

Document DCO 8.7 / MCO 8.7

Statement of Common Ground between the Applicant and Natural England (relating to Ecology and Biodiversity)

~~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 is prepared jointly by the applicant and another party.

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 applications for a DCO and a Material Change Order ("MCO") for the scheme known as East Midlands Gateway Phase 2 ("EMG2" or "the Scheme") comprising:

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 another party.

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) 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) Natural England.

2.2 Natural England enters into this SoCG in its capacity as statutory consultee.

2.3 A record of the engagement between the Applicant and Natural England in relation to ecology and biodiversity 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.

3.2 The areas covered by this SoCG are as follows:

3.2.1 The approach taken to the assessment of designated sites, including the River Mease SAC and relevant Sites of Special Scientific Interest (SSSIs).

3.2.2 The scope and sufficiency of baseline ecological surveys undertaken to inform the Environmental Statement ("ES") Chapter 9 (Document DCO/MCO 6.9).

3.2.3 The approach to assessing Biodiversity Net Gain (BNG), including use of the Statutory Biodiversity Metric.

3.2.4 The assessment and proposed mitigation for impacts on protected and notable species.

3.2.5 The methodology and findings of the agricultural land classification and soil handling proposals.

3.3 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 Natural England in relation to ecology and biodiversity.

3.4 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.

3.5 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. The use of yellow is also included for items where NE does not agree with the Applicant's position or approach and would ideally like this to be addressed but are satisfied that for this particular project it is unlikely to make a material difference to our advice or the outcome of the decision-making process.

4 DCO

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
Ecology and Biodiversity						
4.1	EIA - Scoping and methods of ecology surveys	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The scope, timing and methods of ecological surveys undertaken to inform the Environmental Statement are appropriate for a planning assessment stage and align with relevant guidance. Updated surveys will be required post-consent 6 months prior to formal licence applications being submitted to Natural England.	<u>NE7</u> Agreed and no further comment.	Agreed	07/04/26
4.2	EIA - LNRS (Future Baseline)	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	LNRS measures have extremely limited coverage on the application. Restricted operational areas of highways verges are not thought likely to be subject to substantial changes in management as a result of the LNRS. The area which does merit some consideration is that of the existing rail track, which is subject to 5 measures (MN2,9,11,12 and 13). These measures promote management to benefit	<u>NE1</u> NE note the comments provided by the Applicant (via email 24/02/26) on the limited significance of the use of LNRS in the future baseline assessment. This is due to a lack of mapped measures within the Order Limits and limited ecological value within the future baseline. NE note that some of the unmapped measures could provide uplift to the future baseline, but acknowledge the limited significance of impacts for consideration in the	Agreed	16/06 09/07/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
			wildlife and control invasive species. The area includes the operational rail track footprint, and embankments which are subject to existing management objectives secured through the EMG1 scheme. As such no these areas are not expected to be subject significant changes in ecological value.	assessment. As such we are satisfied this has been justified.		
4.3	EIA - LNRS (Mitigation Measures)	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The relevant references will be considered and complied with where relevant. The 'Leicester City Technical Guidance (2021) for urban SuDS design' is not a relevant guidance document for the EMG2 DCO / EMG1 MCO, as the Lead Local Flood Authority for the site is Leicester County Council, rather than Leicester City Council. The drainage strategy has been prepared in accordance with the Leicester County Council SuDS guidance 'Interim LLFA Guidance Note: Planning and Development in Leicestershire', which is the relevant guidance document for the area.	NE5 Natural England requests that welcome the LLR-LNRS is referenced within biodiversity mitigation documentation outlined, including individual Environmental Management Plans where relevant, the CEMP, LEMP and that Sustainable Drainage Statements. Within the LNRS, it cites the Leicester City Technical Guidance (2021) for urban SuDS design is (see UB008 within the LLR-LNRS), which should be referenced in any SuDS designs to ensure they are of high quality and compliant with local policy.	Agreed Under discussion	10/07/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
			The details of mitigation are secured by requirement within the Management Plans. The LLR-LNRS will be considered, particularly in reference to strategic aims and key opportunities, and referenced within any biodiversity mitigation, including the individual Environment Management Plans (ie CEMP, HMMP) where relevant. The full / detailed Management Plans can be reviewed post consent for reference to and support of the LLR-LNRS.	Applicants should have due regard for this guidance document. Ensure the LLR-LNRS is referenced within any biodiversity mitigation, including the individual Environment Management Plans where relevant.		
4.4	Internationally Designated Sites	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The study area used for the Habitats Regulations Assessment has been updated in accordance with Natural England's advice. This includes extending the original 15km buffer to 20km for international sites supporting wintering waterfowl with extended foraging ranges, and to 30km	<u>NE2</u> Agreed and no further comment.	Agreed	07/04/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
			for international sites where bats are a qualifying feature.			
4.5	Internationally Designated Sites	ES Appendix 9H: Shadow HRA (Reference APP-115)	The project does not lie within the SAC catchment. The findings of the Shadow HRA show that there are no pathways for likely significant effects and further Appropriate Assessment is not required.	<u>NE2</u> Agreed and no further comment.	Agreed	07/04/26
4.6	Internationally and Nationally Designated Sites	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The screening criteria used are in line with the standard guidance, i.e. sites within 200m from the affected road network with increases of more than 1000 AADT and/or 200 HDV, is acceptable for assessment of impacts to sites from air pollution.	<u>NE6</u> NE have moved to standard guidance for air quality impacts to sites and so have no bespoke comments and cannot give a RAG rating.	N/A	09/07/26
4.7	Nationally Designated Sites	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	Further clarification has been added to the Future Baseline section of the ES chapter, providing an explanation as to the existing pressures on designated sites and clarifying that the future baseline assumes habitats would be managed to maintain their condition (the exception being the ash	<u>NE3</u> The additional information is welcomed.	Agreed	07/04/26

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			trees which are declining due to ash dieback).			
4.8	Nationally designated sites	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	Since the PEIR was reviewed during the Section 42 consultation, further detail has been added to the ES chapter regarding the specific SSSI Impact Risk Zones (IRZs) that are triggered by the development. This includes the specific characteristics of the scheme that are considered relevant for each SSSI IRZ.	<u>NE3</u> The update is welcomed by Natural England.	Agreed	07/04/26
4.9	Nationally Designated Sites		The ES adequately assesses impacts to water sensitive designated sites. The embedded and additional mitigation measures should be secured within the DCO for the full operational period. <u>Specific regard to downstream SSSIs in SuDS creation and management.</u> <u>The CIRIA SuDS Manual will be referenced in regard to the installation and ongoing maintenance of the SuDS features within the</u>	<u>NE3</u> NE are reviewing. See RR NE3:Agreed and no further comment.	Under discussion <u>Agreed</u>	<u>10/07/26</u>

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			Environment Management Plans Requirement 11,12 and 17 cover Phased CEMPs, earthworks and drainage to secure these objectives.			
4.10	Protected species	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The approach taken to avoid impacts to protected species is in line with Natural England's guidance and requirements. Specific licensing matters are agreed as set out in 4.40-4.43 below	NE25-26-27 Natural England The Project has requested further- information in relation to Badger Setts updated the method statement and reapplied for the LONI.	Under-discussion Agreed	10/07/26
4.11	Protected species	ES Appendix 9L: Protected species licences and LoNIs (Reference APP-119)	A draft bat licence application has been reviewed and a Letter of No Impediment (LoNI), has been issued by Natural England, confirming that a licence could be granted post-consent, subject to standard conditions being met. The Applicant notes both requirements and confirms these will be addressed through the consenting and implementation process.	NE7, 28 Natural England has confirmed that, for a wildlife licence to be granted following DCO consent, the caveats set out within the Letter of No Impediment (LoNI) for bats must be satisfied. Once granted, the conditions of any licence must be complied with in full. Updated bat surveys will be required post-consent within the 12 months prior to a formal licence application being	Agreed	07/04/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
				submitted to Natural England. This should include indirect impact assessment and provide detail and justification for any gaps in hedges for access and in line with known break distances bats can cross.		
4.12	Protected species	ES Appendix 9L: Protected species licences and LoNIs (Reference APP-119)	The project will be delivered in accordance with Natural England's District Level Licensing (DLL) scheme. An Impact Assessment and Conservation Payment Certificate (IACPC) has been issued and signed by both parties.	<u>NE8</u> Agreed with no further comment.	Agreed	07/04/26
4.13	Protected species	ES Appendix 9F: Otter and Water Vole Survey (Reference APP-113)	The Otter and Water Vole report raises no issues with these species. No licensable works are anticipated.	<u>NE29</u> An unredacted Otter and Water Vole report was requested and has now been provided to Natural England. <u>No licensable activities are anticipated in regards otter and water vole.</u>	Agreed	16/06/26 <u>09/07/26</u>
4.14	Protected species	ES Appendix 9F: Badger report (Reference APP-109)	A draft <u>new</u> badger mitigation licence has also been reviewed <u>submitted</u> and a LoNI, (DCO 6.9L Appendix L Protected Species Licences and LoNIs), has been issued by Natural England <u>is anticipated</u> , subject to	<u>NE24, 25, 26, 27</u> Natural England to update the LONI for badgers and require an updated license application addressing comments given within Written Reps.	Under discussion <u>Agreed</u>	<u>10/07/26</u>

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			standard conditions being met. Subsequently to this, further comments have been provided by Natural England, and a new application will be made that reflects these comments. Updated badger surveys will be required post-consent within the 6 months prior to a formal licence application being submitted to Natural England. The licence application and method statement will include details and justification of the required Site works. This will include maps with buffer zones and details of construction methods. Standard licence requirements including monitoring provision, and treatment following the exclusion period will be provided.	Natural England believe it is possible to issue a LONI with caveats at this stage.		
BNG						
4.15	BNG	ES Appendix 9I: BNG Report (Reference REP3-041)	While Biodiversity Net Gain is not a mandatory requirement for Nationally Significant Infrastructure	<u>NE9</u> Not currently a mandatory requirement for Nationally	n/a	

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			Projects, the aspiration is to deliver gains for habitat, hedgerow, and watercourse units.	Significant Infrastructure Projects. The aspiration to deliver gains is welcomed by Natural England. Gains can be secured through planning obligations, conservation covenants or requirements within the DCO. Natural England would welcome a commitment in excess of 10%.		
4.16	Ecological Mitigation	ES Appendix 3A: CEMP (Reference REP2-026D)	The majority of ecological mitigation is embedded in the scheme design and secured through the CEMP.	<u>NE3</u> While a yellow risk remains around the presentation of some measures as “additional” rather than “embedded” mitigation. Natural England accepted that this is an EIA methodology issue and does not materially affect the conclusions of residual ecological effects.	Agreed	<u>09/07/04/26</u>
National Parks and National Landscapes						
4.17	National Parks and National Landscapes	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The proposed Scheme is not located within, or within the setting of, any nationally designated landscapes (National Parks or National Landscapes).	<u>NE12</u> Natural England has no specific comments to make on the further landscape implications of this proposal.	Agreed	07/04/26

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Ancient Woodland and Ancient/Veteran trees						
4.18	Ancient Woodlands	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	There will be no direct loss to Ancient Woodland. The ExP (Q5.0.32) have noted there is a loss of veteran trees as outlined in the ES and exposure of increased airborne pollutants.	NE 11 NE11 Natural England welcome inclusion of March Covert ancient woodland in assessment. Natural England have no specific comment to make in regard to Ancient Woodland and have referred to Standing Advice for Ancient Woodland, Ancient Trees and Veteran trees. NE have no specific comments on ancient / veteran trees outside designated sites and direct to our standing advice.	n/a <u>Agreed</u>	<u>09/07/26</u>
Connecting People with nature						
4.19	Active travel and public transport improvements	ES Appendix 6C: Framework Travel Plan (Reference APP-085)	Active travel and public transport improvements proposed as part of the scheme include a range of measures such as new public footpaths, cycle tracks, crossings, and enhancements to Public	<u>NE13</u> Active travel and public transport improvements proposed as part of the scheme are welcomed by Natural England. These measures are considered to contribute	Agreed	07/04/26

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			Rights of way. The relevant details are provided in the DCO and MCO applications. These measures are considered to contribute positively to sustainable transport objectives and provide opportunities to connect people with nature.	positively to sustainable transport objectives and provide opportunities to connect people with nature. Natural England also supports the inclusion of the emerging Isley Woodhouse settlement in the transport assessment.		
4.20	Green infrastructure	Parameters Plans (Reference AS-006D and REP1-013M)	The green infrastructure embedded into the designs provide for people and nature and the intention for early establishment.	<u>NE12</u> NE welcome the green infrastructure embedded into the designs to provide for people and nature and the intention for early establishment. Leicestershire, Leicester and Rutland LNRS should be referenced in the designs to maximise benefits for landscape scale nature recovery. The NE Green Infrastructure Framework can also be referenced to ensure high quality and landscape scale impact.	Agreed	07/04/26
4.21	PROWs	Parameters Plans (Reference AS-006D and REP1-013M)	The proposed scheme provides additional access opportunities to connect the PRoW to the new green infrastructure proposed. There may be additional opportunities to join up with	<u>NE13</u> NE welcome the additional access opportunities to connect the PRoW to the new green infrastructure proposed.	Agreed	07/04/26

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			the Isley Woodhouse development for greater strategic impact for local communities.			
Soils and BMV Agricultural Land						
4.22	Cumulative Impacts on soils	ES Chapter 15: Soils and Agricultural Land (Reference AS-061)	The approach taken to assessing cumulative impacts on soils, recognises that, while there is currently no formally prescribed methodology, the consideration of cumulative effects remains essential to understanding long-term soil degradation and land use pressures.	NE10, 14-23 Natural England concur with the approach taken to assessing cumulative impacts on soils, recognising that, while there is currently no formally prescribed methodology, the consideration of cumulative effects remains essential to understanding long-term soil degradation and land use pressures. Ensure Natural England's previous comments are addressed, and any remaining clarifications or deficiencies resolved, before the survey can be accepted as a valid baseline. No further comments. Outstanding issues addressed below.	Under discussion Agreed	13/07/2026
4.23	ALC Assessment	ES Appendix 15A Soils and ALC Report (Reference APP-175)	Natural England have provided advice to the Applicant on the Agricultural Land Classification (ALC) Report via the Discretionary Advice Service since November 2024. Following consultation in March 2025,	NE14 Natural England have provided previous comments advice to the Applicant on the Agricultural Land Classification (ALC Survey during pre-app, which	n/a Yellow	13/07/2026

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			Natural England reviewed the updated ALC survey report in combination with the consultant clarification document, and the presented methodology appears reasonably robust, following the MAFF (1988) Agricultural Land Classification for England and Wales: Guidelines and Criteria for Grading the Quality of Agricultural Land. Natural England has no further concerns regarding the validity of this survey. No further comment.	should ideally be addressed to ensure the baseline presented in) Report through our Discretionary Advice Service since November 2024. The survey has been accepted as valid, the ALC report is as robust as possible, however, updates requested by NE are to increase understanding of the baseline. But the outputs would remain satisfied that the report constitutes a record of the pre-working ALC grading the same, and physical characteristics of the land within the application site boundary not make any material difference to decision makers. No further comments from NE.		
4.24	Methodology for assessing impacts to Agricultural Land and Soils	ES Chapter 15: Soils and Agricultural Land (Reference AS-061) <u>AS-061</u>)	The Methodology for assessing impacts to Agricultural Land and Soils has been amended in line with NE comments given to the Applicant March to August 2025 (Agriculture and Soils Chapter, Table 15.4 & throughout). As a result, the permanent loss of 'best and most versatile' (BMV) land now been assessed as a	<u>NE16,17,18,19</u> The Methodology for assessing impacts to Agricultural Land and Soils has been amended in line with our comments given to the Applicant March to August 2025 (Agriculture and Soils Chapter, Table 15.4 & throughout). As a result, the permanent loss of 'best and most versatile' (BMV) land now	Agreed	11 <u>11</u> /06/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
			significant major adverse effect arising from the EMG2 Works. Where appropriate steps have been taken to first avoid BMV land where possible, then to manage and re-use the soil resource appropriately, in line with National Networks National Policy Statement (NNNPS) paragraphs 5.189, 5.190 & 5.202.	been assessed as a significant major adverse effect arising from the EMG2 Works. Where appropriate steps have been taken to first avoid BMV land where possible, then to manage and re-use the soil resource appropriately, in line with National Networks National Policy Statement (NNNPS) paragraphs 5.189, 5.190 & 5.202, NE would not raise any further concerns regarding the loss of BMV land. Nonetheless, PINS and the Secretary of State will still need to consider this permanent significant major adverse effect in the decision-making process.		
<u>4.25</u>	<u>Soils during construction</u>	<u>ES Appendix 3A: CEMP (Reference REP2-026D)</u>	<u>Section 6 added to the SMP including the requested restoration commitment and some management principals to ensure it is achieved.</u>	<u>NE20</u> <u>DCO 6.15C Environmental Statement Appendix C Soil Management Plan Paragraph 4.2 We welcome use of the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) to guide soil management during construction.</u> <u>Following discussions with the Project's soils consultant (13/07/26), a broad commitment to restore temporarily disturbed land to</u>	<u>Agreed</u>	<u>13/07/2026</u>

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				<u>it's current ALC grade and condition.</u> <u>This is to be included in the draft SMP for ref in post-consent final SMP with detailed designs.</u>		
<u>4.26</u>	<u>Soils during construction</u>	<u>ES Appendix 3A: CEMP (Reference REP2-026D)</u>	<u>SEGRO agree that the soil movement should generally occur between May and October and will definitely occur in those periods when reinstating topsoil to areas of agricultural use. However, there are occasions when SEGRO will use their best endeavours to do so. These activities are those that are time sensitive:-</u> <u>1. Off site highway works: SEGRO are not in control of when the Highway Authority will provide technical approval and road space booking.</u> <u>2. Phasing of works of less than a year which give little scope to provide the relevant windows of opportunity.</u> <u>3. Some of the topsoil is retained on site for the build out of future buildings. These</u>	<u>NE21</u> <u>Within the SMP, there is reference to avoiding winter working (limiting works to May-Oct) and wet weather working within paragraph 3.3. However this is a recommendation rather than a commitment. Strengthening of the wording would give clarity to contractors on the approach of avoidance of soil compaction through construction during the winter months and wet weather.</u> <u>Changing weather patterns can be challenging to work around for construction projects. As such, it can also be useful to provide guidance on wet weather working as outlined in the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, DEFRA (2009), where prevailing</u>	<u>Under discussion</u>	

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			<u>programmes are typically less than 12 months and therefore it may not be possible to manage the soil in the preferred window.</u> <u>In such cases the topsoil will be used in the topsoiling of less critical areas, for example, development landscaping and highway verges.</u> <u>Wet weather working is referred to in para 4.9 of the SMP, cross referenced at para 3.4.</u> <u>The requested reference to the Institute for Quarry has been included in Explanatory Note 4</u>	<u>weather conditions result in soils having to be stockpiled in a wet / plastic state.</u> <u>Paragraph 4.5 describes the field test to ensure soils are in a dry and friable condition for works. It should be noted that soils should be dry and friable for works to commence and reference the Institute of Quarrying Part One (Explanatory Note 4 – Table 4.2) for the field test to give a robust and best practice field test method.</u> <u>NE are satisfied that a suitably qualified soil scientist will engage with the groundworks team with a key contact named to inform and consult with soil scientist/s, as referenced in paragraph 4.16 of the SMP.</u>		
<u>4.27</u>	<u>Soils during construction</u>	<u>ES Appendix 3A: CEMP (Reference REP2-026D)</u>	<u>CEMP updated as requested</u>	<u>NE22</u> <u>DCO 6.15C Environmental Statement Appendix C Soil Management Plan Paragraph 4.6 The cited reference in this paragraph does not work.</u>	<u>Agreed</u>	<u>13/07/2026</u>

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				<u>Paragraph 4.8 Natural England has provided comments on the ALC survey report (2098/1). These should be addressed, and any remaining clarifications or deficiencies resolved (see NE14).</u> <u>Paragraph 4.9 The 2000 MAFF guidance has now been superseded by the Good Practice Guide for Handling by the Institute of Quarrying (2021), link above para 4.5.</u> <u>Ensure all guidance cited is up to date and all linked references are working in the ES.</u>		
4. 25 <u>28</u>	Soils during construction	ES Appendix 3A: CEMP (Reference REP2-026D)	Use of the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) is proposed to guide soil management during construction and controlled by way of a Soil Management Plan which is secured as part of the CEMP Requirement. This will include commitment to avoid working soils October – March where possible in the Soil Management Plan. Ensure soils are only worked when dry and friable, referencing	<u>NE23</u> <u>The below requested details can be picked up post-consent. It would be useful to have them listed and referenced as “to be provided in detailed SMP post-consent” so it is included as a requirement.</u> NE20,21,22,23 <u>Natural England welcome use of the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) to</u>	Under discussion <u>Agreed</u>	<u>13/07/2026</u>

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			guidance on field tests in the Soil Management Plan. Ensure judgements on suitable working conditions are made by suitably qualified soils scientist are included in the Soil Management Plan. <u>Section 7 of the SMP clarifies that the full details of the scheme including soil use will be in a post consent SMP (as is normal).</u>	guide soil management during construction. However this must include a commitment for BMV agricultural land temporality required for the development to be returned to its original ALC grade in the Soil Management Plan. Include commitment to avoid working soils October – March where possible in the Soil Management Plan. Ensure soils are only worked when dry and friable, referencing guidance on field tests in the Soil Management Plan. Ensure judgements on suitable working conditions are made by suitably qualified soils scientist are included in the Soil Management Plan. Ensure all guidance cited is up to date and all linked references are working in the ES. Ensure all NE's comments on the ALC Survey are addressed (see NE14).		

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				Natural England advise the following details should be included <u>post-consent</u> to strengthen the SMP. • Soil management should be consistent across all documents. Much of the Applicant's commitments for soil handling / stockpiling are addressed in Appendix 15A Soils and Agricultural Land Quality Report (Document DCO 6.15A/MCO 6.15A) but do not appear in Appendix 15C (Document DCO 6.15C/MCO 6.15C). • A soil budget should be provided.		

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				this should include schedules of volumes for each soil type in situ; the volumes to be stored; the volumes to be reinstated and a soil surplus or deficit identified.- • There is no information provided on location of stockpiles and whether the there is sufficient space on site to accommodate soil required for reinstatement purposes. This could include but not limited to maps showing the areas to be stripped and left in-situ; phasing plans; stockpile locations. Detail on Soil reuse:		

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				Destination and use of each soil resource (topsoil, subsoil, imported soils) should be included. • Information on erosion and runoff control (silt fencing, buffer zones); Pollution prevention measures.- • Site inspection regime (before, during and after soil operations). Record keeping—: dates, conditions, volumes, deviation notes. Compliance with planning conditions (e.g., biodiversity net gain, tree protection).- • A soil aftercare		

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
				programme should be secured for all retained and reinstated areas, with defined monitoring (e.g. quarterly in year one and biannually thereafter for a minimum of five years) to assess settlement, compaction, drainage and vegetation establishment. Maintenance should include aeration or subsoiling, organic matter incorporation, reseeding and trafficking control. Clear remedial triggers must be set, with measures such as regrading, decompaction, soil amelioration and replacement planting implemented as necessary to ensure soils achieve a stable condition appropriate to their intended use.-		
Hydrology and SUDS						
4. 26 <u>29</u>	SUDS Design	ES Appendix 13H EMG2 Works Sustainable Drainage Statement	The SuDS design is suitable for the mitigation of water quality impacts to designated sites.	NE3/ <u>As covered under 4.9 above.</u> Natural England have reviewed the SuDS design and SuDS Statements within the	Under- <u>discussionAgreed</u>	<u>10/07/26</u>

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
		(Reference APP-149) (Reference APP-149)	Their monitoring and maintenance, in line with CIRIA guidance, will be secured by requirement 17 within the DCO for the full operational period of the project.	ES. We are satisfied they are suitable for the mitigation of water quality impacts to designated sites. Their monitoring and maintenance should be secured by requirement 17 within the DCO for the full operational period of the project.		
4.2730	Silt management during construction	dDCO (Reference REP2-008D)	Mitigating construction phase water quality impacts to sensitive designated sites will be controlled through a Silt Management Plan secured by DCO Requirement 11 as part of the pCEMPs.	NE3 NE sought assurance on this matter (SEE RR NE3) which has been resolved through amendments to the draft DCO. The CEMP has appended a Silt Management Plan. The phased CEMPS are included in the DCO although the Silt Management Plan is not named. Is covered in draft DCO 11, 12 and 17 -	Under discussion Agreed	10/07/26

Reference Number	Matter	Application Document	Applicants' Position	Interested Party's Position	Status	Date
Ecology and biodiversity						
5.1	EIA - Scoping and methods of ecology surveys	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The scope, timing and methods of ecological surveys undertaken to inform the Environmental Statement are appropriate for a planning assessment stage and align with relevant guidance. Updated surveys will be required post-consent 6 months prior to formal licence applications being submitted to Natural England.	<u>NE7</u> Agreed and no further comment.	Agreed	07/04/26
5.2	EIA - LNRS	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	LNRS measures have extremely limited coverage on the application. Restricted operational areas of highways verges are not thought likely to be subject to substantial changes in management as a result of the LNRS. The area which does merit some consideration is that of the existing rail track, which is subject to 5 measures (MN2,9,11,12 and 13). These measures promote management to benefit wildlife and control invasive species. The area includes the operational rail track footprint, and embankments which are subject to existing management objectives secured	<u>NE1 / 5</u> NE note the comments provided by the Applicant (via email 24/02/26) on the limited significance of the use of LNRS in the future baseline assessment. This is due to a lack of mapped measures within the Order Limits and limited ecological value within the future baseline. NE note that some of the unmapped measures could provide uplift to the future baseline, but acknowledge the limited significance of impacts for consideration in the assessment. As such we are satisfied this has been justified.	Agreed	16 11/06/26

			through the EMG1 scheme. As such no these areas are not expected to be subject significant changes in ecological value.			
5.3	Internationally Designated Sites	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The study area used for the Habitats Regulations Assessment has been updated in accordance with Natural England's advice. This includes extending the original 15km buffer to 20km for international sites supporting wintering waterfowl with extended foraging ranges, and to 30km for international sites where bats are a qualifying feature. Natural England welcomes this update.	<u>NE2</u> Agreed and no further comment.	Agreed	07/04/26
5.4	Internationally Designated Sites	ES Appendix 9H: Shadow HRA (Reference APP-115)(Reference APP-115)	The project does not lie within the SAC catchment. The findings of the Shadow HRA show that that there are no pathways for likely significant effects and further Appropriate Assessment is not required.	<u>NE2</u> Agreed and no further comment.	Agreed	07/04/26
5.5	Internationally and Nationally Designated Sites	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The screening criteria used are in line with the standard guidance, i.e. sites within 200m from the affected road network with increases of more than 1000 AADT and/or 200 HDV, is acceptable for assessment of impacts to sites from air pollution.	<u>NE2</u> NE have moved to standard guidance for air quality impacts to sites and so have no bespoke comments and cannot give a RAG rating.	Agreed	07/04/26
5.6	Nationally Designated Sites	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	Further clarification has been added to the Future Baseline section of the ES chapter, providing an explanation as to the existing pressures on designated	<u>NE3</u> The additional information is welcomed.	Agreed	07/04/26

			sites and clarifying that the future baseline assumes habitats would be managed to maintain their condition (the exception being the ash trees which are declining due to ash dieback).			
5.7	Nationally designated sites	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	Since the PEIR was reviewed during the Section 42 consultation, further detail has been added to the ES chapter regarding the specific SSSI Impact Risk Zones (IRZs) that are triggered by the development. This includes the specific characteristics of the scheme that are considered relevant for each SSSI IRZ.	<u>NE3</u> The update is welcomed by Natural England.	Agreed	07/04/26
5.8	Nationally Designated Sites		The ES adequately assesses impacts to water sensitive designated sites. The embedded and additional mitigation measures should be secured within the DCO for the full operational period. <u>Requirement 11 requires a p-CEMP under existing Framework CEMP.</u>	<u>NE4</u> NE are reviewing. See RR <u>NE3.NE have reviewed document 6.10 Construction Management Framework Plan from the East Midlands Gateway 1 DCO. We are satisfied that adequate reference to the CIRIA guidance is included and that all works affecting a watercourse shall be carried out in accordance with a method statement to be prepared and included in a phased CEMP.</u> <u>NE are satisfied that the mitigation for impacts to sensitive water courses are adequate and secured by</u>	Under discussion <u>Agreed</u>	<u>15/07/26</u>

				requirement. Final details of mitigation can be reviewed in the phased CEMPs post consent.		
5.9	Protected species	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The approach taken to avoid impacts to protected species is in line with Natural England's guidance and requirements. Specific licensing matters are agreed as set out below.	<u>NE7</u> Agreed with no further comment	Agreed	46 08/06/26
5.10	Protected species	ES Appendix 9L: Protected species licences and LoNIs (Reference APP-119)(Reference APP-119)	The project will be delivered in accordance with Natural England's District Level Licensing (DLL) scheme. An Impact Assessment and Conservation Payment Certificate (IACPC) has been issued and signed by both parties.	<u>NE8</u> Agreed with no further comment.	Agreed	07/04/26
BNG						
5.11	BNG	ES Appendix 9L: BNG Report (Reference REP3-041)	While Biodiversity Net Gain is not a mandatory requirement for Nationally Significant Infrastructure Projects, the aspiration is to deliver gains for habitat, hedgerow, and watercourse units.	<u>NE9</u> Not currently a mandatory requirement for Nationally Significant Infrastructure Projects. The aspiration to deliver gains is welcomed by Natural England. Gains can be secured through planning obligations, conservation covenants or requirements within the DCO. Natural England would welcome a commitment in excess of 10%.	n/a N/A	09/07/26
5.12	Ecological Mitigation	ES Appendix 3A: CEMP	The majority of ecological mitigation is embedded in the	<u>NE3</u>	n/a Agreed	10/07/26

		(Reference REP2-026D)	scheme design and secured through the CEMP.	While a yellow risk remains around the presentation of some measures as “additional” rather than “embedded” mitigation. Natural England accepted that this is an EIA methodology issue and does not materially affect the conclusions of residual ecological effects.		
National Parks and National Landscapes						
5.13	National Parks and National Landscapes	ES Chapter 9: Ecology and Biodiversity (Reference REP3-014)	The proposed Scheme is not located within, or within the setting of, any nationally designated landscapes (National Parks or National Landscapes).	NE12 Natural England has no specific comments to make on the further landscape implications of this proposal.	Agreed	07/04/26
Ancient Woodland and Ancient/Veteran trees						
5.14	Ancient Woodlands	ES Chapter 9: Ecology and Biodiversity Reference REP3-014)	There will be no direct loss to Ancient Woodland, or veteran trees. As outlined in the ES there is exposure of increased airborne pollutants.	NE11 NE have no specific comment to make in regard to Ancient Woodland and have referred to Standing Advice for Ancient Woodland, Ancient Trees and Veteran trees. NE have no specific comments on ancient / veteran trees outside designated sites and direct to our standing advice .	n/aN/A	09/07/26

Connecting People with nature						
5.15	Active travel and public transport improvements	ES Appendix 6C: Framework Travel Plan (Reference APP-085)	Active travel and public transport improvements proposed as part of the scheme include a range of measures such as new public footpaths, cycle tracks, crossings, and enhancements to Public Rights of way. The relevant details are provided in the DCO and MCO applications. These measures are considered to contribute positively to sustainable transport objectives and provide opportunities to connect people with nature.	<u>NE13</u> Active travel and public transport improvements proposed as part of the scheme are welcomed by Natural England. These measures are considered to contribute positively to sustainable transport objectives and provide opportunities to connect people with nature. Natural England also supports the inclusion of the emerging Isley Woodhouse settlement in the transport assessment.	Agreed	07/04/26
5.16	Green infrastructure	Parameters Plans (Reference AS-006D and REP1-013M)	The green infrastructure embedded into the designs provide for people and nature and the intention for early establishment.	<u>NE12</u> NE welcome the green infrastructure embedded into the designs to provide for people and nature and the intention for early establishment. Leicestershire, Leicester and Rutland LNRS should be referenced in the designs to maximise benefits for landscape scale nature recovery. The NE Green Infrastructure Framework can also be referenced to ensure high quality and landscape scale impact.	Agreed	07/04/26
5.17	PROWs	Parameters Plans	The proposed scheme provides additional access opportunities to connect the PROW to the new green infrastructure proposed.	<u>NE13</u> NE welcome the additional access opportunities to connect	Agreed	07/04/26

		(Reference AS-006D and REP1-013M)	There may be additional opportunities to join up with the Isley Woodhouse development for greater strategic impact for local communities.	the PRoW to the new green infrastructure proposed.		
Hydrology and SUDS						
5.18	SUDS Design	ES Appendix 13H EMG2 Works Sustainable Drainage Statement (Reference APP-149) (Reference APP-149)	The SuDS design is suitable for the mitigation of water quality impacts to designated sites. Their monitoring and maintenance will be secured by requirement 17 within the DCO for the full operational period of the project.	<u>NE3/4</u> Natural England have reviewed the SuDS design and SuDS Statements within the ES. We are satisfied they are suitable for the mitigation of water quality impacts to designated sites. Their monitoring and maintenance should be secured by requirement 17 within the MCO for the full operational period of the project	Agreed	16 11/06/26

6 Conclusions

- 6.1 The Applicant and Natural England confirm that all ecology and biodiversity 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 Natural England will continue to engage with each other with a view to narrowing and resolving any issues that remain outstanding.

Draft

SIGNATURES:

On behalf of the Applicant:

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Signature

.....
Name

On behalf of Natural England:

.....
Signature

.....
Name

APPENDIX

RECORD OF ENGAGEMENT

Date	Form of engagement	Summary of matters dealt with
Apr – May 2025	Email correspondence	Natural England followed up on the s42 consultation, requesting clarity on DCO submission timescales and the scope of further DAS advice. FPCR provided updated ES chapters and appendices. NE confirmed receipt and provided early comments, noting CEMP measures should be embedded, and requested further detail on operational polluting activities, SuDS design, and air quality data.
Jun – Jul 2025	Ongoing email dialogue	FPCR issued updated documents for the second consultation. NE confirmed the need for a Teams call to discuss key issues (soils, sHRA, and biodiversity) and highlighted that the July 29 deadline for comments might be unfeasible. NE maintained broad support for the sHRA conclusions but emphasised the need for air quality updates.
Jul 2025	Teams call and follow-up emails	Discussion held on Great Crested Newt DLL, soils reporting, and next steps. FPCR requested a further meeting with NE's soils specialist. NE confirmed that soils comments would follow and that a Risk & Issues Log would be provided.
Late Jul 2025	Issue of Risk & Issues Log	Natural England issued a consolidated Risk & Issues Log covering advice from s42 through to the non-statutory consultation. This identified: (i) resolved matters ('green'), (ii) a yellow issue regarding the framing of CEMP mitigation, (iii) amber issues relating to air quality, operational activities, and SuDS details, and (iv) red issues concerning soils methodology, including magnitude thresholds and treatment of Grade 3a land.

27-Aug-2025	Feedback on air quality section and chapter	NE provided feedback on the screening criteria, in combination effects and specific comments on each of the following SSSI's - Oakley Wood, Breedon Cloud Wood and Quarry and Lount Meadows
11 Sep-2025	Issue of Risk & Issues Log	Natural England issued an updated risk and issue log.
25 Nov - 2025	Email correspondence - Change of approach to air quality assessments from Natural England	Natural England confirmed that they will review the formal documents submitted. They also confirmed that Natural England has recently updated their approach to air quality assessment, where they now have standard advice for NSIPs. Follow up emails were exchanged with FPCR, which requested less formal advice through the DAS agreement, as had been previously given by Natural England. This request was declined.
19 Dec 2025	Email correspondence	FPCR issued the final draft SoCG to Natural England following acceptance of the DCO and MCO applications and invited comments to help finalise the document for Examination.
15 Jan 2026	Issue of Risk & Issues Log and marked-up SoCG	Natural England issued a marked-up SoCG and updated Risk and Issues Log reflecting its Relevant Representations and identifying points to be progressed through the SoCG.
Jan 2026	Email correspondence	FPCR returned an amended SoCG for review and Natural England provided minor amendments to reflect its position and RAG status more clearly.

Feb – Mar 2026	Email correspondence	FPCR and Natural England continued discussion on LNRS wording and protected species licensing, including clarification on future baseline assumptions and licence caveats.
27 Mar 2026	Issue of updated draft SoCG	FPCR issued a further updated draft SoCG to Natural England for review ahead of Deadline 1.
02 Apr 2026	Email correspondence and issue of updated Risk & Issues Log	Natural England provided comments on the updated SoCG and shared a draft updated Risk and Issues Log incorporating points from its Written Representations.
16–17 Apr 2026	Email correspondence and document review	FPCR issued a revised SoCG and an unredacted otter and water vole report. Natural England confirmed points agreed, identified limited matters still under discussion, and requested a clean version for signature.
February to June <u>July</u> 2026	Examination	Discussion has also continued during the examination by way of the ExP Questions, hearing sessions and responses to reach an agreement on all technical aspects.