by the Local Authority under Section 60 of the Control of Pollution Act 1974 or under Section 80 of the Environmental Protection Act 1990 to impose further controls on noise from the site.	Discussions to be held within the project team to identify activities with the potential to generate noise, such as the crushing of materials, and determine need and approach to Section 61 agreement with the relevant local authority.
Protected Species	Great crested newts: Conservation of Habitats and Species Regulations Licence <i>Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</i>	Natural England	Activity that affects a protected species e.g. disturb or remove wildlife, or damage habitats.	The Applicants will work with Natural England to secure a countersigned Great Crested Newt District Level Licence Impact Assessment and Conservation Payment Certificate (IACPC).
Protected Species	Bats: Conservation of Habitats and Species Regulations Licence <i>Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species</i>	Natural England	Activity that affects a protected species e.g. disturb or remove wildlife, or damage habitats. A European Protected Species Mitigation licence for the disturbance or removal of bat roosts in the Order Limits prior to the commencement of construction.	Discussions with Natural England will take place on the potential impact of the proposed scheme and the requirement for a European Protected Species Mitigation (EPSM) licence post consent.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<i>(Amendment) (EU Exit) Regulations 2019</i>			
Protected Species	Badgers: Licence to interfere with setts (dens) <i>Protection of Badgers Act 1992, s. 10</i>	Natural England	Badgers have been observed within the Order limits. It may be necessary to undertake permanent closure and destruction of confirmed badger setts during the construction of the proposed scheme.	A development licence will be required to interfere with (to close) badger setts. A Letter of No Impediment (LONI) will be sought from Natural England for badgers based on their assessment of a draft Badger Licence.
Water - Flood Risk Activities	Environmental Permit - Flood Risk Activity - standard permit/bespoke permit for temporary flood risk associated with the construction of the proposed scheme and permanent flood risk associated with the operation of the proposed scheme. <i>Environmental Permitting (England and Wales) Regulations 2016</i>	Environment Agency	Works within 9m of a main watercourse (16 for tidal watercourses) or flood defences. Consent to carry out flood risk activities for <u>temporary</u> structures altering water levels in main rivers e.g. temporary headwall, bridge, culvert, works within the floodplain, temporary storage in a flood plain, dewatering within a flood plain and the temporary diversion of a watercourse. A Flood Risk Activity Permit is required for the <u>permanent flood risk</u> associated with e.g. permanent headwall, bridge, culvert, and permanent diversion of a watercourse.	If required, consultation with Environment Agency will take place during detailed design.
Water Abstraction	Form WR32: Water abstraction: application for a consent to investigate a groundwater source. To inform	Environment Agency	Required to carry out water abstraction activities such as investigate a groundwater source e.g. pump test. To	If required, consultation with Environment Agency will take place during detailed design.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<p>an Abstraction licence application. (Including Hydrogeological Impact Assessment)</p> <p><i>Water Resources Act 1991 (as amended by the Water Act 2003)</i></p> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p> <p><i>Environment Act 1995</i></p>		inform rates required under a full abstraction permit.	
Water Abstraction	<p>Abstraction Licence - Full or Temporary <u>Licence during construction</u></p> <p><i>Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003)</i></p> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p>	Environment Agency	<p>Consent to carry out water abstraction activities: <u>Full Abstraction Licence</u> for abstraction which lasts more than 6 consecutive months and more than 20 cubic metres of water a day, for dewatering of underground strata and abstractions of surface waters to prevent interference with building or engineering works, subject to restrictions.</p> <p><u>Temporary Abstraction Licence</u> for abstraction from a watercourse or groundwater of more than 20 cubic metres of water per day for less than 28 consecutive days.</p>	Further investigation and assessment will be carried as part of detailed design. This will include an extended groundwater monitoring dataset that will allow for detailed assessment and calculation of groundwater volumes which might be intercepted. These volumes will inform likely licences to be applied for.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
Water Abstraction	<p>Abstraction Licence - Full Licence for <u>permanent works</u></p> <p><i>Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003)</i></p> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p>	Environment Agency	Full Abstraction Licence would be needed for most types of water abstraction over 20 cubic metres a day.	If required, consultation with Environment Agency will take place during detailed design.
Water Abstraction	<p>Exemption for passive dewatering – permanent works</p> <p><i>Applies to abstractions that were exempt under section 29(1) of the Water Resources Act 1991 (before section 5 of the Water Act 2003 was published)</i></p>	Environment Agency	Prevent flooding to road cuttings (construction or maintaining the operational life) only through passive dewatering – where groundwater is discharged or drained by gravity.	If needed, this will be applied for once additional Ground Investigation and detailed design is complete.
Water Transfer	<p>Transfer Licence <u>during construction</u>.</p> <p><i>Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003)</i></p>	Environment Agency	Diversion of watercourses / dewatering of ponds <u>Water Transfer Licences</u> are required or the diversion of a watercourse where more than 20 cubic metres of water a day is moved from one source to another without intervening use.	If required, consultation with Environment Agency will take place during detailed design.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<i>Water Abstraction and Impounding (Exemptions) Regulations 2017</i>			