

Document DCO 5.2 / MCO 5.2

Consents and licences required under other legislation

August 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 document accompanies the applications made by SEGRO Properties Limited (DCO Applicant) and SEGRO (EMG) Limited (MCO Applicant) (together referred to as 'SEGRO' or 'the Applicants') relating to a second phase at East Midlands Gateway Logistics Park (EMG1) located to the north of East Midlands Airport.
- 1.2 EMG1 is a nationally significant infrastructure development being a Strategic Rail Freight Interchange 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 was substantially completed in October 2024.
- 1.3 The proposed second phase to EMG1 is referred to as 'East Midlands Gateway 2', 'EMG2', the 'EMG2 Project' or the 'Proposed Development'.

EMG2 Project

- 1.4 In brief, the EMG2 Project comprises three main components:

Main Component	Details	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 as described in the draft DCO (Document DCO 3.1). DCO Works Nos. 20 and 21 as described in the draft DCO (Document DCO 3.1).
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, Hyam's Lane Works, L57 Footpath Upgrade, A6 Kegworth Bypass/A453 Junction Improvements and Finger Farm Roundabout Improvements, together with other works.	DCO Works Nos. 6 to 19 as described in the draft DCO (Document DCO 3.1).
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	MCO Works Nos. 3A, 3B, 5A, 5B, 5C, 6A

	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.	and 8A in the draft MCO (Document MCO 3.1).
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1.5 A more detailed description of the EMG2 Project and its components can be found in Chapter 3 Project Description of the Environmental Statement (ES) submitted with the applications (**Document DCO 6.3 / MCO 6.3**).

1.6 The Applicants have made two concurrent applications for the three component parts of the EMG2 Project.

DCO Application

1.7 The first application, being the DCO Application, the applicant for which is SEGRO Properties Limited, is for a Development Consent Order (DCO) 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).

1.8 The EMG2 Works have been confirmed as a nationally significant project for which a DCO is required by the Secretary of State pursuant to direction made under section 35 of the PA 2008 dated 21 February 2024 (**Document DCO 6.1B**). The Highway Works are a Nationally Significant Infrastructure Project in their own right pursuant to section 22 of the PA 2008.

MCO Application

1.9 The second application, being the MCO Application, the applicant for which is SEGRO (EMG) Limited, is for a Material Change Order (MCO) to the existing EMG1 DCO for the EMG1 Works component.

1.10 The MCO Application is made pursuant to section 153 and schedule 6 of the PA 2008.

2 Purpose of this document

2.1 This document 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 document 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 ES (**Document DCO 6.1 - 6.23 / MCO 6.1 - 6.23**).

3 Consents Strategy

- 3.1 The basis of the consents strategy adopted by the Applicants is set out below.
- 3.2 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.
- 3.3 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 or the MCO.
- 3.4 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 or the MCO. This minimises the need for any further approvals before the works authorised by the DCO or MCO can commence.
- 3.5 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 the Appendix to this document.

4 Consents and Agreements

DCO Consents and Agreements

- 4.1 The principal consent for the DCO Scheme will be the 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), most 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;
 - 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 the Appendix to this document.
- 4.5 The Appendix does not contain an exhaustive list of all other consents and agreements that may be required. The scope of any other consents and agreements 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. Agreements with relevant stakeholders may be required in parallel to the DCO process and may take a variety of forms. 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 and Agreements

- 4.6 The principal consent for the MCO Scheme will be the MCO which amends the extant EMG1 DCO.
- 4.7 The MCO will provide development consent for the MCO Scheme 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.
- 4.8 Where necessary, the consents and agreements listed in the Appendix are expected to extend to and encompass, as appropriate, the MCO Application.

Appendix: 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 have taken 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>			A Letter of No Impediment (LONI) has been provided by Natural England for Bats based on their assessment of a draft Bat Licence.
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 & disturb) badger setts. A Letter of No Impediment (LONI) has been provided by 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.

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
Water Abstraction	<p>Form WR32: Water abstraction: application for a consent to investigate a groundwater source. To inform 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>	Environment Agency	Required to carry out water abstraction activities such as investigate a groundwater source e.g. pump test. To inform rates required under a full abstraction permit.	If required, consultation with Environment Agency will take place during detailed design.
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</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:
			metres of water per day for less than 28 consecutive days.	
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 Discharge	Environmental Permit - bespoke water discharge activity and groundwater (point source) environmental permit during construction and operation.	Environment Agency	A Water Discharge Activity Permit is required for discharge or entry of any poisonous, noxious or polluting matter, waste matter, trade or sewage effluent into an inland freshwater, coastal waters or relevant territorial waters. It also permits disturbance of existing	Multiple consents could be required. Following detailed design, discussions regarding the consents required are planned to take place with the Environment Agency. Following consultation with the Environment

Issue:	Consent/Licence/Agreement & Legislation:	Consenting Authority:	Requirement:	Status of negotiations:
	<i>Environmental Permitting (England and Wales) Regulations 2016</i>		sediments being held back by a structure or the cutting or uprooting of a substantial amount of vegetation in any inland freshwaters, or so near to any such waters that it falls into them, where it is not reasonable to take steps to remove the vegetation from these waters. The permit will be required for surface water run off associated with construction works and the dewatering of excavations.	Agency, applications for consents will be prepared and submitted.
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> <p><i>Water Abstraction and Impounding (Exemptions) Regulations 2017</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.