



The Planning Inspectorate
Temple Quay House
Bristol
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Our ref: OR-0006073/01
Your ref: BC0410001 and TR0510002
Date: 16 June 2026

To whom it may concern

ENVIRONMENT AGENCY RESPONSE TO DOCUMENTS SUBMITTED AT DEADLINE 4.

EAST MIDLANDS GATEWAY PHASE 2 AND EAST MIDLANDS GATEWAY RAIL FREIGHT INTERCHANGE MATERIAL CHANGE

This response constitutes the Environment Agency's Deadline 4 response.

We have reviewed the submitted documentation at Deadlines 2 and 3 for the East Midlands Gateway Phase 2 and East Midlands Gateway Rail Freight Interchange Material Change. Following our review, we have responded to the outstanding issues raised within our Relevant Representation [[RR-016D](#)] (dated 09 January 2026, ref. XA/2026/100513/01-01) and [[RR-051M](#)] (dated 09 January 2026, ref. XA/2026/100514/01-01) in turn below.

For our response, we have provided the following appendices consisting of:

- [Appendix A:](#)
 - Our comments regarding the issues we raised in our Relevant Representation for the DCO.
- [Appendix B:](#)
 - Our comments regarding the issues we raised in our Relevant Representation for the MCO.
- [Appendix C:](#)
 - A summary of our position

Yours faithfully

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Appendix A: Our comments regarding the issues we raised in our Relevant Representation for the DCO.

GWCL Item 1

We consider this issue resolved.

The Applicant has updated the draft DCO [[REP2-008D](#)] to list the EA as a consultee on requirements 11 Construction environmental management plan, 22 Contamination risk, 23 Verification.

GWCL Item 2

We consider this issue resolved.

The Applicant has updated the draft DCO [[REP2-008D](#)] Requirement 22 to include the suggested wording that:

‘Contamination must be reported in writing to the local planning authority as soon as possible and withing 10 working days’

We acknowledge the Applicant has also include the EA as consultee for the paragraph (4) of the Contamination risk requirement that pertains to unidentified contamination discovery.

GWCL Item 3

We consider this issue resolved.

The Applicant updated the ‘Earthworks strategy’ references in DCO 6.3 Chapter 3 Proposed Development [[AS-025](#)].

GWCL Item 4

We do not consider this issue resolved.

We agree with the wording of Requirement 22 Contamination risk of the draft DCO [[REP2-008D](#)]. However, there remains inconsistencies within the reporting of how contamination risks will be managed.

Our concern regarding inconsistent information would be resolved by section 5.4 of the A CEMP [[REP2-026D](#)] referring to Requirement 22 Contamination risk within the paragraph.

GWCL Item 5

We consider this issue resolved.

Paragraph 5.5 of the A CEMP [[REP2-026D](#)] has been updated to ensure that pollution prevention and controls measures will be secured in the operational Construction Environmental Management Plan.

GWCL Item 6

We consider this issue resolved.

The applicant has provided the appropriate mitigations and control updates in the A CEMP [[REP2-026D](#)] to ensure residual risk from reprofiling activities are managed.

GWCL Item 7

We consider this issue resolved.

The applicant outlined the drainage maintenance schedule in section 4 of document Appendix H Sustainable Drainage Statement EMG2 Works [[APP-149](#)], having reviewed this information we consider this issue resolved.

GWCL Item 8

We consider this issue resolved.

The applicant has updated the draft DCO [[REP2-008D](#)] at Deadline 2 to include Requirement 8 Foundation works risk assessment to be agreed in consultation with the Environment Agency. The additional detail provided in Chapter 13 Flood Risk and Drainage [[REP3-021](#)] paragraph 13.5.155 at Deadline 3 is also acknowledged. These updates resolve our concerns related to construction risks relating to foundation works.

GWCL Item 9

We consider this issue resolved.

The Applicant has provided clarification on the details of the proposed penstock valve for pollution control. Although this is not secured in the published documentation, we are satisfied Requirement 17 Flood risk and surface water drainage of the draft DCO [[REP2-008D](#)] secures the final drainage design to be agreed with the Environment Agency prior to commencement.

GWCL Item 10

We do not consider this issue resolved.

The applicant has updated the A CEMP [[REP2-026D](#)] section 5.9 to include laboratory testing which we agree should be conducted when groundwater or perched water is encountered. This mitigation measure is appropriate. However, we

require the Applicant to provide additional details outlining what actions will be taken if PFAS is encountered.

To resolve our concern, we require the Applicant to commit to the following procedures if PFAS is encountered:

- Review the conceptual site model and reassess the potential risks from PFAS to future site users and the environment.
- Commit to further mitigation or remediation if an active pollutant linkage is identified.

GWCL Item 11

We do not consider this issue to be resolved.

The Applicant has updated Chapter 14 – Ground Conditions [[REP3-022](#)] paragraph 14.5.111 to specify that dewatering may require a permit.

To resolve this issue, we request the A CEMP [[REP2-026D](#)] be updated to outline suitable instruction for dewatering.

GWCL Item 12

We consider this issue resolved.

The Applicant has updated the draft DCO [[REP2-008D](#)] to include Requirement 17 Flood risk and surface water drainage. Requirement 17 secures the final drainage design to be agreed with the Environment Agency prior to commencement. The Applicant has also provided additional commitments in the A CEMP [[REP2-026D](#)]. This combined information resolves our concerns.

Biodiversity 13

We consider this issue resolved.

The Applicant included the relevant Biodiversity Gain Requirements (irreplaceable Habitat) Regulations 2024 into Chapter 9 – Ecology and Biodiversity [[REP3-015](#)] Sections 9.3.

Biodiversity 14

We consider this issue resolved.

The applicant has outlined in Chapter 9 – Ecology and Biodiversity [[REP3-015](#)] Appendix 9F Water vole and Otter Report that Otters are present and require further assessment. Whilst no evidence of Water vole was identified.

The applicant has outlined commitments in the A CEMP [\[REP2-026D\]](#) section 17.4 that updated site walk over surveys will be conducted, and the baseline management measures updated a head of each specific stage of construction. This resolves our concerns.

Biodiversity 15

We do not consider this issue to be resolved.

The Applicant has not provided biosecurity measures to prevent the spread of Invasive and Non-Native Species (INNS) as no INNS species have been identified.

We disagree with this position as INNS can disperse via attaching to plant, machinery and operatives, or via flooding or wind dispersal, and colonise the site very easily.

To resolve this issue, we request the Applicant include biosecurity measures within the OCEMP and INNS management plan to ensure INNS is appropriately managed.

Biodiversity 16

We consider this issue resolved.

The Applicant provided the uncensored Water vole and Otter survey report, and we agree with the report.

Biodiversity 17

We consider this issue resolved.

The applicant has outlined commitments in the A CEMP [\[REP2-026D\]](#) section 17.4 that updated site walk over surveys will be conducted to update the baseline management measures a head of each specific stage of construction. This resolves our concerns.

Biodiversity 18

We consider this issue resolved.

The applicant has outlined the details for timings, monitoring and pre-installation checks for otter halts will be provided in the LEMP post consent. We agree with this statement and consider the issues resolved.

Biodiversity 19

We do not consider this issue to be resolved.

We are concerned the project proposes insufficient buffer zones for watercourses. The applicant has updated the A CEMP [\[REP2-026D\]](#) paragraph 17.80 to state:

'The establishment of exclusion fencing and buffer zones at a minimum distance 10 metre from watercourse margins'

To resolve this issue, we request this wording be updated to specify '*10m from the bank top of the watercourse*'. This would provide a sufficient buffer from the development, allowing the natural river corridor to be maintained, as well as free movement of riparian mammals.

Water Quality 20

We consider this issue resolved.

The Applicant has updated the draft DCO [\[REP2-008D\]](#) to list the EA as a consultee on requirements 11 Construction environmental management plan, 17 Flood risk and surface water drainage, 18 Foul water drainage.

Water Quality 21

We do not consider this issue to be resolved.

We require the Applicant to confirm the substation drainage design will contain sufficient volumes of firewater to prevent the pollutants entering the environment. We request fire water be disposed of offsite.

The Applicant is of the position that fire suppression systems are not a standard requirement for a primary switchgear building.

To resolve our concern:

- We request the Applicant share the industry practice/guidance with us that demonstrates that fire suppression systems are not standard requirements for a primary switchgear building. This will allow us to review the guidance and form a position.

Water Quality 22

We consider this issue resolved.

The Applicant has updated draft DCO [\[REP2-008D\]](#) to provide Requirement 33 Operational Environment Management Plan and list the EA as a consultee for approval.

Water Quality 23

We consider this issue resolved.

We raised concerns with surface water run-off and its intentions to be discharged to local watercourses. We also request the CIRIA SuDS Manual be referenced.

The Applicant provided a comprehensive response and diagram that outline the appropriate information. The Applicants Appendix H of the Sustainable Drainage Statement EMG2 [APP-149] provided the appropriate information to resolve our concern.

Water Quality 24

We do not consider this issue to be resolved.

We request the Applicant provide further details for water quality monitoring, specifically the frequency, quantity, location and methodology of monitoring program.

The Applicants current position regarding this issue, is that it will be resolved at detailed design stage as their response to our concern is as follows;

“To address the EA comment, the final details of the monitoring plan will be set out in the future P-CEMP(s)”.

However, this issue cannot be resolved until more detail is added to the A CEMP [REP2-026D] and not at the detailed design stage.

To resolve our concern:

- We require additional water quality monitoring detail be included in the A CEMP [REP2-026D] that outlines:
 - The frequency (monthly) of water quality testing for pre-construction (6 months minimum), during construction (throughout) and post construction/operation phase (3-6months).
 - Provide clarification on testing methods (in-situ testing and water sampling will occur).
 - Inclusion of water quality monitoring in Table 5.1 of the WFD Assessment.

Additional Information

We note that section 19.4 of the A CEMP [REP2-026D] only states:

“Regular monitoring of the downstream water quality will be undertaken during the construction”.

However, as our original comment stated we expect water quality monitoring to begin prior to construction to establish a baseline, continue throughout construction and into the first few months of operation.

We support the statement made in section 19.5 of the A CEMP [REP2-026D] which states that testing parameters shall be agreed with the Environment Agency. Final

parameters and locations are acceptable to be added at detailed design stage, but the pre-construction, during construction and post-construction, which a suggested frequency must be provided. Additionally, the Applicant has also not addressed our WFD comments linked to this topic.

We note that paragraph 20.6 of the A CEMP [REP2-026D] states:

“A draft water quality monitoring plan is provided in Appendix A of the SMP” [Outline Silt Management Plan], however this appears to be incorrect. Appendix A is diagrams of silt deployment guides. We request the Applicant confirms where they believe extra details are included in the SMP. Whilst locations and methods may not be able to be committed to at this stage, most projects can specify a frequency of at least monthly and state that some form in in-situ testing and water sampling will occur.

Additionally, we have concerns that Appendix C of the SMP includes an inspection checklist which currently implies only visual inspections/observations will occur.

Water Quality 25

We consider this issue resolved.

The Applicant updated paragraphs 13.5.209 and 13.5.211 of Chapter 13 Flood Risk and Drainage [REP3-021] to clarify the disposal method and treatment of foul water.

Water Quality 26

We do not consider this issue to be resolved.

We raised concerns regarding fuel and oil mitigation measures for the proposal.

The Applicant has updated paragraphs 13.5.122 and 13.5.152. of Chapter 13 Flood Risk and Drainage [REP3-021] has been updated to include mention of ‘*HGV parking areas*’. However, paragraphs 13.6.39 and 13.6.59 of Chapter 13 Flood Risk and Drainage [REP3-021] have not been updated. We request the Applicant update the above paragraphs to include ‘*HGV parking areas*’ also.

The A CEMP [REP2-026D] contains no updates regarding this issue, and without an OEMP at this stage it is unclear how this will be secured for operation phase.

To resolve our concern:

- Update paragraphs 13.6.39 and 13.6.59 of Chapter 13 Flood Risk and Drainage [REP3-021] to include HGV parking areas.
- Provide clarity on the securing mechanism for this issue during the operation phase.

Water Quality 27

We consider this issue resolved.

The Applicant has updated the A CEMP [[REP2-026D](#)] paragraph 20.5 and Chapter 13 Flood Risk and Drainage [[REP3-021](#)] paragraphs 13.5.192 and 13.6.86 to provide further information and mitigation measures for concrete and how it will be managed.

Water Quality 28

We consider this issue resolved.

The Applicant has updated the A CEMP [[REP2-026D](#)] paragraph 20.5 and Chapter 13 Flood Risk and Drainage [[REP3-021](#)] paragraphs 13.5.191 and 13.6.85 to clarify the treatment of wheel wash water.

Water Quality 29

We do not consider this issue to be resolved.

We require the Applicant to include the Emergency Preparedness and Response Plan be included in Table 20.6 of Chapter 20 Major Accidents and Disasters [[REP3-025](#)]

Water Quality 30

We do not consider this issue to be resolved.

We raised concerns that PFAs in solar panels and the cleaning regime could impact water quality.

We are pleased to see the applicant is happy to commit to only using solar photovoltaic panels that are PFAs free. However, it is unclear how this will be secured as the updates in Chapter 3 do not reference PFAs. Additionally, the applicant makes no mention of how panels would be cleaned.

To resolve this issue, we request the Applicant:

- Outline where the commitment to using PFAs free solar photovoltaic panels is secured or updated the appropriate documents.
- Provide clarification on the cleaning regime for solar panels (use of water or cleaning foams).

Water Quality 31

We consider this issue resolved.

The Applicant provided clarification on the installation methodology and the suitable mitigation measure in paragraph 20.10 of the A CEMP [[REP2-026D](#)].

Water Quality 32

We consider this issue resolved.

The Applicant addressed our concerns relating to greenfield runoff rates by updating paragraph 20.10 of the A CEMP [[REP2-026D](#)].

Water Quality 33

We do not consider this issue to be resolved.

We request the Applicant provide further information regarding the use of flocculants and water management.

The Applicant has outlined paragraph 20.8 provides examples of how the use of flocculants could be applied and are included in Appendix A of the Silt Management Plan (SMP) of the A CEMP [[REP2-026D](#)]. However, this seems to only suggest an anionic Gel Flocculant to bind particles and further details of types are unknown.

We also recognise that paragraph 13.5.185 of Chapter 13 Flood Risk and Drainage [[REP3-021](#)] states that “*The use of flocculants may constitute a water discharge activity and therefore an environmental permit may be required.*” We support the statement in the SMP which states “*Regulatory approval is required prior to the deployment of Gel Flocculant on a construction site*”.

To resolve this issue:

- The Applicant should confirm if they can provide any more detail at this stage to ensure that the water quality impacts have been fully assessed.

Flood Risk 34

This issue is resolved.

Waste 35

This issue is resolved.

Appendix B: Our comments regarding the issues we raised in our Relevant Representation for the MCO.

GWCL Item 36

We do not consider this issue to be resolved.

The additional detail provided in Chapter 13 Flood Risk and Drainage [[REP3-021](#)] paragraph 13.5.155 at Deadline 3 is also acknowledged.

To resolve this issue, we request the Applicant update the draft MCO [[REP2-020M](#)], to include a requirement to assess the risks from foundation works being undertaken for the MCO.

GWCL Item 37

We do not consider this issue to be resolved.

Our concern is securing penstock valves for the MCO.

It is understood that Chapter 13 Flood Risk and Drainage [[REP3-021](#)] is written for the MCO and DCO. We note the inclusion of penstock valves has been updated within Chapter 13 and agree with the additional details provided.

The Applicants response outlines that EMG1 DCO Requirement 17 secure the agreement of the phase specific drainage strategy.

To resolve our concern:

- We request the Applicant provide clarification regarding the intentions for use of penstock valves for the MCO. As the securing mechanisms are unclear.
- We request the wording be slightly edits to chapter 13.6.40 to state that a 'Penstock *will* be installed'.

GWCL Item 38

We do not consider this issue to be resolved.

The Environment Agency's understanding of PFAS and our regulatory focus has changed since the EMG1 DCO was granted in 2016. This is demonstrated by the Regulation 61 notices served on airports in February 2024, which we have discussed with the applicant previously.

We are now routinely asking for PFAS to be considered on all new NSIPs and other similar developments. Any activities you are applying for now as a part of the MCO are considered based on our current regulatory position. This will affect, amongst other things, materials management and reuse, worker safety, and dewatering.

Given the site location adjacent to East Midlands Airport, we feel this issue is especially relevant here, and the applicant will note the request for this to be considered for EMG2. We therefore reiterate that, for any elements of the scheme covered by this Material Change Order, the potential for PFAS contamination must be considered. Groundwater, where encountered, should be tested for PFAS and other contaminants of potential concern. If PFAS is identified, we expect to see a commitment to reassess potential risks from PFAS to future site users and the environment. Further mitigation or remediation may be required if an active pollutant linkage is identified.

Further information about the EA's role with PFAS is available on our [digital engagement platform](#).

GWCL Item 39

We do not consider this issue to be resolved.

The Environment Agency's understanding of PFAS and our regulatory focus has changed since the EMG1 DCO was granted in 2016. This is demonstrated by the Regulation 61 notices served on airports in February 2024, which we have discussed with the applicant previously.

We are now routinely asking for PFAS to be considered on all new NSIPs and other similar developments. Any activities you are applying for now as a part of the MCO are considered based on our current regulatory position. This will affect, amongst other things, materials management and reuse, worker safety, and dewatering.

Given the site location adjacent to East Midlands Airport, we feel this issue is especially relevant here, and the applicant will note the request for this to be considered for EMG2. We therefore reiterate that, for any elements of the scheme covered by this Material Change Order, the potential for PFAS contamination must be considered. Groundwater, where encountered, should be tested for PFAS and other contaminants of potential concern. If PFAS is identified, we expect to see a commitment to reassess potential risks from PFAS to future site users and the environment. Further mitigation or remediation may be required if an active pollutant linkage is identified.

Further information about the EA's role with PFAS is available on our [digital engagement platform](#).

GWCL Item 40

We consider this issue to be resolved.

The Applicant provided the clarification that the associated CEMP the MCO will be aligned too, was secured in the EMG1 DCO.

Water Quality 41

We consider this issue resolved.

We required the Applicant provide further detail and updates to the methodology of closure and maintenance schedules for the penstocks.

The Applicant has updated Chapter 13 Flood Risk and Drainage [\[REP3-021\]](#) specifically paragraphs 13.5.123 and 13.6.40 to provide clarification regarding the automatic closing of penstocks and manual closing options. It is further identified that paragraphs 13.5.125 and 13.6.41 include regular inspections and maintenance of the drainage systems.

Advice to Applicant

We provide the following advice to the Applicant:

- When a maintenance schedule is written, the penstock should be identified as a separate specific component of the drainage system, as it is so integral to preventing any potential contamination being released.

Water Quality 42

We consider this issue resolved.

The Applicant outlined discharge locations for the MCO and resolved our concerns raised at Relevant Reps.

Water Quality 43

We consider this issue resolved.

We had raised concern the proposals intention to discharge surface water run off to local watercourses may require a discharge permit. The Applicant provided us with the relevant information outlined in section 13.6.80 of Chapter 13 Flood Risk and Drainage [\[REP3-021\]](#). The information outlined resolves our concerns.

Water Quality 44

We do not consider this issue to be resolved.

We raised concerns of water quality monitoring for the MCO.

We provide detailed comments in relation to the lack of a suitable water quality monitoring plan written for item Water Quality item 24. The comments made in Water Quality 24 also apply here.

To resolve our concern:

- We require clarity from the Applicant to outline how the updates for water quality monitoring will be secured for the MCO.
- We require additional water quality monitoring detail be secured for the MCO that outlines:
 - The frequency of water quality testing for pre-construction, during construction and post construction (monthly).
 - Provide clarification on testing methods (in-situ testing and water sampling will occur).

Additional Information

The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.

Water Quality 45

We consider this issue resolved.

We are content the Applicant has provided the appropriate reassurances within Chapter 13 Flood Risk and Drainage [[REP3-021](#)] the MCOs foul water disposal for construction and operation phases.

Water Quality 46

We do not consider this issue to be resolved.

We raised concerns with the construction concrete presenting a risk to water quality. We require the applicant to include additional concrete mitigation measures in the MCO documentation. This issue has been resolved under the EMG Phase 2 DCO Item Water Quality 27, but it is not clear how the measures outlined in Chapter 13 Flood Risk and Drainage [[REP3-021](#)] paragraph 13.6.85 are secured for the MCO.

To resolve our issue:

- We require clarity from the Applicant to outline how the updates made for the MCO in Chapter 13 Flood Risk and Drainage [[REP3-021](#)] paragraph 13.6.85 are secured.

Additional Information

The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.

Water Quality 47

We do not consider this issue to be resolved.

We raised concerns in relation to wheel washing practices for the MCO.

The Applicant has provided updated documentation in relation to issue Water Quality 28; these updates are sufficient in resolving this issue.

To resolve our issue:

- We require clarification how these measures are secured for the MCO

Additional Information

The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.

Water Quality 48

We do not consider this issue to be resolved.

We raised concerns that PFAs in solar panels and the cleaning regime could impact water quality. This was raised under Water Quality 30 for the DCO.

We are pleased to see the applicant is happy to commit to only using solar photovoltaic panels that are PFAs free. However, it is unclear how this will be secured as the updates in Chapter 3 do not reference PFAs. Additionally, the applicant makes no mention of how panels would be cleaned.

To resolve this issue, we request the Applicant:

- Outline where the commitment to using PFAs free solar photovoltaic panels is secured or updated the appropriate documents.
- Provide clarification on the cleaning regime for solar panels (use of water or cleaning foams).

Additional Information

The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.

Water Quality 49

We do not consider this issue to be resolved.

We requested the Applicant provide clarification regarding the installation of service trenches methodology, as trenchless methods would require a drilling fluid breakout plan.

The Applicant has updated the A CEMP [[REP2-026D](#)] and resolved Water Quality 31 which links to this issue. It is unclear how the statement “If directional drilling is identified as a requirement, then a drilling fluid breakout plan will be prepared at the appropriate stage” is secured for the MCO.

To resolve this issue:

- We require the Applicant to provide clarification of how the information provided for Water Quality 31, will be secured for the MCO Water Quality 49.

Additional Information

The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.

Water Quality 50

We do not consider this issue to be resolved.

We raised concerns relating to the use of flocculants for the MCO. This issue links to Water Quality 33.

The Applicant has outlined paragraph 20.8 examples of how the use of flocculants could be applied are included in Appendix A of the Silt Management Plan (SMP). However, this seems to only suggest an anionic Gel Flocculant to bind particles and further details of types are unknown.

We also recognise that paragraph 13.5.185 of Chapter 13 Flood Risk and Drainage [REP3-021] states that “*The use of flocculants may constitute a water discharge activity and therefore an environmental permit may be required.*” We support the statement in the SMP which states “*Regulatory approval is required prior to the deployment of Gel Flocculant on a construction site*”.

To resolve this issue:

- The Applicant should confirm if they can provide any more detail at this stage to ensure that water quality impacts have been fully assessed.
- We require the Applicant provide clarification how this issue will be resolved and secured with in the MCO documentation.

Additional Information

The standards established under the EMG Phase 1 Development Consent Order (2016) are considered to represent the established baseline and minimum level of environmental protection. Where relevant guidance or Best Available Techniques (BAT) have evolved since the granting of the Phase 1 DCO, these measures should be taken into account as additional mitigation measures within the Material Change Order (MCO). Any such measures should be implemented in a manner consistent with the Phase 1 DCO, while, where practicable, further enhancing the level of environmental protection secured through the MCO.

Flood Risk 51

This issue is resolved.

Waste 52

This issue is resolved.

Appendix C: A summary of our position

East Midlands Gateway Phase 2

Topic	SOCG reference Item	Issue	RAG
GWCL	1	Requirement 22.	Item Resolved
GWCL	2	Contamination reporting.	Item Resolved
GWCL	3	Incorrect referencing.	Item Resolved
GWCL	4	Unexpected contamination protocol procedures.	Under Discussion
GWCL	5	Additional Pollution and contamination control measures.	Item Resolved
GWCL	6	SuDS monitoring.	Item Resolved
GWCL	7	Drainage maintenance details.	Item Resolved
GWCL	8	Foundation Works Risk Assessment.	Item Resolved
GWCL	9	Additional penstock valve information.	Item Resolved
GWCL	10	PFAS groundwater monitoring	Under Discussion
GWCL	11	Dewatering.	Under Discussion
GWCL	12	Pollution Prevention Controls.	Item Resolved
Biodiversity	13	Inclusion of Biodiversity Gain Requirement legislation.	Item Resolved
Biodiversity	14	Construction and operation impacts on other species.	Item Resolved
Biodiversity	15	CEMP biosecurity measures.	Under Discussion
Biodiversity	16	Water vole and Otter surveys.	Item Resolved
Biodiversity	17	Pre-construction surveys.	Item Resolved
Biodiversity	18	Installation timings of otter halts.	Item Resolved
Biodiversity	19	Watercourse buffer zones.	Under Discussion
WQ	20	Requirement 11,17 and 18.	Item Resolved
WQ	21	Firewater management.	Under Discussion
WQ	22	OEMP.	Item Resolved
WQ	23	Surface water drainage strategy.	Item Resolved
WQ	24	Water quality monitoring.	Under Discussion
WQ	25	Foul water disposal strategy.	Item Resolved
WQ	26	Fuel and oil mitigation measures.	Under Discussion
WQ	27	Concrete mitigation measures.	Item Resolved
WQ	28	Wheel wash water.	Item Resolved
WQ	29	Emergency preparedness and response plan.	Under Discussion
WQ	30	PFAS and solar panels.	Under Discussion
WQ	31	Trench installations methodology.	Item Resolved
WQ	32	Surface water runoff rate.	Item Resolved
WQ	33	Flocculants and water management.	Under Discussion
Flood Risk	34	Flood risk resilience.	Item Resolved
Waste	35	Waste management measures.	Item Resolved

Material Change Order

Topic	Item	Comment	RAG
GWCL	36	Foundation works risk assessment.	Under Discussion
GWCL	37	Penstock valve.	Under Discussion
GWCL	38	PFAS contamination.	Under Discussion
GWCL	39	PFAS testing.	Under Discussion
GWCL	40	Draft CEMP.	Item Resolved
WQ	41	Penstock valves and maintenance regime.	Item Resolved
WQ	42	Surface water run off discharges.	Item Resolved
WQ	43	Surface water run off discharge permit.	Item Resolved
WQ	44	Water quality monitoring.	Under Discussion
WQ	45	Foul water strategy.	Item Resolved
WQ	46	Concrete mitigation measures.	Under Discussion
WQ	47	Wheel washing facilities.	Under Discussion
WQ	48	Solar PV PFAS.	Under Discussion
WQ	49	Installation of service trenches.	Under Discussion
WQ	50	Flocculants and water management.	Under Discussion
Flood Risk	51	Flood modelling.	Item Resolved
Waste	52	Waste management.	Item Resolved