East Midlands Gateway
Phase 2 (EMG2)

Document DCO 5.6 / MCO 5.6

Statutory Nuisance Statement

October 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 (DCO Applicant) and SEGRO (EMG) Limited (MCO Applicant) (together '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 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' or 'EMG2' or the 'EMG2 Project' or 'the Proposed Development'.

EMG2 Project

1.4 In brief, 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**). DCO Works Nos. 20 and 21 including relevant Further Works 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.	DCO Works Nos. 6 to 19 including relevant Further Works 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 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**).

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 DCO Application and the MCO Application (**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, is made by the DCO Applicant for a Development Consent Order for the EMG2 Works component and the Highway Works component.

1.8 The DCO Application is made pursuant to section 37 of Part 5 of the Planning Act 2008 (PA 2008) and:

1.8.1 In respect of the EMG2 Works, is made pursuant to a direction made by the Secretary of State under section 35 of the PA 2008 dated 21 February 2024 confirming that the proposed works are nationally significant (**Document DCO 6.1B**); and

1.8.2 In respect the Highway Works, the works to the strategic road network are a Nationally Significant Infrastructure Project (NSIP) in their own right and the application is made pursuant to section 22 of the PA 2008. The works to local highways are associated development.

MCO Application

1.9 The second application, being the MCO Application, is made by the MCO Applicant for a Material Change Order 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 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)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 which states "*whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990, and if so how the applicant proposes to mitigate or limit them*"; and

2.1.2 In the case of the MCO Application, pursuant to Regulation 16(2)(i) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 which requires a statement which "*identifies the extent to which the information submitted with the initial application for an order granting development consent….is correct and relevant to the application*" and "*where necessary updates the parts of this information that relate to the application*".

2.2 This Statement should be read alongside the other application documents, in particular the ES (**Document DCO 6.1 – 6.23 / MCO 6.1 – 6.23**). This Statement refers to sections of the ES which contain detailed information on the assessment and mitigation of impacts.

2.3 For England and Wales, section 79(1) of the Environmental Protection Act 1990 (EPA1990) states that subject to various exclusions, the following constitute a 'statutory nuisance':

(a) any premises in such a state as to be prejudicial to health or a nuisance;

(b) smoke emitted from premises so as to be prejudicial to health or a nuisance;

(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;

(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;

(e) any accumulation or deposit which is prejudicial to health or a nuisance;

(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;

(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;

(g) noise emitted from premises so as to be prejudicial to health or a nuisance;

(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street;

(h) any other matter declared by any enactment to be a statutory nuisance.

2.4 For the purposes of section 79(1), the definition of 'noise' includes vibration (section 79(7) of the EPA1990).

2.5 There is no legal definition of a statutory nuisance. For action to be taken, the nuisance complained of should either contain a risk to people's health or interfere with a person's legitimate use or enjoyment of land.

2.6 The matters under section 79(1) which are potentially engaged by the EMG2 Project are nuisance caused by air pollution, light pollution and noise.

3 Assessment – DCO Scheme

3.1 This section considers the types of impacts which could engage matters under section 79(1) of EPA1990 in respect of the DCO Application:

3.1.1 Air pollution arising from dust, steam, smells or other effluvia on industrial, trade or business premises, which could engage subsection (d);

3.1.2 Artificial lighting emitted from premises, which could engage subsection (fb); and

3.1.3 Noise, which could fall under subsection (g) if emitted from premises (which includes land) or subsection (ga) if emitted by a vehicle, machinery or equipment in a street[1].

Air Pollution

3.2 The assessment of the impacts on air quality is set out in section 8.5 of Chapter 8 Air Quality of the ES (**Document DCO 6.8**).

3.3 During construction of the DCO Scheme:

Construction Dust

3.3.1 The construction of the DCO Scheme has the potential to pose a nuisance. However, by adopting the recommended appropriate mitigation measures in the Construction Environmental Management Plan (CEMP) (**Document DCO 6.3A**) and P-CEMPs (required pursuant to Requirement 11 of the draft DCO (**Document DCO 3.1**) to reduce any such emissions and their potential effect on the surrounding area, there are expected to be no significant nuisance effects.

Construction Traffic

3.3.2 The effects of construction traffic without mitigation have been assessed as ‘not significant’ for all human receptors and therefore are not expected to substantiate a claim for nuisance.

3.4 During operation of the DCO Scheme:

3.4.1 The residual effects for all human receptors are assessed as 'not significant'[2] and therefore are not expected to substantiate a claim for nuisance.

Artificial Lighting

3.5 The assessment of the impact of lighting is set out in section 11.5 of Chapter 11 Lighting of the ES (**Document DCO 6.11**).

3.6 During construction of the DCO Scheme:

[1] Defined in section 79(7) as a "highway and any other road, footway, square or court that is for the time being open to the public".

[2] The methodology for Chapter 8 explains within the limitations and assumptions identified in section 8.2 that the air quality model is dependent on the traffic data and it has not been possible to separate the DCO Scheme and the MCO Scheme so the operational impacts are presented for the EMG2 Project as a whole.

3.6.1 Construction related effects are temporary and will change over the course of the construction period. The construction lighting effect will be managed as part of the CEMP (**Document DCO 6.3A**).

3.6.2 The CEMP contains requirements to prevent light spill and glare as well as to minimise the usage of lighting, with special care taken in proximity to ecologically sensitive locations. The CEMP will specify the types of temporary construction and security lighting to be used, the hours of operation (as part of the agreement of hours of operation of the construction site as a whole), and measures to ensure that construction and security lighting is located and maintained to cause minimal effects.

3.6.3 Details of the significance of effects on receptors during construction have been determined and are given in Table 11.20 in Chapter 11 Lighting of the ES (**Document DCO 6.11**). No significant effects have been identified.

3.7 During operation of the DCO Scheme:

3.7.1 Details of the significance of effects on receptors during operation have been determined and are given in Table 11.25 in Chapter 11 Lighting of the ES (**Document DCO 6.11**). No significant effects from lighting are predicted.

Noise

3.8 The assessment of the impacts of noise is set out in section 7.5 of Chapter 7 Noise and Vibration of the ES (**Document DCO 6.7**).

3.9 During construction of the DCO Scheme:

3.9.1 No significant effects from noise or vibration associated with the construction of the DCO Scheme have been predicted.

3.10 During operation of the DCO Scheme:

3.10.1 Operational road traffic has the potential to cause significant effects at two receptors. However, when the site-specific context of those receptors is taken into consideration, namely a hotel located adjacent to an airport, and applying a worst-case sensitivity test (assuming development without local allocations), the overall impact is reduced to a level that is not considered significant.

4 Assessment – MCO Scheme

Air Pollution

4.1 The assessment of the impacts on air quality is set out in section 8.6 of Chapter 8 Air Quality of the ES (**Document MCO 6.8**).

4.2 During construction of the MCO Scheme:

Construction Dust

4.2.1 The construction of the MCO Scheme has the potential to pose a nuisance. However, by adopting the appropriate mitigation measures secured by the Construction Environmental Management Plan (CEMP) pursuant to Requirement 11 of the EMG1 DCO to reduce any such emissions and their potential effect on the surrounding area, there are expected to be no significant nuisance effects.

Construction Traffic

4.2.2 The residual effects remain unchanged as the effect without mitigation, which are likely to be 'not significant' for all human receptors and therefore are not expected to substantiate a claim for nuisance.

4.3 During operation of the DCO Scheme:

4.3.1 The residual effects for all human receptors are assessed as 'not significant'[3] and therefore are not expected to substantiate a claim for nuisance.

Artificial Lighting

4.4 The assessment of the impact of lighting is set out in section 11.6 of Chapter 11 Lighting of the ES (**Document MCO 6.11**).

4.5 The Statutory Nuisance Statement submitted with the application for EMG1 (reference number Document 6.2) stated that it was not anticipated that the lighting of the proposed development would give rise to nuisance. The MCO Scheme does not alter this position.

4.6 During construction of the MCO Scheme:

4.6.1 Details of the significance of effects on receptors during construction have been determined and are given in Table 11.33 in Chapter 11 Lighting of the ES (**Document DCO 6.11**).

4.6.2 No significant effects have been identified.

4.7 During operation of the MCO Scheme:

[3] The methodology for Chapter 8 explains within the limitations and assumptions identified in section 8.2 that the air quality model is dependent on the traffic date and it has not been possible to separate the DCO Scheme and the MCO Scheme so the operational impacts are presented for the EMG2 Project as a whole. It also explains that effects from the MCO Scheme alone would be negligible, would not result in any adverse or substantial environmental impacts and would not trigger the need for an EIA from a traffic and transport perspective.

4.7.1 Details of the significance of effects on receptors during operation have been determined and are given in Table 11.38 in Chapter 11 Lighting of the ES (**Document DCO 6.11**).

4.7.2 No significant effects from lighting are predicted.

Noise

4.8 The assessment of the impacts of noise is set out in section 7.6 of Chapter 7 Noise and Vibration of the ES (**Document MCO 6.7**).

4.9 During construction of the DCO Scheme:

4.9.1 No significant or otherwise adverse effects from noise or vibration associated with the construction of the MCO Scheme have been predicted.

4.10 During operation of the DCO Scheme:

4.10.1 No significant or otherwise adverse effects from noise or vibration associated with the operation of MCO Scheme are predicted.

5 Conclusions

5.1 This Statement reports the findings of the ES (**Document DCO 6.1 – 6.23 / MCO 6.1 – 6.23**) in respect of potential statutory nuisance resulting from the construction and use of the EMG2 Project.

5.2 Having regard to the mitigation measures contained in the relevant chapters of the ES referred to in sections 3 and 4 above, it is not anticipated that statutory nuisance in respect of noise, air pollution and light pollution will result from the construction and use of the EMG2 Project.