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Environment Agency

Planning Inspectorate

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Customer reference:
BC0410001 and TR0510002
20 August 2026

To whom it may concern

ENVIRONMENT AGENCY DEADLINE 7 RESPONSE.

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

This response constitutes the Environment Agency's Deadline 7 response.

We have reviewed the submitted documentation at Deadlines 5 and 6 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) below.

We have now agreed with the Applicant that all issues raised in our Relevant Representation responses [RR-016D] and [RR-051M]F have been resolved.
We have worked directly with the Applicant to resolve Water Quality Issue 24 for Deadline 7. The Applicant has addressed our concerns and has agreed to submit updated versions of the CEMP and Appendix F: Water Framework Directive (WFD) Screening document at Deadline 7.

We are therefore content to consider this issue resolved, subject to the submission of the updated documents into the Examination. Following the Deadline 7 submission, we will be in a position to sign the Statement of Common Ground.

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

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

GWCL Item 4
We consider this issue resolved.

The Applicant has updated section 5.4 of the A CEMP [REP6-021D], referring to Requirement 22 Contamination risk within the paragraph.

GWCL Item 10
We consider this issue resolved.

The Applicant has updated the A CEMP [REP6-021D] to provide the following procedures if PFAS are encountered:

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

GWCL Item 11
We consider this issue resolved.

The Applicant has updated the A CEMP [REP6-021D] to include suitable instructions for dewatering.

Biodiversity 15
We consider this issue resolved.

The Applicant has included biosecurity measures within the A CEMP [REP6-021D], we agree these measures ensure INNS is appropriately managed.

Biodiversity 19
We consider this issue resolved.

The Applicant has updated A CEMP [REP6-021D] to confirm that a 10 m buffer zone will be maintained from the top of the bank of all watercourses. We are satisfied that this amendment addresses and resolves our previous concern.

Water Quality 21
We consider this issue resolved.

The Applicant shared industry practice and guidance with us that demonstrates that fire suppression systems are not standard requirements for a primary switchgear building.

Our outstanding concern that remained was based on the pollution risk from fire water and how it would be adequately managed and not impact water receptors. The Applicant has updated the A CEMP [REP6-021D] and Chapter 13 Flood Risk and Drainage [REP6-034] to retrofit the current drainage network with penstock valves to the existing detention basins to allow isolation in the event of a fire. This mitigation measure is adequate and resolves our issue.

Water Quality 24
We consider this issue resolved subject to the updates agreed with the Applicant being submitted at Deadline 7 for the A CEMP and Appendix F Water Framework Directive WFD Screening.

We request the Applicant provide further details for water quality monitoring:

- Frequency,
- Quantity,
- Location,
- Methodology of the monitoring programme

We require these details to ensure the measures are robust enough to identify and manage potential pollution risks during construction and operation of EMG2.

On review of the A CEMP [REP6-021D] and WFD Screening [REP5-028] the Applicant had resolved most of our concerns. During this review we raised two principal concerns with the Applicant:

1. Monitoring commitments were inconsistent between documents
    - The A CEMP [REP6-021D] stated that monitoring would occur both upstream and downstream of surface water outfalls and crossings.
    - However, the WFD Screening [REP5-028] referred only to downstream monitoring in several sections and tables.
2. Clarification was required on the monitoring plan
    - Whether monitoring point **M5** could receive direct discharges to Hall Brook.
    - Whether monitoring point **M4** would be sufficient to identify pollution sources, or whether an additional monitoring point might be required.

Applicant Engagement and Technical Discussion
During July and August 2026, we held discussions with the Applicant, who committed to reviewing the monitoring arrangements and updating the supporting documents.

On 18 August 2026, the Applicant provided updated A CEMP [REP6-021D] and WFD Screening [REP5-028] documents and clarified the monitoring strategy:

- The WFD Screening report was amended to explicitly refer to upstream and downstream monitoring.
- The A CEMP reference was corrected to the appropriate appendix of the Silt Management Plan.

With regards to our water quality monitoring queries the Applicant confirmed:

- For M5 Water Quality Monitoring location:
    - The monitoring location point is on Hall Brook.
    - Runoff from the development will be redirected to the south-east corner of the site.
    - It is not intended to discharge development runoff into Hall Brook.
    - Monitoring points shown are illustrative and final locations will be agreed with the Environment Agency through phase-specific CEMPs.
- For M4 Water Quality Monitoring location:
    - The monitoring locations in the outline plan are indicative only.
    - Final monitoring locations can be refined during detailed design.
    - Monitoring arrangements secured through the DCO allow locations to be tailored to each construction phase.

Outcome
Having reviewed this additional information submitted, we concluded that our concerns regarding Water Quality 24 have been addressed and the matter could be closed out within the SoCG. We advise the Applicant include the M4 and M5 explanations be included in the A CEMP [REP6-021D], although this is not essential.

Water Quality 26
We consider this issue resolved.

We raised concerns regarding fuel and oil mitigation measures for the proposal. The Applicant has updated the A CEMP [REP6-021D] and Chapter 13 Flood Risk and Drainage [REP6-034] to include HGV parking areas and confirmed the securing

mechanism is via Requirement 17 Drainage Strategy which the EA is a consultee on.

Water Quality 29
We consider this issue resolved.

The Applicant corrected the reporting error and removed the Emergency Preparedness and Response Plan from Table 20.4 of Chapter 20 Major Accidents and Disasters.

Water Quality 30
We consider this issue resolved.

We raised concerns that PFAS in solar panels and the cleaning regime could impact water quality. The Applicant has updated the A CEMP [REP6-021D] with commitments to only using solar photovoltaic panels and a cleaning regime that is PFAS free.

Water Quality 33
We consider this issue resolved.

The Applicant has updated the A CEMP [REP6-021D] to provide additional details regarding flocculants and water management.

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

GWCL Item 36
We consider this issue resolved.

The Applicant has outlined that no piled foundations are proposed for the MCO and that Shallow Pad Foundations will be used for the MCO.

GWCL Item 37
We consider this issue resolved.

Our concern was securing penstock valves for the MCO. The Applicant has updated the wording to section 13.6.40 of Chapter 13 Flood Risk and Drainage [REP6-034]to state that a 'penstock *will* be installed'. Whilst also updating the MCO requirement 17 to name the EA as a consultee.

GWCL Item 38
We consider this issue resolved.

The Applicant has provided an MCO Addendum to the EMG1 Construction Management Framework Plan [REP6-022M]. This addendum secures the appropriate mitigation regarding PFAS that we require for the MCO.

GWCL Item 39
We consider this issue resolved.

The Applicant has provided an MCO Addendum to the EMG1 Construction Management Framework Plan [REP6-022M]. This addendum secures the appropriate mitigation regarding PFAS that we require for the MCO.

Water Quality 44
We consider this issue resolved.

We raised concerns of water quality monitoring for the MCO. The Applicant has provided an MCO Addendum to the EMG1 Construction Management Framework Plan [REP6-022M]. The Applicant's addendum outlines the appropriate water quality

monitoring information to ensure the monitoring program is robust enough to identify and manage potential pollution risks during construction and operation.

Water Quality 46
We consider this issue resolved.

The Applicant has provided an MCO Addendum to the EMG1 Construction Management Framework Plan [REP6-022M]. The Applicant's addendum secures the appropriate water quality mitigations for the MCO to ensure that concrete does not impact the water environment.

Water Quality 47
We consider this issue resolved.

We raised concerns in relation to wheel washing practices for the MCO. The Applicant has provided an MCO Addendum to the EMG1 Construction Management Framework Plan [REP6-022M]. The Applicant has updated the MCO CEMP to ensure that updated wheel washing practices are included and do not impact water quality.

Water Quality 48
We consider this issue resolved.

The Applicant has provided an MCO Addendum to the EMG1 Construction Management Framework Plan [REP6-022M]. The Applicant has made commitments to only using solar photovoltaic panels and a cleaning regime that is PFAS free.

Water Quality 49
We consider this issue resolved.

The Applicant has provided an MCO Addendum to the EMG1 Construction Management Framework Plan [REP6-022M]. The Applicant has provided clarification regarding the methodology for the installation of service trenches and has included the appropriate commitments for a drilling fluid breakout plan if HDD is required.

Water Quality 50
We consider this issue resolved.

We raised concerns relating to the use of flocculants for the MCO. The Applicant has provided an MCO Addendum to the EMG1 Construction Management Framework Plan [REP6-022M]. The Applicant has provided additional details regarding flocculants and water management that resolve our concerns.

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.	Item Resolved
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	Item Resolved
GWCL	11	Dewatering.	Item Resolved
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.	Item Resolved
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.	Item Resolved
WQ	20	Requirement 11,17 and 18.	Item Resolved
WQ	21	Firewater management.	Item Resolved
WQ	22	OEMP.	Item Resolved
WQ	23	Surface water drainage strategy.	Item Resolved
WQ	24	Water quality monitoring. *subject to updates at Deadline 7*	Item Resolved
WQ	25	Foul water disposal strategy.	Item Resolved
WQ	26	Fuel and oil mitigation measures.	Item Resolved
WQ	27	Concrete mitigation measures.	Item Resolved
WQ	28	Wheel wash water.	Item Resolved

WQ	29	Emergency preparedness and response plan.	Item Resolved
WQ	30	PFAS and solar panels.	Item Resolved
WQ	31	Trench installations methodology.	Item Resolved
WQ	32	Surface water runoff rate.	Item Resolved
WQ	33	Flocculants and water management.	Item Resolved
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.	Item Resolved
GWCL	37	Penstock valve.	Item Resolved
GWCL	38	PFAS contamination.	Item Resolved
GWCL	39	PFAS testing.	Item Resolved
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.	Item Resolved
WQ	45	Foul water strategy.	Item Resolved
WQ	46	Concrete mitigation measures.	Item Resolved
WQ	47	Wheel washing facilities.	Item Resolved
WQ	48	Solar PV PFAS.	Item Resolved
WQ	49	Installation of service trenches.	Item Resolved
WQ	50	Flocculants and water management.	Item Resolved
Flood Risk	51	Flood modelling.	Item Resolved
Waste	52	Waste management.	Item Resolved