

Document DCO 8.10 / MCO 8.10

Statement of Common Ground between SEGRO and the Environment Agency

~~June~~July 2026

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 Introduction

1.1 This Statement of Common Ground ("SoCG") is a written statement produced during the application process for a Development Consent Order ("DCO") and a Material Change Order ("MCO") for the scheme known as East Midlands Gateway Phase 2 ("EMG2" or "the Scheme") described in clause 1.3 below. This SoCG is prepared jointly by (1) SEGRO who has submitted the DCO Application through SEGRO Properties Limited and has submitted the MCO application through SEGRO (EMG) Limited (referred to collectively as "the Applicant") and (2) the Environment Agency ("EA").

1.2 The Guidance entitled 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects' (April 2024) ("the Guidance") describes a SoCG as follows:

"A Statement of Common Ground (SoCG) is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at the examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority" (paragraph 007)

1.3 This SoCG has been prepared as part of the information accompanying the DCO and MCO applications for EMG2 which comprises:

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 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).

1.4 This SoCG has been prepared in accordance with the Guidance to assist the Examining Authority in examining the applications for the DCO and MCO by providing an understanding of the status of discussions or negotiations between the Applicant and LCC.

1.5 Capitalised terms refer to the Glossary at Appendix A to Chapter 1 of the Environmental Statement (Document 6.1A) unless otherwise stated.

2 Parties to this SoCG

2.1 This SoCG is entered into by (1) the Applicant and (2) LCC.

2.2 The EA enters into this SoCG in its capacity as statutory consultee.

2.3 A record of the engagement between the Applicant and LCC in relation to flood risk and drainage is set out in the Appendix to this SoCG.

3 Structure of this SoCG

3.1 This SoCG has been structured with two clearly defined sections. The first section considers matters relevant to the DCO and the second section considers matters relevant to the MCO. Where a particular matter is common to both the DCO and the MCO this is clearly stated and recorded in both sections.

3.1 The areas covered by this SoCG are as follows:

3.1.1 Groundwater & Contaminated Land

3.1.2 Biodiversity.

3.1.3 Water Quality.

3.1.4 Flood Risk.

3.1.5 Waste.

3.1.6 The draft DCO and MCO.

3.2 This SoCG records those matters which are agreed and, if appropriate, any matters that are not agreed and still under discussion between the Applicant and LCC in relation to flood risk and drainage.

3.3 Where this SoCG is identified as a draft, some matters may still be under discussion. If appropriate, a final version that confirms the final positions of the parties on relevant matters will be submitted before the close of the Examination

3.4 Within the following tables a Red Amber Green (RAG) status has been applied as follows: **green**: agreed, **amber** - a matter that is under discussion and/or further work is being completed and **red** - not agreed.

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
Groundwater & Contaminated Land						
4.1	Suitability of the EIA methodology	DCO 6.14 ES Chapter 14: <u>Ground Conditions</u> (Reference REP3-022)	The methodology and approach used to assess soil, geology, groundwater and land contamination risks across the EMG2 Project are considered appropriate and acceptable, and robust evidence is provided for each conclusion.	Agreement is subject to resolution of the outstanding Groundwater & Contaminated Land issues from the EA relevant representation [RR-016D], as listed below: 1. The EA is not included as a consultee for approval of P-CEMP, geo-environmental interpretative report or remediation scheme and verification. 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. [Resolved] 2. Contamination (if encountered) should be reported in writing to the local planning authority within 10 working days. The Applicant has updated the draft DCO [REP2-008D] Requirement 22 to include the suggested wording. 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. [Resolved] 3. Reference to an "earthwork's strategy" and "earthworks phase" in Section 3.3 [APP-073], but section 3.3 is for the MCO, not the DCO, and DCO earthworks are not discussed. The Applicant updated the 'Earthworks strategy' references in DCO 6.3 Chapter 3 Proposed Development [AS-025]. [Resolved] 4. Inconsistent information regarding management of unexpected contamination encountered during construction. We agree with the wording of Requirement 22 Contamination risk of the draft DCO. 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 referring to Requirement 22 Contamination risk within the paragraph. [Under discussion: 19/06/26 agreed in meeting that CEMP text will be updated to address this outstanding issue. 28/07/26 updated CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue] 5. Insufficient information to provide surety that adequate Pollution and Contamination control measures have been considered and will be in place. Provide further detail about the controls that will or may be used to ensure that hazardous or polluting substances do not cause harm. 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. [Resolved] 6. Controls to secure mitigation are unclear. It [APP-141] states: "in the event that permeable soils or geology are exposed following the proposed reprofiling of the topography, then the SuDS will be lined". It is unclear how this will be monitored, assessed and implemented. 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. [Resolved]	Under Discussion	
4.2	Outcomes and conclusions assessment	DCO 6.14 ES Chapter 14: <u>Ground Conditions</u> (Reference REP3-022)	The outcomes and conclusions of Chapter 14 (DCO/MCO 6.14) are appropriate and acceptable. There are no likely significant effects on ground conditions from the DCO and MCO applications individually, collectively or with surrounding (inter-project) developments.	5. Insufficient information to provide surety that adequate Pollution and Contamination control measures have been considered and will be in place. Provide further detail about the controls that will or may be used to ensure that hazardous or polluting substances do not cause harm. 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. [Resolved] 6. Controls to secure mitigation are unclear. It [APP-141] states: "in the event that permeable soils or geology are exposed following the proposed reprofiling of the topography, then the SuDS will be lined". It is unclear how this will be monitored, assessed and implemented. 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. [Resolved]	Under Discussion	

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
				7. Specific details and timings of drainage maintenance are not given. 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. [Resolved] 8. Contradictory or misleading information about potential requirement for piled foundations for buildings. 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. [Resolved] 9. Further detail needed about proposed penstock valve for pollution control. 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. [Resolved] 10. CEMP to include testing for PFAS in any groundwater encountered during the construction phase. The applicant has updated the A CEMP 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. [Under discussion: 19/06/26 agreed in meeting that CEMP text and ES Chapter 14 will be updated to address this outstanding issue. 28/07/26 updated CEMP and Chapter 14 to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue] 11. Shallow groundwater should be tested for PFAS and other contaminants of potential concern prior to release into the environment. To resolve this issue, we request the CEMP be updated to outline suitable instruction for dewatering. [Under discussion: 19/06/26 agreed in meeting that CEMP text will be updated to address this outstanding issue. 28/07/26 updated CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue] 12. Maintenance of pollution prevention controls is not listed as a mitigation measure. Ensure a detailed and thorough maintenance schedule is produced and followed. 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]. [Resolved]		

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
Biodiversity						
4.3	Outcomes and conclusions of the assessment	DCO 6.9 ES Chapter 9: <u>Ecology and Biodiversity</u> (Reference <u>REP3-014</u> REP3-015)	The EIA methodology and approach taken for the assessment of biodiversity is appropriate and acceptable. The outcomes of ES Chapter 9 are appropriate and acceptable. Specifically, there are no likely significant effects on water quality from the DCO and MCO applications individually, collectively or cumulatively with other development.	Agreement is subject to resolution of the outstanding Biodiversity issues from the EA relevant representation [RR-016D], as listed below: 13. Include the following legislation, policy and guidance: Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 for completeness. The Applicant included the relevant Biodiversity Gain Requirements (irreplaceable Habitat) Regulations 2024 into Chapter 9 – Ecology and Biodiversity [REP3-015] Sections 9.3. [Resolved]	Under Discussion	
4.4	Biosecurity	DCO 6.3A <u>ES Appendix 3A: CEMP</u> (Reference <u>REP2-026D</u> REP4-018D)	The principles outlined in the framework Construction Environmental Management Plan (CEMP) for the DCO in relation to biosecurity and invasive species are considered appropriate to address the construction phase of the EMG2.	14. Include an assessment of the potential construction and operational impacts of Other Species which includes water vole within Table 9.15 for construction effects and Table 9.16 for operational effects. 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. [Resolved] 15. No details of biosecurity measures to prevent the spread of invasive non-native species is given within Chapter 9 Ecology and Biodiversity or within the CEMP. To resolve this issue, we request the Applicant include biosecurity measures within the OCEMP and INNS management plan to ensure INNS is appropriately managed. [Under discussion/Resolved]	Under Discussion	
4.5	Riparian Buffer	DCO 6.3A <u>ES Appendix 3A: CEMP</u> (Reference <u>REP2-026D</u> REP4-018D)	The principles outlined in the framework Construction Environmental Management Plan (CEMP) for the DCO in relation to an appropriate riparian buffer (a minimum of 10m from top of bank) are considered appropriate to address the construction phase of the EMG2.	16. The water vole and otter survey report has been censored to protect details regarding the location of water vole and otter signs. An uncensored version of the report should be provided to the Environment Agency. The Applicant provided the uncensored Water vole and Otter survey report, and we agree with the report. [Resolved] 17. Riparian mammal pre-construction checks/surveys should be conducted prior to the construction of each watercourse, to determine any changes in presence or distribution of otters and water voles. 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. [Resolved] 18. Include timings for the installation of the otter holt, along with details of any required monitoring or preinstallation checks, within Table 4 of the LEMP. 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. [Resolved] 19. We are concerned the project proposes insufficient buffer zones for watercourses. The applicant has updated the A CEMP paragraph 17.80 to state: 'The establishment of exclusion fencing and buffer zones at a minimum distance 10metre 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. [Under discussion: 19/06/26 agreed in meeting that CEMP text will be updated to address this]	Under Discussion	

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
				outstanding issue. 28/07/26 updated CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]		
Water Quality						
4.6	Suitability of the EIA methodology	DCO 6.13 ES Chapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020 REP5-025) DCO 6.13H and DCO 6.13I, Sustainable Drainage Statements (References APP-149, APP-150) DCO 6.13F <u>ES Appendix 13F: WFD Screening</u> (Reference REP5-027 APP-147)	The EIA methodology and approach taken for the assessment of ground and surface water quality is appropriate and acceptable. The information detailed within Chapter 13 (DCO/MCO 6.13) and within the supporting appendices (WFD Screening, and Sustainable Drainage Statements) is appropriate and acceptable.	Agreement is subject to resolution of the outstanding Water Quality issues from the EA relevant representation [RR-016D], as listed below: 20. The Environment Agency is currently not included as a named consultee in Schedule 2 for the Requirement 11 for the Construction environmental management plan; Requirement 17(1) for the Flood risk and surface water drainage; or Requirement 18 for the Foul water drainage. 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. [Resolved] 21. The Applicant is of the position that fire suppression systems are not a standard requirement for a primary switchgear building. 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. Further details are required about penstocks and removing firewater. [Under discussion. 19/06/26 discussions on appropriate fire suppression/ fire water control measures are still ongoing. 28/07/26 it has been agreed that retrofitting automated penstocks to the downstream EMG1 SuDS basins will provide appropriate pollution prevention safeguards in the event of a fire at the switchgear building. This will be captured in CS Chapter 13 which will be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue] 22. In Schedule 2 of the Requirements, there is no operational environmental management plan (OEMP) secured. 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. [Resolved] 23. The surface water drainage strategy says that surface water runoff from the development will be treated, but it is unclear what type of treatment is proposed. 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. [Resolved] 24. The Applicant should provide further details of water quality monitoring. 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	Under Discussion	
4.7	Suitability of the framework CEMP on managing water quality.	DCO 6.3A <u>ES Appendix 3A: CEMP</u> DCO only (Reference REP-026 REP4-018D)	The principles outlined in the framework Construction Environmental Management Plan (CEMP) for the DCO in relation to water quality are considered appropriate to address the construction phase of the EMG2.		Under Discussion	
4.8	The status of the local WFD waterbodies.	DCO 6.13 ES Chapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020 REP5-025) DCO 6.13F <u>ES Appendix 13F: WFD Screening</u> (Reference REP5-027 APP-147)	The scheme will not cause deterioration of the water environment, the status of the surrounding water bodies, or compromise the ability of the water bodies to achieve their WFD status objectives.		Under Discussion	

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
4.9	Outcomes and conclusions of the assessment	DCO 6.13 ES Chapter 13: Flood Risk and Drainage (Reference REP3-020REP5-025)	The outcomes of ES Chapter 13 are appropriate and acceptable. Specifically, there are no likely significant effects on water quality from the DCO and MCO applications individually, collectively or cumulatively with other development.	the future P-CEMP(s)". We require additional water quality monitoring detail be included in the A CEMP [Under discussion. 19/06/26 agreed in meeting that CEMP and WFD text will be updated to address this outstanding issue. 28/07/26 updated WFD was submitted at deadline 5, the updated CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated documents resolve this issue] 25. Foul water disposal strategy during construction and operation should be clarified. 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 [Resolved] 26. The Applicant should confirm what fuel and oil mitigation measures will be provided for the HGV parking. 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. Also, Provide clarity on the securing mechanism for this issue during the operation phase. [Under discussion. 19/06/26 agreed in meeting that ES Chapter 13 text will be updated to address this outstanding issue. 28/07/26 The requested updated were made to Chapter 13 which was submitted at Deadline 5, and the Applicant will await the EA's confirmation that the updated document resolves this issue] 27. The Applicant should provide further details on the use of concrete and how it will be managed. 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. [Resolved] 28. Where wash water is used, it is currently uncertain how it will be contained and disposed of. The need for an environmental permit to carry out a water discharge activity has not been specifically recognised. 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. [Resolved] 29. Table 20.4 of Chapter 20 suggests that Table 20.6 confirms "an Emergency Preparedness and Response Plan will be prepared for the EMG2 Project", however there is no reference to this plan in Table 20.6. 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. [Under discussion/Resolved] 30. Section 3.2.14. says that the proposed buildings within the EMG2 Main Site "will be designed to accommodate solar photovoltaic (PV) panels on their roofs." 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. [Under discussion. 19/06/26 agreed in meeting that CEMP text will be	Under Discussion	

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
				<u>updated to address this outstanding issue. 28/07/26 updated CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue</u> 31. Drilling fluid can highly deteriorate water quality if there is a breakout and it is not managed sufficiently. The method of installation must be clarified by the Applicant, if horizontal directional drilling is proposed as a trenchless method then they will need to produce a drilling fluid breakout plan. The Applicant provided clarification on the installation methodology and the suitable mitigation measure in paragraph 20.10 of the A CEMP [REP2-026D]. [Resolved] 32. Use of consistent language to be used when discussion discharge rates and we support the use of the greenfield runoff rate. The Applicant addressed our concerns relating to greenfield runoff rates by updating paragraph 20.10 of the A CEMP [REP2-026D]. [Resolved] 33. Provide further details of flocculants in water management. 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. <u>[Under discussion. 19/06/26 agreed in meeting that CEMP text will be updated to address this outstanding issue. 28/07/26 updated CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u>		
Flood Risk						
4.10	NPSNN and NPPF	DCO 6.13 ES eChapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020<u>REP5-025</u>) DCO 6.13G <u>ES Appendix 13G</u>: Flood Risk Assessment (Reference <u>AS-058APP-148</u>)	The Flood Risk Assessment and ES Chapter 13 (DCO/MCO 6.13) have been prepared in accordance with the National Policy Statement for National Networks (NPSNN) and the National Planning Policy Framework (NPPF).		Agreed	16/06/26
4.11	Assessment Methodology, including climate change	DCO 6.13 ES eChapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020<u>REP5-025</u>) DCO 6.13G <u>ES Appendix 13G</u>: Flood Risk Assessment (Reference <u>AS-058APP-148</u>) <u>DCO 6.13H and DCO 6.13I</u>, Sustainable Drainage Statements (References <u>APP-149</u>, <u>APP-150</u>)	The methodology and approach taken for the assessment of flood risk is appropriate and acceptable, including consideration of the effects of climate change. The information detailed within the Chapter 13 (DCO/MCO 6.13) and within the supporting appendices (Flood Risk Assessments, and Sustainable Drainage Statements) is appropriate and acceptable.		Agreed	16/06/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
4.12	Flood risk to the development and the impact of the development in to the surrounding area	DCO 6.13 ES Chapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020 <u>REP5-025</u>) DCO 6.13G ES Appendix 13G: <u>Flood Risk Assessment</u> (Reference AS-058 <u>APP-148</u>) DCO 6.13H and DCO 6.13I, <u>Sustainable Drainage Statements</u> (References APP-149 , <u>APP-150</u>)	The Scheme is at an acceptable level of flood risk and, subject to the implementation of the flood risk management principles outlined in the Flood Risk Assessment, and the surface water drainage principles outlined in the Sustainable Drainage Statements, the proposed scheme will appropriately mitigate flood risk in line with best practice guidance. There are no likely significant effects on flood risk from the DCO and MCO applications individually, collectively or cumulatively with other development.		Agreed	16/06/26
4.13	Management of flood risk at the construction phase.	DCO 6.3A ES Appendix 3A: <u>CEMP DCO only</u> (Reference REP-026D <u>REP4-018D</u>)	The principles outlined in the framework Construction Environmental Management Plan (CEMP) for the DCO in relation to flood risk are considered appropriate to address the construction phase of the EMG2.		Agreed	16/06/26
Waste						
4.14	Outcomes and conclusions of the assessment	DCO 6.18 ES Chapter 18: <u>Materials and Waste</u> (Reference <u>REP1-029</u>)	The EIA methodology and approach taken for the assessment of Waste is appropriate and acceptable. The outcomes of ES Chapter 18 are appropriate and acceptable. Specifically, there are no likely significant effects on water quality from the DCO and MCO applications individually, collectively or cumulatively with other development.		Agreed	16/06/26
Draft DCO						
4.15	The Draft DCO	DCO 3.1 dDCO (Reference REP2-008D <u>REP5-008D</u>)	The EA are comfortable with the content of the draft DCO relating to flood risk, water quality, ground conditions and waste.	Agreement is subject to resolution of the issues from the EA relevant representation DCO [RR-016D], as listed in the under the preceding matters.	Under Discussion	

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Groundwater and Contaminated Land						
5.1	Suitability of the EIA methodology	DCO 6.14 ES Chapter 14: <u>Ground Conditions</u> (Reference REP3-022)	The methodology and approach used to assess soil, geology, groundwater and land contamination risks across the EMG2 Project are considered appropriate and acceptable, and robust evidence is provided for each conclusion.	Agreement is subject to resolution of the outstanding Groundwater & Contaminated Land issues from the EA relevant representation [RR-016D], as listed below: 36. Requested for a requirement to require a Foundation Works Risk Assessment if it transpires that piled foundations are needed. We request the Applicant update the draft MCO, to include a requirement to assess the risks from foundation works being undertaken for the MCO. <u>[Under discussion: 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u>	Under Discussion	
5.2	Outcomes and conclusions assessment	DCO 6.14 ES Chapter 14: <u>Ground Conditions</u> (Reference REP3-022)	The outcomes and conclusions of Chapter 14 (DCO/MCO 6.14) are appropriate and acceptable. There are no likely significant effects on ground conditions from the DCO and MCO applications individually, collectively or with surrounding (inter-project) developments.	37. Further detail needed about proposed penstock valve for pollution control. We note the inclusion of penstock valves has been updated within Chapter 13 and agree with the additional details provided. 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 edited to chapter 13.6.40 to state that a 'Penstock will be installed'. <u>[Under discussion: 19/06/26 ES Chapter 13 and the MCO will be updated as requested. 28/07/26 The requested updates to Chapter 13 were submitted at Deadline 5, the updates to the MCO are to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u> 38. The CEMP should include testing for PFAS in any groundwater encountered during the construction phase. <u>[Under discussion: 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u> 39. Shallow groundwater should be tested for PFAS and other contaminants of potential concern prior to release into the environment. <u>[Under discussion: 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u> 40. No CEMP supplied for MCO site. <u>[Resolved]</u>	Under Discussion	
Biodiversity						
5.3	Outcomes and conclusions of the assessment	DCO 6.9 ES Chapter 9: <u>Ecology and Biodiversity</u> (Reference REP3-014 REP3-015)	The EIA methodology and approach taken for the assessment of biodiversity is appropriate and acceptable. The outcomes of ES Chapter 9 are appropriate and acceptable. Specifically, there are no likely significant effects on water quality from the		Agreed	16/06/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
			DCO and MCO applications individually, collectively or cumulatively with other development.			
Water Quality						
5.4	Suitability of the EIA methodology	DCO 6.13 ES eChapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020 REP5-025) DCO 6.13J ES Appendix 13J: <u>Sustainable Drainage Statements</u> (Reference APP-151) DCO 6.13F ES Appendix 13F: <u>WFD Screening</u> (Reference REP5-027 APP-447)	The EIA methodology and approach taken for the assessment of ground and surface water quality is appropriate and acceptable. The information detailed within Chapter 13 (DCO/MCO 6.13) and within the supporting appendices (WFD Screening, and Sustainable Drainage Statements) is appropriate and acceptable.	Agreement is subject to resolution of the outstanding Water Quality issues from the EA relevant representation [RR-016D], as listed below: 41. The Applicant should confirm details on the penstock valves. [Resolved] 42. It is suggested in section 3.3.11. of Chapter 3 that direct surface water runoff from the MCO Scheme will discharge to the Lockington Brook, via the existing EMG1 surface water drainage infrastructure, however precise proposed discharge locations are unknown. [Resolved] 43. Section 13.6.80 of Chapter 13 says that surface water runoff will pass through secondary and tertiary treatment, before discharge but the type of treatment is unknown. [Resolved] 44. 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	Under Discussion	
5.5	Suitability of the CEMP on managing water quality.	DCO 6.13 ES eChapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020 REP5-025)	The EMG1 DCO contains provisions pursuant to Requirement 11 as set out in Schedule 2 of the EMG1 DCO requiring a further P-CEMP to be submitted for each phase and this will apply to the EMG1 Works. The P-CEMP will need to adhere to the approved construction management framework plan that was approved for EMG1. Matters contained in the Construction Environmental Management Plan (CEMP) in relation to water quality are considered appropriate to address the construction phase of the MCO.	<u>[Under discussion. 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u> 45. Foul water disposal strategy during construction and operation should be clarified. [Resolved] 46. 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. 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	Under Discussion	
5.6	The status of the local WFD waterbodies.	DCO 6.13 ES eChapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020 REP5-025) DCO 6.13F ES Appendix 13F: <u>WFD Screening</u> (Reference REP5-027 APP-447)	The scheme will not cause deterioration of the water environment, the status of the surrounding water bodies, or compromise the ability of the water bodies to achieve their WFD status objectives.	<u>[Under discussion. 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u>	Under Discussion	
5.7	Outcomes and conclusions of the assessment	DCO 6.13 ES eChapter 13: <u>Flood Risk and Drainage</u> (Reference REP3-020 REP5-025)	The outcomes of ES Chapter 13 are appropriate and acceptable. Specifically, there are no likely significant effects on water quality from the DCO and MCO applications individually, collectively or cumulatively with other development.	47. 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. We require clarification how these measures are secured for the MCO. <u>[Under discussion. 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u>	Under Discussion	

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
				48. 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. <u>[Under discussion. 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u> 49. 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. <u>[Under discussion. 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u> 50. We raised concerns relating to the use of flocculants for the MCO. This issue links to Water Quality 33. 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. <u>[Under discussion. 19/06/26 agreed in meeting that a supplement to the EMG1 CEMP will be prepared to address this outstanding issue, based on the approach agreed for the EMG2 CEMP. 28/07/26 The supplement to the EMG1 CEMP to be submitted at Deadline 6, and the Applicant will await the EA's confirmation that the updated document resolves this issue]</u>		
Flood Risk						
5.8	NPSNN and NPPF	DCO 6.13 ES <u>Chapter 13: Flood Risk and Drainage</u> (Reference <u>REP3-020REP5-025</u>) DCO 6.13G <u>ES Appendix 13G: Flood Risk Assessment</u> (Reference <u>AS-058APP-148</u>)	The Flood Risk Assessment and ES Chapter 13 (DCO/MCO 6.13) have been prepared in accordance with the National Policy Statement for National Networks (NPSNN) and the National Planning Policy Framework (NPPF).		Agreed	16/06/26
5.9	Assessment Methodology, including climate change	DCO 6.13 ES <u>Chapter 13: Flood Risk and Drainage</u>	The methodology and approach taken for the assessment of flood risk is appropriate and acceptable, including consideration of the effects of climate change. The information detailed within the		Agreed	16/06/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
		(Reference 020REP5-025 REP3-020REP5-025) DCO 6.13G ES Appendix 13G: Flood Risk Assessment (Reference AS-058APP-148) DCO 6.13J ES Appendix 13J: Sustainable Drainage Statements (Reference APP-151)	Chapter 13 (DCO/MCO 6.13) and within the supporting appendices (Flood Risk Assessment, and Sustainable Drainage Statements) is appropriate and acceptable.			
5.10	Flood risk to the development and the impact of the development in to the surrounding area	DCO 6.13 ES Chapter 13: Flood Risk and Drainage (Reference 020REP5-025 REP3-020REP5-025) DCO 6.13G ES Appendix 13G: Flood Risk Assessment (Reference AS-058APP-148) DCO 6.13J ES Appendix 13J: Sustainable Drainage Statements (Reference APP-151)	The Scheme is at an acceptable level of flood risk and, subject to the implementation of the flood risk management principles outlined in the Flood Risk Assessment, and the surface water drainage principles outlined in the Sustainable Drainage Statements, the proposed scheme will appropriately mitigate flood risk in line with best practice guidance. There are no likely significant effects on flood risk from the DCO and MCO applications individually, collectively or cumulatively with other development.		Agreed	16/06/26
5.11	Management of flood risk in the construction phase.	DCO 6.13 ES Chapter 13: Flood Risk and Drainage (Reference 020REP5-025 REP3-020REP5-025)	The EMG1 DCO contains provisions pursuant to Requirement 11 as set out in Schedule 2 of the EMG1 DCO requiring a further P-CEMP to be submitted for each phase and this will apply to the EMG1 Works. The P-CEMP will need to adhere to the approved construction management framework plan that was approved for EMG1. Matters contained in the Construction Environmental Management Plan (CEMP) in relation to flood risk are considered appropriate to address the construction phase of the MCO.		Agreed	16/06/26
Waste						
5.12	Outcomes and conclusions of the assessment	DCO 6.18 ES Chapter 18: Materials and Waste (Reference REP1-029)	The EIA methodology and approach taken for the assessment of Waste is appropriate and acceptable. The outcomes of ES Chapter 18 are appropriate and acceptable. Specifically, there are no likely significant effects on water quality from the DCO and MCO applications individually, collectively or cumulatively with other development.		Agreed	16/06/26
The draft MCO						
5.13	The Draft MCO	MCO 3.1 Draft MCO (Reference 040MREP5-006M REP2-040MREP5-006M)	The EA are comfortable with the content of the draft MCO relating to flood risk, water environment, and ground conditions subject to the additional requirement referred in 5.1. The Applicant is	Agreement is subject to resolution of the issues from the EA relevant representation DCO [RR-016D], as listed in the under the preceding matters.	Under Discussion	

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
			considering this change to the requirements will be included in the next version of the dMCO.			

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6 Conclusions

- 6.1 The Applicant and LCC confirm that all flood risk and drainage matters under discussion in relation to the Scheme have been agreed as recorded in the tables in sections 4 and 5 above.
- 6.2 The Applicant and LCC will continue to engage with each other as necessary during the Examination processes with a view to narrowing and resolving any issues that may subsequently be raised.

SIGNATURES:

On behalf of the Applicant:

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Signature

.....
Name

.....
Position

On behalf of Environment Agency:

.....
Signature

.....
Name

.....
Position

APPENDIX
RECORD OF ENGAGEMENT

Date	Form of engagement	Summary of matters dealt with
25/07/2024	Meeting	An initial introductory meeting was held with the LLFA to discuss the project and the best communication routes for engagement.
03/09/2024	Email	Email to the LLFA making them aware that a scoping request had been submitted, and offering another meeting to discuss the scheme should they have any questions.
24/09/2024	Scoping Opinion	The LLFA identified that they were supportive of the proposed approach to draining surface water from the scheme. They raised a number of items relating to flood risk and water quality that the development should consider including: the need for robust surface water management measures at the construction phase, that the extent of watercourse disruption should be kept to a minimum, and that any hydraulic modelling should be independently reviewed by a third party.
21/11/2024	Email	A summary note was returned to the LLFA providing additional information related to matters raised by them and the EA in the scoping opinion.
13/02/25	Email	Two preliminary culvert capacity assessments were shared with the LLFA. One associated with the footpath crossing of the Hemington Brook (the L57 footpath), and the other associated with the Active Travel Route's proximity to a minor tributary of the River Soar outfalling from the East Midlands Airport. While these were to address comments raised by the EA, the LLFA were included to keep them informed.

03/03/25	Email	At the request of the LLFA, the summary note previously shared on the 13.02.25 was reissued.
17/03/25	Statutory Consultation	The LLFA raised no issues, but requested that agreement of the following are secured as a requirement in the DCO: the construction phase drainage strategy; the operational phase drainage strategy; the long-term maintenance strategy for the drainage.
30/04/25	Email	At the request of the EA, the LLFA were approached in relation to the footpath improvements (L57) and the increased length of culvert that would be required.
08/05/25	Email	The LLFA replied to confirm that they did not foresee any issues with the footpath improvements (L57) and the increased length of culvert.
21/05/25	Email	The LLFA were made aware of the change in programme and the intention to undertake a second round of consultations.
02/07/25	Email	The LLFA were made aware that the second consultation had begun, and also that the hydraulic modelling had been independently reviewed. The model review proforma was shared.
11/08/25	Email	The LLFA were asked if they had any outstanding concerns on the EMG2 or EMG1 schemes.
28/07/25	Statutory Consultation	The LLFA comments remained unchanged from those submitted in response to first statutory consultation, but it was stated that the associated EMG1 and off-site highways works raise a cause for concern and that details are required to demonstrate that the suggested surface water requirement(s) have been met

15/08/25	Email	The LLFA were approached with suggested amendments to the wording of the draft DCO Requirements.
28/08/25	Email	The LLFA were asked what their outstanding concerns were on the EMG2 or EMG1 schemes, and if they had chance to consider the suggested rewording of the DCO requirements.
08/09/25	Email	The LLFA were asked what their outstanding concerns were on the EMG2 or EMG1 schemes, and if they had chance to consider the suggested rewording of the DCO requirements.
15/09/25	Email	The LLFA were approached in relation to comments attributed to the LLFA in the second consultation, which stated that the drainage works in EMG1 and on the highways are “of concern”. It was asked what the concerns were, and what information were could be provided to them to address them
17/09/25	Email	The LLFA confirmed that they did not raise any comments in relation to the drainage in the second consultation, and that they have no outstanding concerns in relation to EMG2 and the associated Highway Works, or the proposed works to EMG1 proposed as part of the MCO.
09/01/26	Relevant Representations	The Environment Agency submitted their relevant representation to the application, raising comments and asking for further information on groundwater and contaminated land, biodiversity and water quality topics. No issues were raised with the flood risk and waste topics.
07/04/26	Response to Relevant Representations	The applicant submitted a response to the comments raised by the Environment Agency in their relevant representations.

21/05/26	EA meeting	Meeting held to meet the new EA project lead. Discussions over progressing the SoCG held. Confirmed that there are no outstanding issues on Flood Risk and Waste topics.
26/05/26	Receipt of EA draft SoCG	Itemised issues that the EA would like to be covered in the SoCG were received and added in to the new SoCG format in the Interested Party's column. RAG status of issues raised in the Relevant Representations provided. No information provided on why some items remain under discussion.
11/06/26	Email	Email issued to the EA requesting further information to be provided on the Relevant Representation items that they still consider under discussion.
12/06/26	Email	Email received from the EA updating their position on agreed and under discussion items. This included further information on what is required to address their outstanding concerns
<u>19/06/26</u>	<u>EA Meeting</u>	<u>Meeting held with the EA and applicant to discuss the outstanding issues and the potential approach to move towards resolution. It was agreed that the approved amendments to the EMG2 CEMP would also be captured in a supplement to the EMG1 CEMP to secure the necessary pollution and water quality safeguards.</u>
<u>20/07/26</u>	<u>Email</u>	<u>An email exchange took place with the EA to discuss the final outstanding issue (item 21 from EA relevant representation [RR-016D]) related to the management of fire water from the EMG1 switchgear. It was agreed that retrofitting automated penstocks to the existing EMG1 SuDS basins would provide appropriate pollution prevention safeguards in the event of a fire at the switchgear.</u>