

**A38 Derby Junctions**  
**TR010022**  
**Volume 5**  
**5.1 Consultation Report**

Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

April 2019

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms  
and Procedure) Regulations 2009**

A38 Derby Junctions  
Development Consent Order 202[ ]

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**Consultation Report**

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## Abbreviations and Glossary

The APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure Regulations) 2009
BoR	Book of Reference – as described in regulation 7 of the APFP Regulations. A book, in five parts, together with any relevant plan which contains the names and addresses for service in respect of land affected by the works and those who may be able to make a claim, the names of those whose easements or private rights will be extinguished, the owner of any Crown interest in land for the Scheme and details of any land the acquisition of which is subject to special parliamentary procedure unless the Secretary of State is satisfied otherwise, which is special category land or which is replacement land.
DCLG	Department for Communities and Local government now known as the Ministry of Housing, Communities & Local Government
DCLG guidance	‘Planning Act 2008: Guidance on the pre-application process’ (published by the former DCLG, March 2015)
DCO	Development Consent Order – under which the relevant Secretary of State can grant consent for construction of a Nationally Significant Infrastructure Project, on the recommendation of the Planning Inspectorate, under the Planning Act 2008.
DCC	Derbyshire County Council
DCiC	Derby City Council
EA	Environment Agency
EBC	Erewash Borough Council
EIA	Environmental Impact Assessment – an assessment by the applicant of the significant environmental effects of a major project. The applicant is required to carry out the assessment by law, in this case under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.
ES	Environmental Statement - the statement on the results of an EIA in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

LPA	Local Planning Authority
NMU	Non-Motorised Users, such as pedestrians, cyclists and disabled users. Term now not used – replaced by ‘walkers and cyclists’
NSIP	Nationally Significant Infrastructure Project – A project which requires a development consent order to be made by the relevant Secretary of State, in order to be constructed, operated, maintained and where relevant, decommissioned. The definition and thresholds for a Nationally Significant Infrastructure Project are set out in the Planning act 2008.
NTS	Non-Technical Summary
OEMP	Outline Environmental Management Plan
PA 2008	Planning Act 2008 – The relevant legislation for nationally significant infrastructure projects.
POS	Public Open Space
PRA	Preferred Route Announcement – Designation of a ‘preferred route’ by the Department for Transport provides a form of planning protection from development of land in the vicinity of the Scheme.
The Inspectorate	The Planning Inspectorate. An executive agency of the Department for Communities and Local Government.
Section 42 (s42)	Section 42(1)(a) of the Planning Act 2008. This section states that the applicant has a duty to consult with such persons as may be prescribed.
Section 43 (s43)	Section 43 of the Planning Act 2008. This section provides guidance on the definition of local authorities as referenced in s42(1)(b).
Section 44 (s44)	Section 44 of the Planning Act 2008. This section provides guidance on the definition of land interests as referenced in s42(1)(d).
Section 47 (s47)	Section 47 of the Planning Act 2008. This section states that the applicant has a duty to consult with the local community.

Section 48 (s48)	Section 48 of the Planning Act 2008. This section states that the applicant has a duty to publicise the Scheme in the prescribed manner.
SoCC	Statement of Community Consultation is prepared in accordance with Section 47 of the Planning Act 2008, to inform, explain and communicate how the consultation will be undertaken.
SoS	Secretary of State for Transport



# 1. Introduction

## 1.1 Terms of reference

1.1.1 The A38 Derby Junctions Study/Scheme has taken place (2001 – present). The works were commissioned by the Highways Agency now referred to as Highways England.

1.1.2 In addition, following the completion of the Road Based Study, from October 2003 the works to Little Eaton junction, Markeaton junction and Kingsway junction (i.e. the A38 Derby Junctions) are collectively referred to as ‘the Scheme’.

## 1.2 Purpose of this document

1.2.1 In seeking the legal powers to construct the Scheme, Highways England is making an application for a Development Consent Order (DCO) to the Secretary of State. Section 37(3)(c) of the Planning Act 2008 (PA 2008) requires Highways England to submit this Consultation Report as part of the application. This Consultation Report will explain how Highways England has complied with the consultation requirements set out in PA 2008. Guidance on reporting and the pre-application process, including statutory consultation, can be found in the ‘*Department for Communities and Local Government’s document Planning Act 2008: guidance on the pre-application process*’ (DCLG pre-application Guidance).

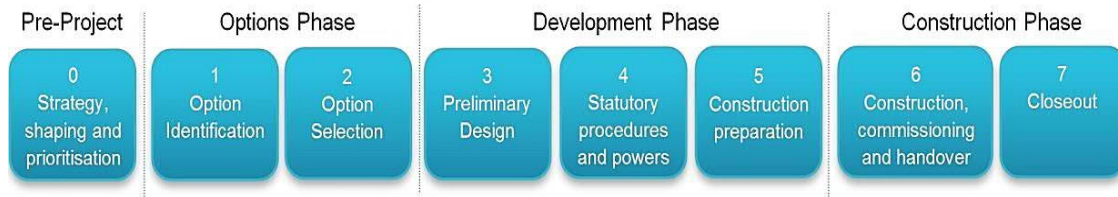
1.2.2 As required by the DCLG pre-application Guidance, this Consultation Report:

- Provides a general description of the consultation process undertaken, including a timeline.
- Sets out what Highways England has done in compliance with the requirements of the PA 2008, relevant secondary legislation, and relevant policies, guidance and advice published by Government or the Inspectorate.
- Sets out how Highways England has taken account of any response to consultation with local authorities on what should be in the statement of community consultation.
- Sets out a summary of relevant responses to consultation (but not a complete list of responses).
- Provides a description of how Highways England was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed.
- Provides an explanation as to why responses advising on major changes to the project were not followed, including advice from statutory consultees on impacts.
- Where Highways England has not followed the advice of the Local Authority or not complied with the guidance or any relevant Advice Note published by the Inspectorate, provides an explanation for the action taken or not taken.

- Expresses in terms to enable the Secretary of State to understand fully how the consultation process was undertaken and significant effects addressed. However, it does not include full technical explanations of these matters.

### 1.3 Summary of consultation activities

1.3.1 Highways England follows a Project Control Framework (PCF) process to deliver major infrastructure projects. All major road projects such as the proposed Scheme are progressed through the PCF which is split into seven discrete stages as identified in **Figure 1**.



**Figure 1 Major Projects Lifecycle according to the Highways England PCF**

1.3.2 A summary of the consultation activities that have been undertaken (non-statutory and statutory) is shown in **Table 1** below:

**Table 1 Summary of consultation activities**

Early Engagement (2001-2015)	
Activities undertaken: (see Chapter 2 – Non-statutory Consultation):	Date
Project Management Group formed	April 2001
Study newsletter No. 1 issued	2001
Wider Reference Group (WRG) formed	2001
Study newsletter No. 2 issued	October 2001
Pre-public exhibition questionnaires distributed	October 2001
Public exhibition event, presentation and question and answer session delivered	November 2001
WRG meeting	March 2002
Press release	March 2002
Study newsletter No. 3 issued	March 2002
Presentation and question and answer session delivered	June 2002
Two press releases	July 2002
Study newsletter No. 4 issued	July 2002
WRG meeting	July 2002
Public exhibition events (11 and 13 July)	July 2002
Road Based Study submitted to Department of Transport (DfT)	April 2003
Press release	April 2003
PMG and WRG disbanded	April 2003
Press release and radio interview	October 2003
Leaflets distributed	October 2003
Two-day exhibition event	October 2003

Supplementary engagement for Little Eaton options	Between October and December 2003
Little Eaton preferred route option report published	March 2004
Continued key stakeholder meetings held to inform and influence the development of Scheme options and provide a progress update on options development.	2001-2015
<b>Non-statutory Consultation – Spring 2015</b>	
<b>Consultation activity undertaken -</b> (see Chapter 2 – Non-statutory Consultation):	<b>Date</b>
Project Steering Group established (comprising Highways England PM team, AECOM, Derby City Council, Derby County Council and Highways England OD for Area 7)	Set up late 2014 and met quarterly
Consultation brochure distributed	February 2015
<b>Public Consultation Events:</b>	
<b>University of Derby</b> Enterprise Centre Bridge Street Derby DE1 3LD	<b>Thursday 5 February 2015</b>  VIP event 18:00 - 20:00
<b>University of Derby</b> Enterprise Centre Bridge Street Derby DE1 3LD	<b>Friday 6 February 2015</b>  Press event 10:00 - 12:00 Public event 12:00 - 20:00
<b>University of Derby</b> Enterprise Centre Bridge Street Derby DE1 3LD	<b>Saturday 7 February 2015</b>  Public event 09:00 - 16:00
<b>Breadsall Memorial Hall</b> Brookdale Road Breadsall Derby DE21 5LF	<b>Thursday 26 February 2015</b>  Public event 15:00 - 20:00
<b>Little Eaton Village Hall</b> Vicarage Lane Little Eaton Derby DE21 5EA	<b>Monday 2 March 2015</b>  Public event 14:30 - 19:30
<b>Mackworth Youth and Community Centre</b> Prince Charles Avenue Derby DE22 4FN	<b>Thursday 26 March 2015</b>  Public event 16:00 - 20:00

Early Engagement (2015-2018)	
Little Eaton Reference group established (included local councillors, businesses, residents and action group members)	March 2015 and met quarterly for 12 months
Assess alternative proposed by public at consultation	March to August 2015
Scheme newsletter No.1 issued	August 2015
Scheme newsletter No.2 issued	Autumn 2015
Scheme newsletter No.3 issued	Winter 2015/16
Issue report on assessment of alternatives	Winter 2015/16
Further Little Eaton alternatives (options 2A, 2B, X and X1) assessed	February to July 2016
Scheme newsletter No.4 issued	Spring 2016
Scheme newsletter No.5 issued	Summer 2016
Scheme newsletter No.6 issued	Autumn 2017
PRA postponed	December 2016
Further Little Eaton alternative (option 2C) assessed	2017
Preferred Route Announcement (PRA)	January 2018
Flyers, brochures and letters distributed	January 2018
Statutory consultation letters distributed	September 2018
Statutory Consultation – Autumn 2018	
<b>Consultation activity undertaken:</b> (see Chapter 3 – Statutory Consultation) under the PA 2008 – S47 ‘Duty to Consult Local Community’:	<b>Date</b>
Draft Statement of Community Consultation (SoCC) issued to LPAs	25 June 2018
Publish SoCC	23 August 2018
S42 notification letters sent	6 September 2018
Supplementary s42 notification letters sent	30 October 2018
S47 Notice published (local community consultation)	6 September 2018
S48 Notices (newspaper notices)	London Gazette – 6 September 2018 The Guardian – 5 September 2018 Derby Telegraph – 5 and 13 September 2018
<b>Public Consultation Events:</b>	
<b>University of Derby</b> Enterprise Centre Bridge Street Derby DE1 3LD	<b>Friday 7 September 2018</b>  VIP & Press event 11:00 - 12:00 Public event 14:00 - 20:00

<b>University of Derby</b> Enterprise Centre Bridge Street Derby DE1 3LD	<b>Saturday 8 September 2018</b>  Public event 10:00 - 16:00
<b>Breadsall Priory</b> Moor Road Morley Derby DE7 6DL	<b>Wednesday 12 September 2018</b>  Public event 12:00 - 20:00
<b>Haslams – Darley Abbey</b> Haslams Lane Darley Abbey Derby DE22 1EB	<b>Thursday 13 September 2018</b>  Public event 12:00 - 20:00
<b>Breadsall Memorial Hall</b> Brookdale Road Breadsall Derby DE21 5LF	<b>Saturday 15 September 2018</b>  Public event 14:30 - 20:00
<b>Allestree Memorial Hall</b> 1 Cornhill Allestree Derby DE22 2GG	<b>Tuesday 18 September 2018</b>  Public event 10:00 - 13:00 Public event 15:30 – 19:00
<b>Little Eaton Village Hall</b> Vicarage Lane Little Eaton Derby DE21 5EA	<b>Wednesday 19 September 2018</b>  Public event 15:30 – 20:00
<b>Brackensdale School</b> Walthamstow Drive Derby DE22 4BS	<b>Saturday 22 September 2018</b>  Public event 10:00 – 16:00
<b>Kingsway Retail Park</b> Kingsway, New Zealand Derby DE22 3FA	<b>Saturday 13 October 2018</b>  Public Event 10:00 – 16:00
<b>Extended consultation for additional and missed parties</b>	
<b>Re-issued certain s42(a)(b) and s42(d) letters to consultees</b>	<b>October 2018</b>
<b>Issued s42(d) letters to missed consultees</b>	<b>October 2018</b>
<b>Further Activities (2018-2019)</b>	
Key stakeholder meetings held to discuss Scheme design and mitigation measures	2018 and 2019
Letter to PiL(s) requesting initial discussions to acquire land by agreement	March 2019

## 1.4 Covering letter and completed Section 55 checklist

- 1.4.1 A covering letter and completed Section 55 (s55) checklist is submitted within the application documents (The PA 2008 s55 Acceptance of Application) [TR010022/APP/1.2].
- 1.4.2 The completed s55 checklist provides evidence of compliance with the pre-application consultation requirements within the PA 2008.

## 2. Non-statutory consultation

### 2.1 Overview of early consultation (2001 – 2002)

- 2.1.1 The first non-statutory study began in April 2001 when Highways England undertook a Road Based Study (RBS) to consider Scheme options for dealing with congestion and safety, environmental impacts, economic, accessibility and integration problems associated with the Kingsway, Markeaton and Little Eaton junctions on the A38 Trunk Road route through Derby.
- 2.1.2 As part of the RBS, a Project Management Group (PMG) was created for key stakeholders expected to influence Study decisions, such as Derby City Council (DCiC) and Derbyshire County Council (DCC). Following on from the formation of the PMG, in April 2001, 31,000 copies of the Study's newsletter (issue No. 1) were distributed to the local areas of Derby which were identified as being affected by the proposed Study. The newsletter explained the Study approach, the issues being investigated and provided an outline timetable. Details on how the recipient could get in touch with the project team including post, telephone and e-mail contacts were also provided.
- 2.1.3 As part of the consultation strategy, a Wider Reference Group (WRG) was set up in 2001. This group included key people and organisations anticipated to have an interest in the Study. It included major local employers, active travel groups, interest groups and transport operators. Members of the PMG advised of likely contacts for the WRG.
- 2.1.4 In October 2001, 35,000 copies of a second newsletter (issue No. 2) were distributed as an insert to the Derby Trader newspaper for hand delivery to the same locations as newsletter No. 1. This newsletter provided an update of the Study's development and contained the pre-public exhibition questionnaire which could be detached and returned to a postage paid address. In addition, an advert was placed in the local press (Derby Express) advising the locations of where further copies of the newsletter could be obtained.
- 2.1.5 In November 2001, a public exhibition was held where attendees were shown a presentation which was followed by a question and answer session with the Study team.
- 2.1.6 In March 2002, the second WRG meeting was held. Also at this time, Highways England issued a press release and hand distributed 39,500 copies of the newsletter issue No. 3. This newsletter explained the findings from the transport surveys, the public and stakeholder engagement undertaken to date illustrating possible junction improvement Options.
- 2.1.7 In June 2002, a presentation and question and answer session was held to provide an update to the elected members of DCiC and DCC on the Study.

- 2.1.8 In July 2002, two Highways England press releases and some 74,500 copies of the issue No. 4 newsletter were distributed via the Derby Express and Derby Trader. Copied were also hand delivered to properties and businesses adjacent to the A38, local schools, council offices, colleges, the University of Derby, local shops and Parish Councils. This newsletter provided details of the emerging preferred strategy along with particulars of the public exhibition where the proposals could be viewed. The third WRG meeting was held prior to the first of the two public exhibitions. Here all materials that were to be shown at the exhibition were made available to the members of the WRG.
- 2.1.9 The RBS was submitted and was followed by a press release in April 2003 by the DfT announcing the Secretary of State (SoS) approval in principle of the Scheme. The PMG and WRG were disbanded following the RBS submission.
- 2.1.10 Between October and December 2003, Highways England generated a press release and undertook a radio interview. Supplementary engagement on the revised options at Little Eaton was also undertaken. This took the form of a two-day public exhibition. Following this, a report on the revised Options for Little Eaton (accompanied with layout plans and leaflets) were deposited at the District, City and County Councils, alongside 2,000 leaflets which were distributed to statutory consultees and interested parties in the Little Eaton junction area.
- 2.1.11 Following the Little Eaton engagement, local residents responded with comments, which were taken into account and a preferred Option was presented in the Junction's Options Report published in March 2004.
- 2.1.12 The various options for each of the junctions subject to this early engagement are described in Chapter 3: Scheme History and Assessment of Alternatives of the Environmental Statement (ES) [TR010022/APP/6.1]
- 2.1.13 Before the preferred route was announced, the Scheme was put on hold twice between 2003 and 2008 by the DfT due to economic downturns and funding issues.

## 2.2 Overview of the 2015 non-statutory consultation

- 2.2.1 Development of the Scheme restarted in 2014 and this was followed shortly afterwards by an extra non-statutory engagement exercise.
- 2.2.2 This non-statutory engagement was undertaken between 2 February and 13 March 2015 and was conducted in accordance with the principles of the PA 2008, by consulting with key stakeholders, providing essential Scheme documents at deposit points and providing a minimum number of 41 days for responses to consultation. Engagement activities were undertaken in the same format as would be for a statutory consultation. The purpose of the non-statutory engagement was to present the Options that had been developed from previous consultations in 2001 and 2002. Here, the land that would be required to deliver the Scheme was presented and the need and justification for the proposed junction improvements communicated. The aim was to obtain objective feedback and carry this through into developing the Scheme design where feasible. The



Options provided by stakeholders were given due consideration, assessment and reason.

- 2.2.3 The public were provided with an opportunity to access Scheme information by attending public consultation events, viewing the Scheme documents on-line or visiting the eight deposit points (listed in **Table 4** and presented in **Figure 5**).

## 2.3 Who was consulted

- 2.3.1 The 2015 consultation was based on a two-stage process:

- Stakeholder Engagement: Consultation with identified key stakeholders, including relevant local authorities and the local community within a defined 500m consultation area. Highways England deemed the consultation boundary sufficient, with the inclusion of the 500m buffer area between the Markeaton and Little Eaton junctions. No further questions were raised by the local community or local authorities.
- Consultation: consultation with the local community and relevant statutory consultees, including technical and regulatory organisations, relevant statutory undertakers, and local authorities, and those persons with an interest in the land required for the Scheme. Whilst not a statutory consultation, it was considered appropriate to consult with these groups, which included.
  - Statutory Consultees: this refers to statutory bodies, including for example the relevant Health Board, Fire and Rescue Authorities, Environment Agency and Natural England.
  - Local Authorities: The host authorities in which the Scheme is located, as well as their neighbouring authorities. The host local authorities for the Scheme are DCiC, DCC and Erewash Borough Council (EBC).
  - Land Interests: Landowners, lessees, tenants, occupiers and those with an interest in the land, this includes those whose land would be subjected to compulsory acquisition as part of the DCO process and those whose land may be affected temporarily or permanently by the development.

## 2.4 Consultation methods

- 2.4.1 Different methods were used to consult stakeholder groups and individuals, including the travelling public via the following methods:

- Main and supplementary public consultation exhibitions;
- Local community group meetings held upon request with the project team;
- Individual key stakeholder meetings with those who requested additional consultation;
- Email correspondence was exchanged, in response to queries and information requests. Details of the correspondence can be found in **Annex A**;

- Advertising leaflets delivered to residents and businesses within the defined 500m consultation boundary and area between the Markeaton and Little Eaton junctions (as defined in the SoCC); and
- Use of promotional materials in local communal areas such as public libraries close to Kingsway, Markeaton and Little Eaton junctions.
- Providing information and updates on the Highways England website, press releases and announcements using social media platforms such as Twitter and YouTube.

## 2.5 Options consultation

2.5.1 The 2015 non-statutory consultation (options consultation) presented:

- A single Kingsway junction option with 3 local access options (K1, K2 and K3) (see **Figure 2 and paragraph 2.6 below**);
- A single option for the Markeaton junction (see **Figure 3**) and
- A single option for the Little Eaton junction (see **Figure 4 and paragraph 2.8 below**) with two local access options (L1 and L2).

2.5.2 Each option is detailed below; please refer to Chapter 3: Scheme History and Assessment of Alternatives of the ES [TR010022/APP/6.1] for further details. From a total of 699 responses during the consultation period, 567 (81%) agreed with the need to improve the existing junctions.

## 2.6 Kingsway junction

- Option K1 – The option included lowering the A38, in a new underpass, to pass underneath a new bridge joining two new roundabouts (replacing the existing roundabout) in a dumbbell arrangement, at existing ground level. It also involved converting the existing A38 carriageways into junction slip roads, widening the A38 to three lanes in each direction between the Kingsway and Kedleston Road junctions, increasing the speed limit from 40mph to 50mph and closing the existing access road onto the existing A38 and opening a new access point via Greenwich Drive South.
- Option K2 – The option consisted of identical arrangements as K1 with the exception of the opening of a new access point via Kingsway Park Close instead of Greenwich Drive South.
- Option K3 – The option consisted of identical arrangements as K1 and K2 with the exception of not replacing existing local accesses.

### Kingsway junction responses

2.6.1 A total of 70% of respondents were supportive of the Kingsway option, 11% disagreed with the presented option and the remaining 19% indicated no preference.

- 2.6.2 Mickleover and Darley Abbey local areas were the most receptive to the need for the proposed improvements at Kingsway junction, with 100% and 85% of respondents agreeing respectively. With Mackworth (66%), Markeaton (67%) and Littleover (80%) being the least receptive for the need for improvements.
- 2.6.3 The main concerns raised by those opposed to the presented Kingsway option were the closure of existing local access routes onto the A38 and safety concerns regarding the proposed dumbbell roundabout arrangement.
- 2.6.4 Overall, 30% of respondents had no preference to which local access route was chosen, 27% preferred option K2, which was to provide an access route via Kingsway Park Close, 27% preferred K3, which was to provide no local access, 12% preferred K1, which was to provide an access route through Greenwich Drive South, with the remaining 4% preferring a combined K1 and K2 solution. It should be noted that a combined K1 and K2 solution was not an option offered to the public as both of these options serve the same purpose of providing access to Mackworth and adjacent areas from the new junction; there would be no advantage in providing both options.

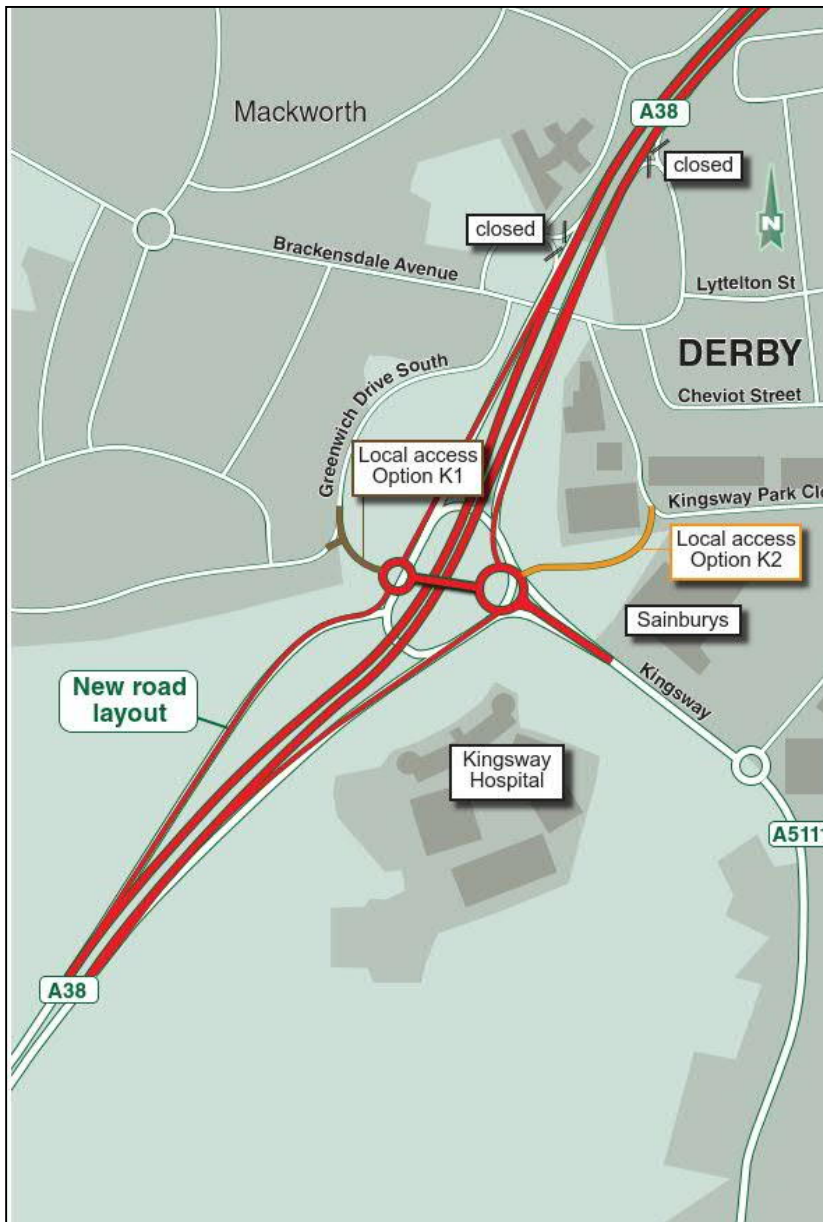


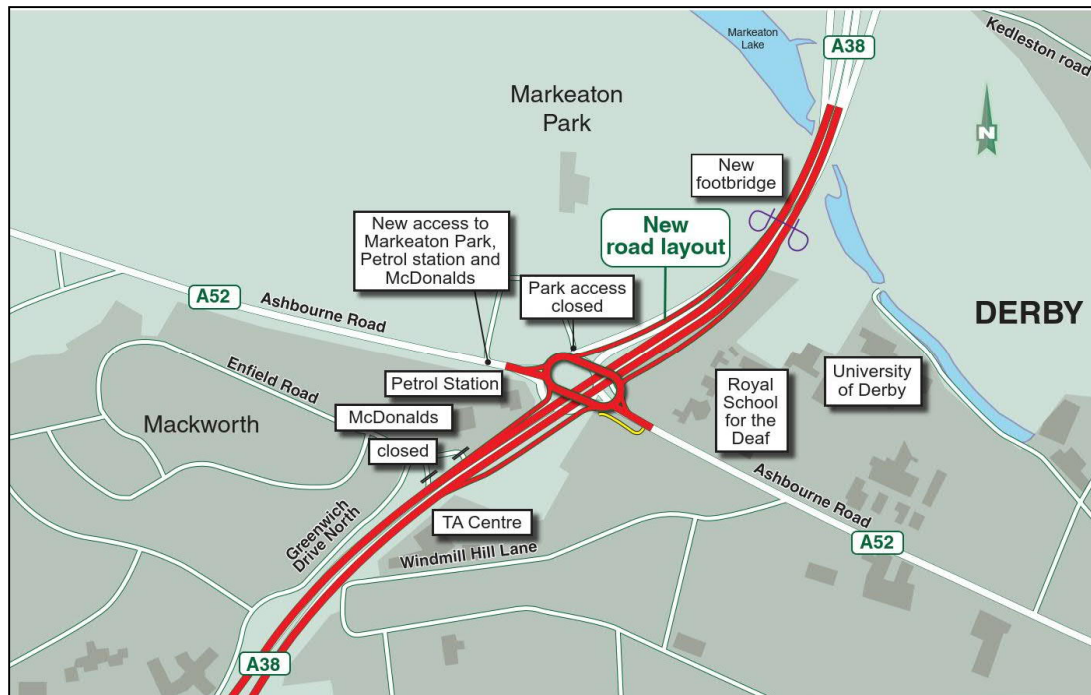
Figure 2 Kingways junction options (image from 2015 consultation)

## 2.7 Markeaton junction

- 2.7.1 The option presented comprised lowering of the A38 to pass underneath a new roundabout in a new underpass, the construction of two new bridges to carry the A52 and roundabout traffic across the lowered A38, increasing the speed limit from 40mph to 50mph and widening the A38 to three lanes in each direction between the Kingsway and Kedleston Road junctions. It also comprised constructing new slip roads to allow all turning movements, modification of the access point into Esso petrol station and McDonald's (closing the ingress off the A38 and opening a new access point from the A52) and demolishing the existing footbridge over the A38 Queensway due to the A38 widening. As part of the consultation views were sought on whether the footbridge should be replaced.

### **Markeaton junction responses**

- 2.7.2 Overall, 67% of consultees agreed with the proposed Markeaton junction layout, 14% disagreed with the proposal and 19% had no preference to the junction layout.
- 2.7.3 Mickleover (92%), Darley Abbey (85%) and Littleover (83%) were the most receptive to the need for the proposed improvements at Markeaton. With Derby centre (43%), Markeaton (incl. Queensway) (38%) and Mackworth (27%) being the least receptive for the need for improvements.
- 2.7.4 The main concerns raised by those opposed to the presented Markeaton option were:
- The recent Pinch Point improvement Scheme sufficiently dealt with the congestion issues.
  - The impact to local residents and businesses, this primarily focused around the closure of existing local access routes onto the A38.
  - The highway alignment impacting on residential properties.
- 2.7.5 As a result of the proposed works the existing footbridge that crosses the A38 north of Markeaton junction needs to be demolished. Overall, 49% of respondents were in favour of providing a new footbridge, 30% had no preference and 21% felt that there was no need to replace the pedestrian footbridge. DCiC was strongly in favour of replacing the footbridge



**Figure 3 Markeaton junction option (image from in 2015 consultation)**

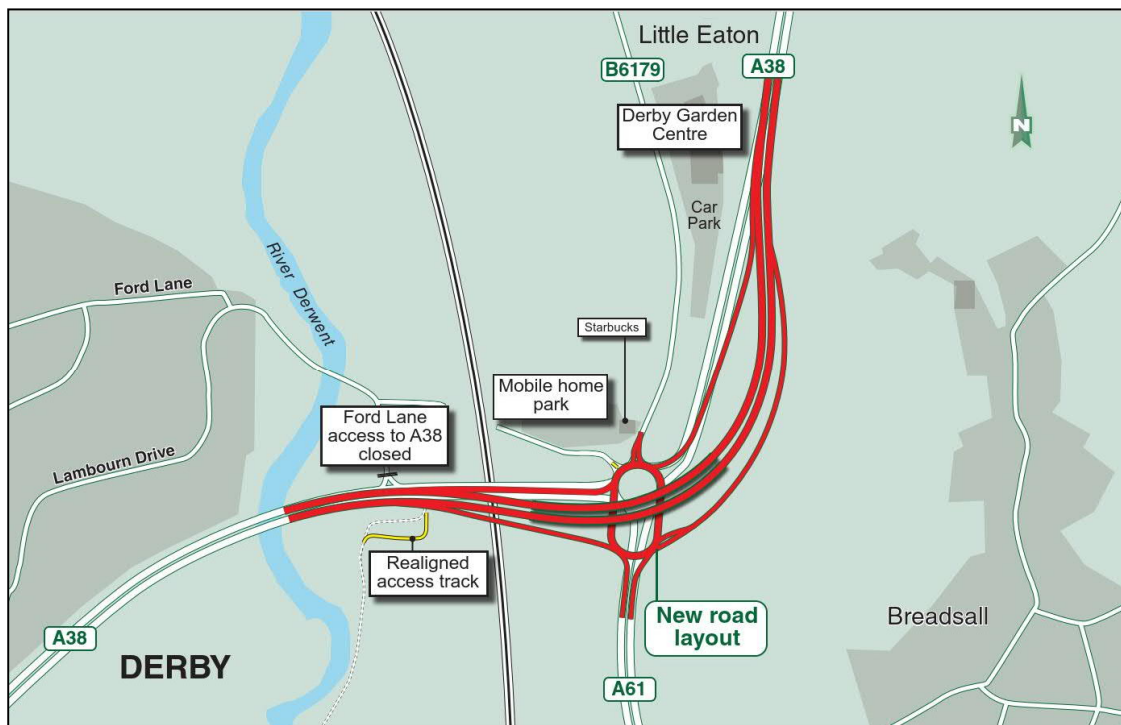
## 2.8 Little Eaton junction

- Option L1 – The option involved the A38 being realigned to the south and east of the existing roundabout on an embankment, extending the existing roundabout to the south with two new bridges to carry A38 traffic over the roundabout and the provision of new slip roads to permit all traffic movements. The existing bridge over the railway would be widened to accommodate the southbound carriageway whilst the existing part of the railway bridge would carry the northbound carriageway. Similarly, an existing flood arch/accommodation structure would be widened. Two lanes in each direction for the A38 and the existing national speed limits would be retained, with the existing Ford Lane access road onto the A38 closed for safety reasons.
- Option L2 – The option consisted of identical arrangements as L1 with the exception of creating a new one-way access point from Ford Lane to B6179 to mitigate the closure of the Ford Lane junction with the A38. A sketch showing option L2 is contained in Chapter 3 of the Environmental Statement: Scheme History and Assessment of Alternatives [TR010022/APP/6.1].

### Little Eaton junction responses

- 2.8.1 Overall, 63% agreed with the proposed Little Eaton junction layout, 28% disagreed with the proposal and 9% had no preference to the junction layout.
- 2.8.2 Mickleover (100%), Little Eaton (93%), Darley Abbey (85%) and Allestree (78%) were the most receptive to the need for proposed improvements at Little Eaton. Breadsall was the least receptive for the need for improvements, with 88% disagreeing with the presented option.

- 2.8.3 As a result of the proposed works, the existing access from Ford Lane onto the A38 would be closed. Overall 38% of respondents indicated their preference for providing an access road onto the B6179 to mitigate the closure of Ford Lane access, 36% had no preference and 26% felt that there is no need to provide a new local access route.
- 2.8.4 Of the 28% of respondents who rejected the proposed Little Eaton option the main concerns raised were the loss of greenbelt land and the highway alignment effects on the Breadsall community, including potential visual, air and noise impacts.
- 2.8.5 It should be noted that following the supplementary exhibition in Breadsall on 26 February 2015, Breadsall Parish Council arranged a community meeting. As a result of the meeting, some members of the community formed the Breadsall A38 Action Group. Highways England has engaged with the Action Group to understand the aims and concerns of the group while providing information on the consultation process and the junction proposals.



**Figure 4 Little Eaton junction presented option (from 2015 consultation)**

- 2.8.6 The 'Public Consultation Exhibition' brochure created for the non-statutory consultation is provided in **Annex A**.

## 2.9 Option assessment following non-statutory consultation

- 2.9.1 The consultation responses and alternative options assessment informed actions for each proposed junction in preparation for the statutory consultation and design progression, as follows:

### **Kingsway junction**

- Undertake alternative options assessment for local access options K1 and K2 to determine the preferred arrangement.
- Assessment of an alternative eastern roundabout layout to be undertaken for a proposal from a respondent known as 'consultee J'.

### **Markeaton junction**

- The design to include the provision of a replacement footbridge to Markeaton Park.
- Design options developed for the proposed junction and access from the A52 to Markeaton Park and to McDonald's and the Esso station to be developed in consultation with the operators of each site and DCiC.

### **Little Eaton junction**

2.9.2 Before design progressed it was important to fully consider the alternative options proposed, particularly in respect of the concerns raised by the community in Breadsall.

- Consequently, further alternative options assessments were conducted for the following layouts which passed the Initial Sift Assessment:
  - Option 2, as previously published in 2003.
  - "Option 3A", as proposed by Breadsall Parish Council.
  - "Southern Sweep Option", as proposed by a councillor at EBC and supported by the Breadsall A38 Action Group.

Descriptions of the alternatives and the assessments process are included in Chapter 3 of the Environmental Statement: Scheme History and Assessment of Alternatives [TR010022/APP/6.1].

- Due to inconclusive consultation responses and subsequent design development, the link road from Ford Lane to the B6179 will not form part of the Scheme design.

## **2.10 Ongoing engagement**

2.10.1 Engagement continued with key stakeholders and affected land owners throughout the Scheme development process and outside the periods of non-statutory and statutory consultation. This has included a series of meetings with key interests. These involved Local Authorities, Parish Councils, local businesses and key stakeholders and those with land interests.

2.10.2 Details of ongoing engagement can be found in **Annex A**, listing when the engagement took place, a summary of discussions, and actions taken following engaging with stakeholders.

2.10.3 Following the 2015 non-statutory consultation, alternative options were proposed by members of the public (as noted in section 2.9) and these were subject to the assessment process.



- 2.10.4 The assessment involved the appraisal of the alternative suggestions measured against the options presented at the 2015 public consultation events. An options assessment report was produced which concluded that all of the suggested alternatives would perform worse than the presented options. This information is contained in the ES Appendices 3.1 and 3.2 [TR010022/APP/6.3].
- 2.10.5 Following meetings and correspondence with local residents it became apparent that some members of the local community were not satisfied with the conclusions highlighted in the alternative options assessment report.
- 2.10.6 Further alternative suggestions were received (from Breadsall residents) with some counter suggestions from Little Eaton residents. These further suggested options comprised of the following:
- Option 2A (received from the Breadsall A38 Action Group) – a development of Option 2, as presented at the 2003 and 2015 consultation events.
  - Option 2B (received from the Breadsall A38 Action Group) – a variation of Option 2A.
  - Option X (received from the Little Eaton Parish Council) – this option was developed with the intention of retaining the existing A38 in order to balance the alignment between Little Eaton and Breadsall.
  - Option X1 (received from the Breadsall Action Group) – this option replaces the long looping links of Option X (needed to connect the A61 and B6179 to the A61 via a bridge under the A38 north of the garden centre).
- 2.10.7 Descriptions of these further alternatives and the assessments are included in Chapter 3 of the ES: Scheme History and Assessment of Alternatives [TR010022/APP/6.1].
- 2.10.8 All of these additional suggested options failed to pass the initial sift (as they did not fulfil one or more of the key objectives) so were not subject to further assessment.
- 2.10.9 In late 2016, the Scheme Assessment Report confirmed that the presented options at the 2015 public consultation should be taken forward as the preferred route.
- 2.10.10 The PRA was planned for December 2016, but this was postponed in order to undertake further engagement with local communities such as the Breadsall village on the preferred route.
- 2.10.11 In January 2017, Highways England further considered the Little Eaton options in order to address the perceived impacts on Breadsall village. It was concluded that a further suggested option should be considered. This additional option (known as Option 2C) considered the removal of the mobile home park and other buildings. Option 2C was assessed against the presented option but the presented option was shown to perform better.
- 2.10.12 The PRA was made by Highways England at the end of January 2018.

2.10.13 Following the 2015 non-statutory consultation, certain elements of the design were fixed following the feedback received from the consultation process, this included:

- Decision to include the Kingsway Park Close link for the Kingsway junction (option K2) instead of the Greenwich Drive South link (option K1) to provide local access.
- Decision to not include a link from Ford Lane to the B6179 at Little Eaton junction.

2.10.14 Other areas of the design that moved forward as a result of ongoing engagement included the following:

- The main roundabout at Markeaton junction became fully signalised (and roundabout revised to a squarer shape) – this was partly to facilitate signalised crossing for pedestrians and cyclists on all arms of the roundabout (a common theme from the consultation responses) and to improve the traffic flows on the city council roads.
- New access to Markeaton Park and some internal accommodation works to retain the existing university bus access developed in collaboration with DCiC.
- Revised signalised access for a fast food restaurant and a petrol filling station on the A52. The signalised junction would also serve the new park access noted above with the traffic signals designed so that they are linked to the signals of the main Markeaton junction.
- New egress for the same fast food restaurant and petrol filling station onto the A38 northbound diverge slip road. Concerns were noted by the consultees and Highways England's standards specialists as accesses onto slip roads are not normally permitted. This followed several meetings with the two businesses since 2015, consultation is ongoing with a view to reaching agreement prior to DCO submission.
- A new east-west footway and cycleway was added to the design across the Kingsway junction using the new bridge (there is currently no access across the junction). This was a result of various representations from interest groups and DCiC.
- Agreement in principle was reached with DCiC to allow a 'Statutory Undertaker's corridor' to be included along the edge of Markeaton Park. This significantly eased the difficulties in trying to identify suitable locations for the diversion of Statutory Undertakers' plant and other apparatus.

2.10.15 An Outline Environmental Management Plan (OEMP) will be appended to the ES that will identify mitigation measures in the Mitigation Delivery Table that have been detailed as a result of the ongoing consultation process with relevant stakeholders.

## 2.11 Environmental Impact Assessment (EIA) Screening

- 2.11.1 An EIA is required under the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017 (as amended) for a Scheme of this scale and nature and given the possible significant environmental effects.
- 2.11.2 Highways England wrote to the Inspectorate under Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs) on 2 March 2018, notifying that Highways England proposes to provide an ES in respect of the development. Email acknowledgement was received on the same day.
- 2.11.3 A copy of the letter and the acknowledgment are provided within **Annex B**.

## 3. Statutory consultation

### 3.1 Overview of the statutory consultation

- 3.1.1 Highways England held a public consultation on the Scheme for a period of six weeks from 7 September 2018 to 18 October 2018, providing consultees 42 days to respond to the consultation. During initial consultation with s42 consultees, some additional consultees were identified, and separate arrangements were made to provide these individuals with a 35 day period to respond to the consultation. The latest date for this group of additional consultees to respond was 23:59 on 4 December 2018. This was followed by a further consultation in March 2019 when 33 days were provided to respond (see section 3.8).
- 3.1.2 The purpose of the consultation was to provide the opportunity for people to comment on the design of the proposed Scheme, the purpose and layout of the junctions, provision for all road users and environmental mitigation. The consultation provided people with an opportunity to engage with the project team to enable them to provide a response.
- 3.1.3 The design of the proposed Scheme was included in the PRA which was made on 31 January 2018 and it is described in more detail in Chapter 2 of the ES: The Scheme [TR010022/APP/6.1].
- 3.1.4 The initial findings from the EIA preparation for the Scheme formed the basis of the Preliminary Environmental Information Report (PEIR) as part of the consultation material. The PEIR provided information about the potential environmental effects of the Scheme and indicated the mitigation measures anticipated to minimise negative effects. The views of consultees were sought on this early stage environmental information.
- 3.1.5 Highways England undertook consultation under s42 of the PA 2008 in parallel with consultation under s47 and s48 of the PA 2008. This meant that all consultation materials made available under s47 of the PA 2008 were also available to s42 consultees.
- 3.1.6 Prior to any statutory consultation activity, the purpose of consultation was defined. The aims of consultation were to:
- inform the local community and stakeholders about the design of the proposed Scheme;
  - engage with stakeholders and the local community affected by or having an interest in the Scheme;
  - provide opportunities for individuals and organisations to provide feedback, ask questions and raise concerns;
  - provide regular communications and engagement with stakeholders and the media (including social media) to build strong, open relationships;
  - understand stakeholder concerns, issues and suggestions;

- collect and understand feedback on the design of the proposed Scheme, allowing the Scheme design to be developed further; and
- Prepare for the DCO application.

## 3.2 Preparation of Statement of Community Consultation (SoCC)

### Introduction

- 3.2.1 The SoCC was prepared to explain how we intended to consult people living in the vicinity of the Scheme. The statement was prepared in consultation with local authorities in accordance with s47(2) of the PA 2008. Highways England defined DCiC, DCC and EBC as the host local authorities for the purpose of the preparation of the SoCC.
- 3.2.2 Highways England consulted DCiC, DCC and EBC on the SoCC as well as the neighbouring local authorities of Amber Valley Borough Council and South Derbyshire District Council. In this regard, Highways England met the obligation for the purposes of the PA 2008 to consult with host and neighbouring authorities.
- 3.2.3 Highways England met with DCiC, DCC, EBC, Amber Valley Borough Council and South Derbyshire District Council to discuss the Scheme and consultation, as set out in **Annex A**. Therefore, Highways England complied with the statutory requirements of s47(2) of the PA 2008 in consulting with host authorities.
- 3.2.4 The approach taken ensured that the local community, residents, local interest groups, businesses, visitors and road users had the opportunity to fully understand the Scheme and comment on the updated proposals as outlined in the SoCC.
- 3.2.5 The statutory consultation strategy set 'who' we would consult, 'what' would happen and 'when' leading up to and during the consultation period and provided an overarching structure for the consultation. This strategy:
- defined who to consult;
  - classified consultees using a stakeholder mapping workshop;
  - defined a consultation boundary to delimit which people 'in the vicinity of the Scheme' would be consulted;
  - proposed the Scheme programme of activity and timeline;
  - proposed the methods of consultation. This includes the methods of advertising the consultation events including targeted mailings, the location of deposit points, consultation events and advertisements and the design of consultation materials such as the consultation brochure and posters; and
  - builds on the successes of stakeholder engagement from the previous non-statutory consultation and from ongoing activities.

### Preparing the s47 SoCC

3.2.6 The consultation strategy principles, together with best practice and guidance from the Inspectorate informed the draft SoCC, which was prepared in August 2017 and reviewed by the Highways England communications team.

#### SoCC format

3.2.7 The SoCC followed a template format as follows:

- **Introduction:** This section sets out why the SoCC is being published (for feedback on the Scheme) and what the SoCC sets out.
- **The Application:** This section sets out who has been consulted, recognises that the Scheme is a Nationally Significant Infrastructure Project and that Highways England will make an application to go through the DCO process. It also notes that the Scheme falls within the scope of the Infrastructure Planning Environmental Assessment Regulations 2017, that an Environmental Statement [TR010022/APP/6.1] will be produced.
- **Environmental Information:** This information is contained within the application section above.
- **The Scheme:** An outline of the problem which the Scheme is intended to solve, Scheme location detail, potential adverse impacts of the Scheme and aims of the Scheme.
- **Consulting the community:** A short summary of the purpose and means of consultation, an outline of what we will consult on, the preferred route and how we will consult (details about consultation events, Scheme website, brochure, council and stakeholder/community group briefings, media, social media and how to provide consultation feedback).
- **Documents available for inspection:** Documents, locations and opening times of deposit point locations.
- **How to respond:** Postal, email, 'phone and website details for the Highways England Project Team.

3.2.8 A copy of the draft SoCC is provided in **Annex C**.

#### Local authority SoCC consultation

3.2.9 An informal scoping meeting was held between representatives of DCiC, DCC, EBC, Amber Valley Borough Council, South Derbyshire District Council, Highways England and AECOM on 14 February 2018 to discuss the early form and content of the SoCC document. The views of the Officers helped to inform the approach to consultation, in particular suggestions for exhibition venues and deposit points. Whilst not obliged to formally consult either Amber Valley Borough Council or South Derbyshire District Council on the SoCC as the Scheme is not within their boundaries, it was felt appropriate to include them in the scoping discussions as they are adjoining authorities.

- 3.2.10 A letter was posted and emailed to the authorities on 22 June 2018 to provide the relevant officers with advance warning of the intention to formally consult on the draft SoCC, advising that they would be receiving the correspondence the following week.
- 3.2.11 A letter was posted and emailed to DCiC, DCC, EBC, Amber Valley Borough Council and South Derbyshire District Council on 25 June 2018 in accordance with s47 of the PA 2008 seeking their input on the SoCC. The authorities were requested to provide comments on the draft SoCC by 23 July 2018. A copy of the letter is provided in **Annex D**. Each authority was contacted to confirm receipt of the letter; DCC, EBC and South Derbyshire District Council confirmed receipt on 25 June 2018, whilst Amber Valley Borough Council and DCiC confirmed receipt as 26 June 2018. As such, responses for these authorities were accepted up to 24 July 2018. This provided at least 28 days to respond, as prescribed by s47(3) of PA 2008. All authorities responded prior to this date.
- 3.2.12 A response from DCiC was received on 3 July 2018 and made a number of suggestions for revisions to the SoCC, outlined in **Table 2**. A copy of the response is provided within **Annex E**.
- 3.2.13 A response from EBC was received on 3 July 2018 and made a number of suggestions for revisions to the SoCC, outlined in **Table 2**. A copy of the response is provided within **Annex E**.
- 3.2.14 A response from Amber Valley District Council was received on 12 July 2018 and confirmed that they considered the SoCC provided a sufficient range of means of stakeholder consultation and made no suggestions to amend the SoCC. A copy of the response is provided within **Annex E**.
- 3.2.15 A response from DCC was received on 20 July 2018 and confirmed that they considered the SoCC provided a comprehensive range of means of stakeholder consultation and made no suggestions to amend the SoCC. A copy of the response is provided within **Annex E**.
- 3.2.16 A response from South Derbyshire District Council was received on 23 July 2018 and made a number of suggestions for revisions to the SoCC, outlined in **Table 2**. A copy of the response is provided within **Annex E**.

## Local Authority SoCC consultation responses and amendments

**Table 2 SoCC Consultation with Local Authorities**

Section of SoCC	Suggestion/comment made by Local Authority	Regard had to the suggestion	Amendment to SoCC (if applicable)
<b>Derby City Council</b>			
Paragraph 22 Table: 'Deposit Points'	Advised Central Library closed in June 2018 and should be replaced by new Riverside Library.	Accept suggestion.	Deposit point changed from 'Central Library' to 'Riverside Library' with opening times Monday to Friday 8.30am to 5pm, Saturday 9am to 1.00pm
Paragraph 22 Table: 'Deposit Points'	Remove Council House as a deposit point as Riverside Library is within the Council House.	Accept suggestion.	Deposit point 'Council House' removed.
<b>Erewash Borough Council</b>			
Paragraph 21 Table: 'Public information exhibition'	Recognises venue booked at Breadsall Priory is close to but not within village; may be challenging for some consultees to access. Request additional booking of Breadsall Memorial Hall within Breadsall village.	Reconsider and re-check availability of Breadsall Memorial Hall which had limited availability when provisional bookings were made.	Booking clerk for Breadsall Memorial Hall confirmed availability for hall on Saturday 15 September 2.30 to 8.00pm. Booking made and date included in SoCC.
Paragraph 21 Table: 'Establishing stakeholder groups' and 'Council and community/area forum briefings'	Draft SoCC stated that Highways England will provide briefings to Little Eaton and Breadsall Parish Councils if invited. Representation to revise content under 'Council and community/area forum briefings' section to state that the parish councils will be offered briefings.	Review wording of both sections and remove ambiguity.	Text amended to read 'Where possible, we will speak when invited to Local councils (including Parish Councils) and community/area forums, within whose area the Scheme will be carried out. If you wish to speak to us about this, contact the project team using the details provided below.'

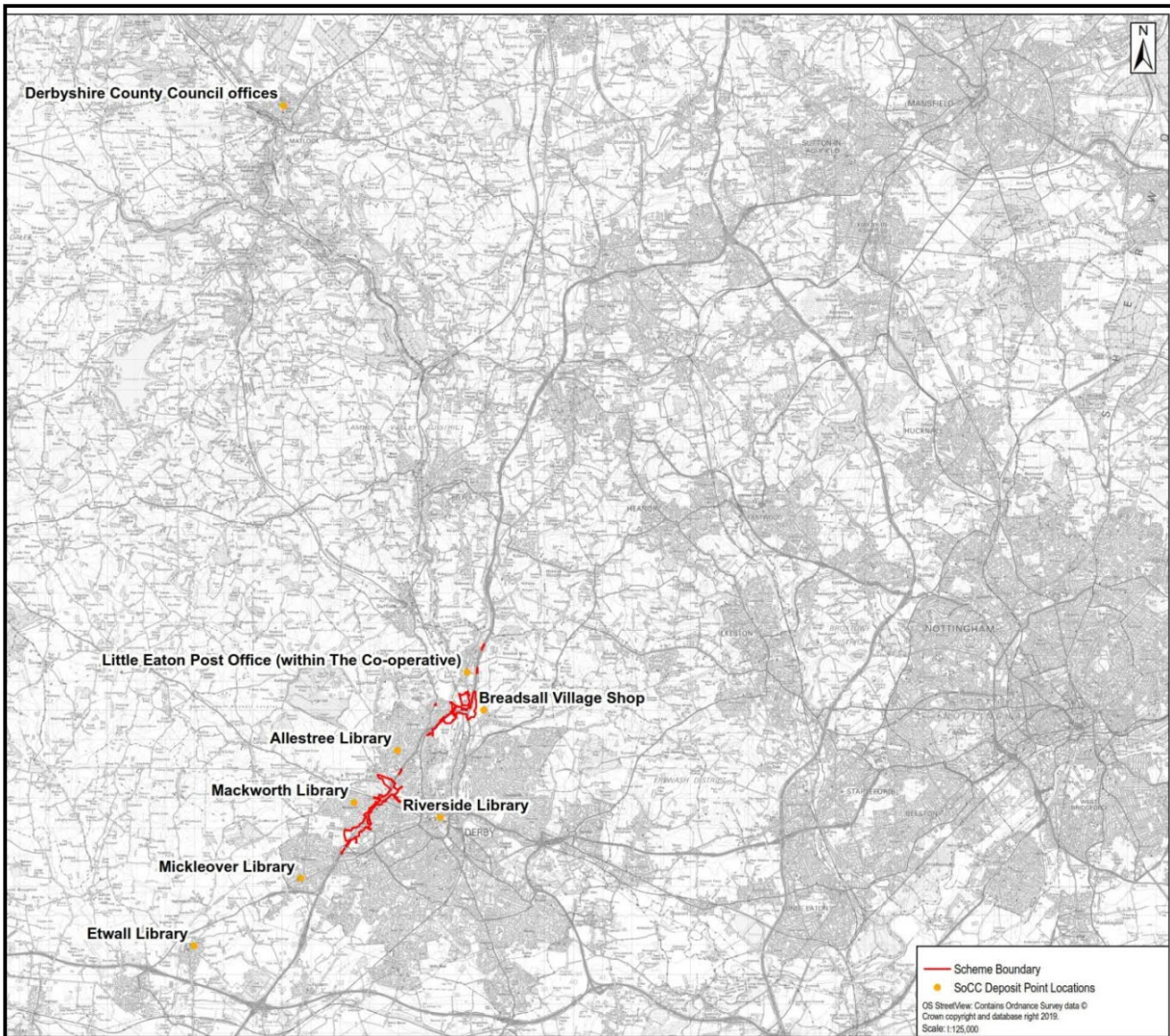


Section of SoCC	Suggestion/comment made by Local Authority	Regard had to the suggestion	Amendment to SoCC (if applicable)
<b>South Derbyshire District Council</b>			
Paragraph 21 Table: 'Establishing stakeholder groups'	The parish councils in the A38 corridor within South Derbyshire (these being Burnaston, Egginton, Etwall, Findern and Willington), to be included as consultees to be written to inviting feedback.	Comment considered. It was felt that this issue related to the planned s42 consultation rather than the s47 consultation with the local community that the SoCC set out a framework for. It was determined that the best way of capturing inputs of the parish councils would be for the comments to be provided by South Derbyshire District Council to be provided to Highways England when they were formally consulted as a s42(1)(b) statutory consultee.	South Derbyshire District Council advised of decision. No changes made to SoCC.
Paragraph 21 Table: 'Establishing stakeholder groups'	South Derbyshire District Council be kept informed of the activities of the stakeholder working group through invitations to meetings and provision of meeting minutes.	Accept suggestion.	Revised text under 'Establishing stakeholder groups', to include South Derbyshire District Council and Erewash Borough Council as local authorities to be kept informed of the project Steering Group's activities through invitations to group meetings and provision of meeting minutes.
Paragraph 22 Table: 'Deposit Points'	Consultation documents be made available for inspection at Etwall Library.	Accept suggestion.	Etwall Library added to the list of deposit points for the inspection of documents. Opening times as: Monday 2pm – 7pm Tuesday – closed Wednesday 10am – 5pm Thursday 2.00pm – 7pm Friday – closed Saturday – closed

3.2.17 A copy of the published SoCC with the revisions made is provided in **Annex F**. This was issued by email to the LPAs on 23 August 2018. The SoCC was made available at selected deposit points close to the Scheme for the duration of the consultation (7 September 2018 to 23:59 on 18 October 2018), and was delivered ready for display at the deposit points, identified in **Table 3**, on the morning of 7 September 2018. **Figure 5** illustrates the deposit locations in the wider geographic setting.

**Table 3 SoCC Deposit Point Locations**

Deposit Point	Dates Available
Allestree Library Park Farm Centre Park Farm Drive Derby DE22 2QN	Monday – closed Tuesday 10am – 5pm Wednesday – closed Thursday 10am – 7pm Friday 10am – 5pm Saturday 10am – 1pm
Breadsall Village Shop 2 Rectory Lane Breadsall Derby DE21 5LL	Monday to Friday 7:15am – 6:30pm Saturday 7:45am – 6pm Sunday 8:30am – 2pm
Riverside Library Council House Corporation Street Derby DE1 2FS	Monday to Friday 8:30am – 5pm Saturday 9am – 1pm
Derbyshire County Council offices County Hall Matlock DE4 3AG	Monday to Friday 9am – 5pm
Etwall Library Main St Etwall Derby DE65 6LP	Monday 2pm – 7pm Tuesday – closed Wednesday 10am – 5pm Thursday 2pm – 7pm Friday – closed Saturday – closed
Little Eaton Post Office (within The Co-operative), 160 Alfreton Road Little Eaton Derby DE21 5DE	Monday to Friday 9am – 5:30pm Saturday 9am – 1pm
Mackworth Library Prince Charles Avenue Mackworth Derby DE22 4BG	Monday 10am – 1pm Tuesday 1pm – 5pm Wednesday – closed Thursday 1pm – 5pm Friday – closed Saturday 10am – 1pm
Mickleover Library Holly End Road Derby DE3 0EA	Monday – closed Tuesday 10am – 5pm Wednesday – closed Thursday 10am – 7pm Friday 10am – 5pm Saturday 10am – 1pm



**Figure 5 SoCC Deposit Points**

3.2.18 The s47 notice of publication of the SoCC was published on 6 September in the local newspaper, the Derby Telegraph, as identified in **Table 4**. A copy of the s47 notice as published is provided within **Annex K**.

**Table 4 SoCC Notice Publication Dates**

Date Published	Newspapers
6 September 2018	The Derby Telegraph published the s47 'Publication of SoCC' notice on page 45.

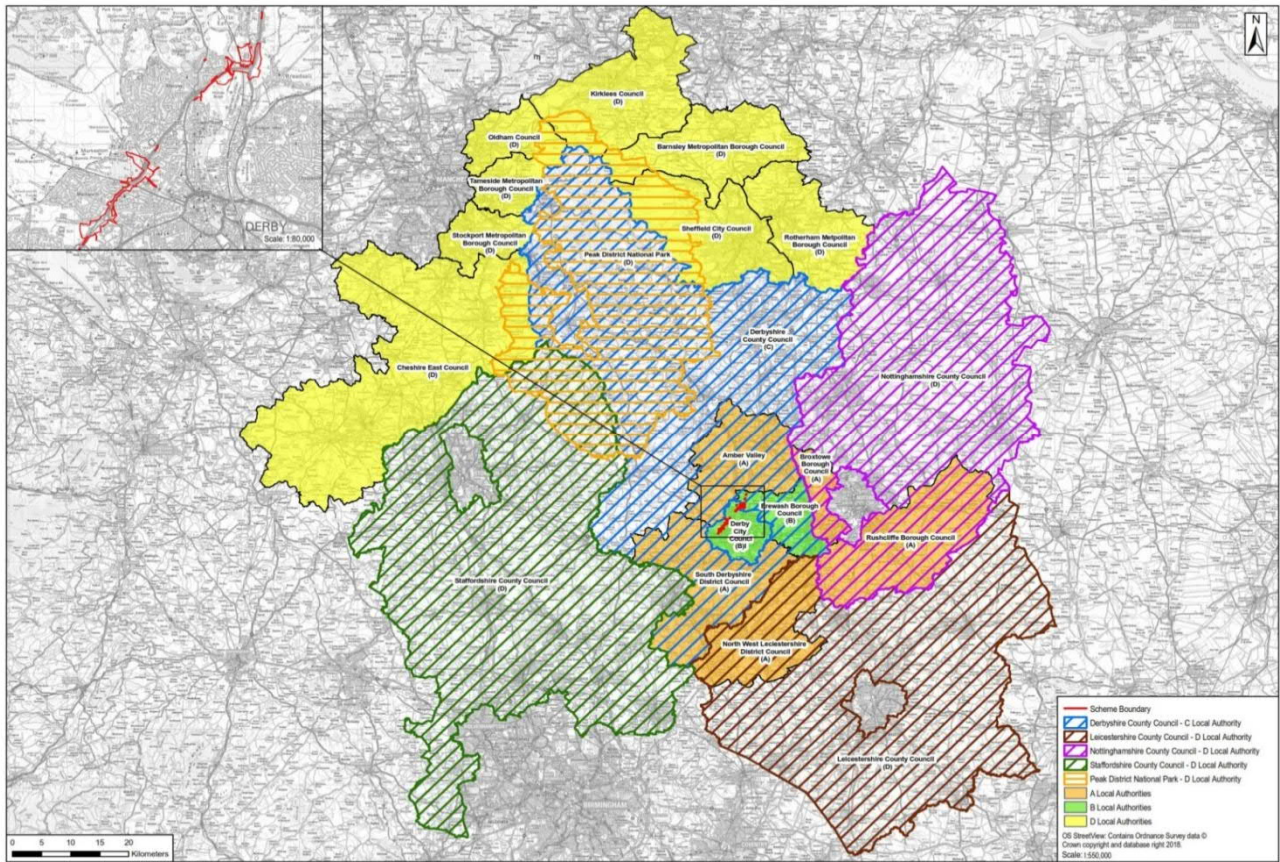
### 3.3 Section 42 (Letters and consultation documents)

3.3.1 S42 of the PA 2008 requires Highways England to consult with the prescribed consultees (s42(1)(a)), landowners, those with an interest in the land and those who would or might be entitled to make a relevant claim under s42(1)(d) and relevant local authorities (s42(1)(b)).

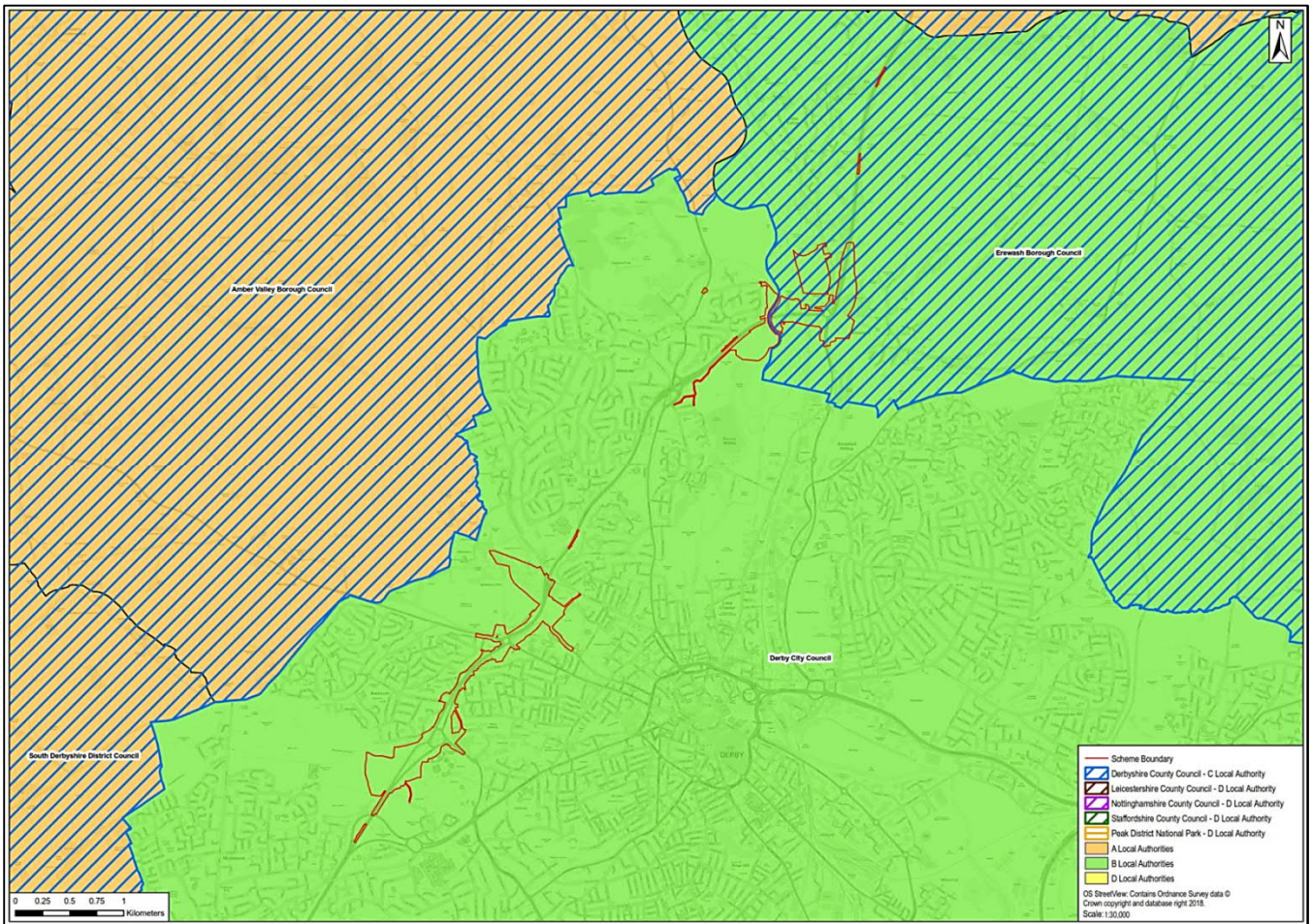
- 3.3.2 The list of prescribed statutory bodies (under s42(1)(a) of the PA 2008 and associated legislation, (as amended by the *Localism Act 2011*) was generated using Schedule 1 of The Infrastructure Planning (*Applications: Prescribed Forms and Procedure*) Regulations 2009 (as amended) (“the APFP Regulations”). Prescribed consultees are identified by name or identified by a category such as statutory undertakers. To better understand the amendments and assist in the identification of statutory bodies, advice was sought from the Inspectorate’s *Advice note three: EIA Notification and Consultation* (Version 7), in particular the three tables in the annex to the advice note.
- 3.3.3 Statutory consultation took place with prescribed consultees, people with land interests, local authorities, members of the public and other consultees under s42, s47 and s48 of the PA 2008. These separate strands of consultees will be clearly identified and discussed separately.
- 3.3.4 The list of prescribed consultees is provided at **Annex G**, which includes contact details and a justification for the inclusion for each consultee against the ‘circumstances’ test identified in the APFP Regulations. Any apparent discrepancies between the list of prescribed consultees and those consulted in the statutory consultation are identified in the list and a justification for the difference is provided.

#### **Local authority consultees**

- 3.3.5 Local authorities consulted are shown on the map (**Figure 6** and **Figure 7**) and described in **Table 5**. They were identified with the Inspectorate’s guidance provided in *Advice note two: The role of local authorities in the development consent process* (Version 1; February 2015). The following definitions are used:
- **A** is a neighbouring local authority that shares a boundary with a unitary council or lower tier district B council within whose area the development is situated;
  - **B** is either a unitary council or a lower tier district council in which the development is situated – a host local authority;
  - **C** is an upper tier county council in which the development is situated – a host local authority, or
  - **D** is either a unitary council or an upper tier county council which shares a boundary with a host ‘C’ authority – a neighbouring local authority.



**Figure 6 Map illustrating Local Authorities Consulted**



**Figure 7 Map illustrating Local Authorities adjacent to the Scheme boundary**

- 3.3.6 The Scheme is located within three local authority areas, DCiC is a unitary host authority, EBC is a lower tier district host authority, (both defined as category B) and DCC (category C) is a relevant upper tier host local authority as identified within s43 of the PA 2008. These host authorities were consulted on the Scheme and are listed in **Table 5** below.
- 3.3.7 Other Local Authorities identified by the Inspectorate (in their Regulation 11 List) were consulted on the Scheme and are listed below and at **Annex G**.

**Table 5 Identification of Relevant Local Authorities**

Name	A, B, C or D Authority	Criteria for Identification
Derby City Council	B	The Authority is a Unitary host authority and has the Scheme within their administrative area.
Erewash Borough Council	B	The Authority is a lower tier district host authority and has the Scheme within their administrative area.

Name	A, B, C or D Authority	Criteria for Identification
Derbyshire County Council	C	The Authority is an upper tier County Council host authority and has the Scheme within their administrative area.
Amber Valley Borough Council	A	Neighbouring authority that shares a boundary with a lower tier or Unitary authority.
South Derbyshire District Council	A	
Broxtowe Borough Council	A	
North West Leicestershire District Council	A	
Rushcliffe Borough Council	A	
Nottinghamshire County Council	D	The authority is an upper tier County Council that shares a boundary with a host C authority.
Leicestershire County Council	D	
Staffordshire County Council	D	
Stockport Metropolitan Borough Council	D	
Tameside Metropolitan Borough Council	D	
Cheshire East Council	D	
Kirklees Council	D	
Sheffield City Council	D	
Rotherham Metropolitan Borough Council	D	
Oldham Metropolitan Borough Council	D	
Barnsley Metropolitan Borough Council	D	
Peak District National Park Authority	D	

### Persons with Interests in Land (PILs)

- 3.3.8 S42(1)(d) of the PA 2008 states that the applicant must consult each person who is within one or more of the categories set out in s44. This includes any owner, lessee, tenant or occupier, any person interested in the land or has power to sell, convey or release the land and any person entitled to make a relevant claim (as defined by s44(6) of the PA 2008).
- 3.3.9 The methodology for identifying land interests as defined in s42(1)(d) and s44 of PA 2008 is described further in the Statements of Reasons [TR010022/APP/4.1].
- 3.3.10 In preparing the DCO application, Highways England has carried out diligent inquiry in order to identify all persons who fall within the categories set out in s44 of the PA 2008 for the Scheme. Persons that fall within Category 1 and 2 of s42(1)(d) are listed in the Book of Reference [TR010022/APP/4.3] and have been consulted about the DCO application in accordance with s42 of the PA 2008 and as described below.
- 3.3.11 Diligent inquiry to identify affected landowners, those with interests in land, and those with a potential relevant claim was undertaken by Highways England's land referencing supplier. The categories of persons identified, and the methods used to identify the persons with an interest in the land are summarised below.

- 3.3.12 Land referencing has been undertaken throughout the pre-application period to ensure that any changes in ownership or new interests have been identified, consulted and subject to engagement.
- 3.3.13 The categories of persons that require to be identified for the purposes of consultation under s42 are prescribed in s44 of the PA 2008 as Categories 1, 2 and 3. Under PA 2008, diligent inquiry must be undertaken to identify persons who, by virtue of the nature of the interest they have in land, and the location of that land in relation to the land to which the application relates, come within Categories 1, 2 or 3.
- 3.3.14 A list of land interests consulted (noting their interest in the land) during the statutory consultation period is provided in **Annex H**. This list was updated during the consultation to include any new or previously unknown land interests and is provided in **Annex N**, which will be included within the Book of Reference [TR010022/APP/4.3].
- 3.3.15 The names and addresses provided in **Annex H** of the final version of this report will be checked against the final Book of Reference [TR010022/APP/4.3] to ensure consistency between the two documents.

#### **Category 1 and 2 persons**

- 3.3.16 Category 1 comprises owners, lessees, tenants (whatever the tenancy period) and occupiers of the Land.
- 3.3.17 Category 2 comprises persons that are interested in the land or have the power to sell and convey, or to release, the Land.

#### **Category 3 persons**

- 3.3.18 Category 3, as prescribed by s44 of PA 2008, comprises persons who the applicant thinks would or might be entitled to make a “relevant claim” for compensation, if the order sought by the application were to be made and fully implemented. A “relevant claim” is defined in PA 2008 as meaning a claim under Section 10 of the Compulsory Purchase Act 1965, or under Part 1 of the Land Compensation Act 1973, or under Section 152(3) of the PA 2008.

#### **Assessment of Category 3 persons**

- 3.3.19 Identification of Category 3 persons, as defined in s44 of the PA 2008, was undertaken at the early stages of development of the Scheme, in order to inform the design of the Scheme and preparation of the DCO application.
- 3.3.20 In order to identify potential Category 3 persons who may have a claim pursuant to Section 10 of the CPA 1965, a desk-based assessment was carried out to identify properties with a potential claim. In addition, site visits were used in order to assess properties that the team may not have been aware of from their desk based assessment.
- 3.3.21 In assessing potential claimants under Part I of the LCA 1973, physical factors and the impact of the Scheme were considered, including:
- Properties closest to the Highway within the DCO redline boundary; and



- Properties identified as a receptor as a consequence of the property being located outside the DCO limits but close to the Highway.

3.3.22 The Applicant's land referencing team and the Scheme's District Valuer were provided with relevant information from the Applicant. This information identified the likely significant effects arising from the Scheme. For example, the noise assessments had regard to information available at that time regarding:

- existing noise levels
- projected noise levels from the Scheme
- distances to and impacts on receptors

3.3.23 Based on the above information, professional judgement was applied by the Scheme's Valuer (from the VOA) to determine whether a person may have a relevant claim for compensation under s57(4) of the PA 2008. Further details about the noise assessments and other environmental assessments undertaken can be found in Chapter 9 of the ES: Noise and Vibration [TR010022/APP/6.1].

#### **Diligent inquiry process**

3.3.24 A Shapefile of the search area, being the proposed land requirements, was submitted to the Land Registry so that a search could be completed of the index map on 19 June 2018. Ongoing Land Registry searches have been used to ensure that any changes in title were identified. The official copies of the Registered Titles and Plans were examined to identify all land interests.

3.3.25 On completion of the above initial desk based exercise, the extent of unregistered land interests became known. In order to establish ownership of unregistered land that falls within the proposed land requirements, public sources of information were used, including the Planning Portal, Companies House website, the relevant records held by Statutory Undertakers, Electoral Registers and online resources. A land charges search was also carried out.

3.3.26 Following the initial non-contact methods above, persons identified as having an interest in the Land or a potential claim were issued with a letter, a Land Interest Questionnaire requesting return of information about their interests in the Land, and an accompanying Land Ownership Plan. This was then followed up by additional 'follow up' letters, site visits where no response was made, and site notices were erected on unregistered land.

#### **Issuing of s42 letters**

3.3.27 Highways England wrote to all consultees identified under s42 of the PA 2008 to notify them of the consultation with the letters sent first class by Royal Mail on Thursday 6 September 2018 for receipt on Friday 7 September 2018. Letters, and the information included with them, were tailored to ensure their reference to consultees under the applicable sections of the PA 2008. A deadline of 18 October 2018 was stated in this correspondence.

3.3.28 All letters included enclosures relevant to that consultee, but also included a link to the consultation website, at which the full suite of Scheme documents was made available, including:

- s48 Notice;
- Consultation flyer;
- Consultation booklet;
- Consultation questionnaire;
- Exhibition banners;
- PEIR;
- Scheme Assessment Report (SAR) Non-Technical Summary (NTS);
- Scheme plans for the 3 junctions; and
- Report on Public Consultation 2015.

3.3.29 A summary of the minor differences between the letters and enclosures sent to the different s42 consultees is set out below:

**S42(1)(d) Category 1 and 2 Consultees**

3.3.30 This group were identified as having a legal interest in or rights over land which may be directly affected by the Scheme.

3.3.31 The letter provided an overview of the Scheme, explained that it was a Nationally Significant Infrastructure Project ('NSIP') and that the party to whom it was addressed was being formally consulted under the requirements of s42(1)(d) of the PA 2008, as they had an interest in land that may be affected by the application for a DCO. The following were included with the letter:

- consultation brochure;
- consultation response form;
- land Interest Plan(s) - a Land Registry plan of their land interests;
- red line boundary plan;
- land interest schedule;
- land interest questionnaire; and
- a copy of the s48 notice.

**S42(1)(d) Category 3 Consultees**

3.3.32 Category 3 consultees were identified as potentially being indirectly affected by the Scheme i.e. changes in air and noise quality. The letter and consultation materials sent were almost identical to those described above, except for sentences about why they have been contacted and about potential entitlement to a future claim under Part 1 of the Land Compensation Act 1973, or a claim under section 10 of the Compulsory Purchase Act 1965. A land registry plan was

not appropriate here and therefore was not included. The following were included with the letter:

- consultation brochure;
- consultation response form; and
- a copy of the s48 notice

#### **S42(1)(a) and s42(1)(b) prescribed consultees and local authorities**

3.3.33 This group of consultees were issued a similar letter to that sent to s42(1)(d) consultees. The letter was different in that it did not mention land take or environmental impacts, unless the prescribed consultee was also a s42(1)(d), consultee as in the case of DCiC. Material issued to prescribed consultees and land interests differed to ensure that it furnished the receiving party with the relevant information.

3.3.34 A copy of the s48 notice was also included with the letter.

#### **Need to reissue S42(1)(d) letters and extend statutory consultation**

3.3.35 Any Land Interest Questionnaires or s42(1)(d) consultation letters that were returned unopened (returned to sender) were logged and a process of diligent inquiry was undertaken to determine if alternative methods of contacting the person/business could be identified. This included further desk top research (such as Companies House records, Land Registry information, internet searches), and site visits, in addition to obtaining information directly from parties attending formal consultation events.

3.3.36 In some circumstances it was either confirmed that the details of the consultee had changed, or the party no longer held an interest in the land or were no longer considered a Category 3 person.

3.3.37 In other cases, an alternative addressee or new statutory consultee was identified. These new s42(1)(d) Category 1 and 2 parties were issued with a letter on 30 October 2018. The letter and enclosures were the same as for those letters sent for 7 September 2018, save for the revised deadline of 23:59 on 4 December 2018 for responding to the consultation, thereby ensuring the party had 35 days to respond.

3.3.38 In one instance a s42(1)(d) Category 1 consultee attended one of the exhibitions and stated to not have received the notification letter; the individual was offered an apology and advised that the letter would be re-issued. Duplicate letters with enclosures were issued on 25 September 2018 to 25 consultees. These letters had a revised end date for consultation comments of 4 December 2018. The same individual contacted the project team to indicate that the letter had not been received and a copy was forwarded by email on 18 October 2018, confirming a response would be accepted from 35 days of receipt of the email. A response was received 19 November 2018. Internal inquiries confirmed that the addresses were correct and that letter had been generated in both the original and revised mail merges for delivery by Royal Mail. The cause for the failure of receipt was not determined.

3.3.39 In addition to the above, there were a small number of letters returned in respect of prescribed consultees and local authorities (s42(1)(a) and s42(1) (b)). Upon receipt of these returned letters a thorough review was undertaken of the list of prescribed consultees and local authorities. This exercise identified alternate addresses for the returned letters and these were re-issued. As part of this review it was judged that some additional letters should be re-issued (despite them not being returned) to ensure they reached the appropriate addresses of the organisations concerned and to support every reasonable opportunity for a response. A period of 35 days was provided and this was treated as extended consultation, as the organisations had already been written to, and as such were not 'new' parties.

### **March 2019 Consultation**

3.3.40 A further round of targeted consultation was carried out in March 2019 following the finalisation of the red line boundary. This exercise identified one additional Section 42 consultee resulting from an additional temporary land requirement for a service diversion. Other parties were consulted because of changes identified to the nature of the impact on the land required for the Scheme. For example, some plots previously identified as being temporarily required are now required permanently.

3.3.41 In all, 10 Category 1 parties were consulted along with eight associated Category 2 parties.

3.3.42 A table identifying these additional parties and the dates during which they were consulted are provided in **Annex N** including a note their interest (relevant section of PA 2008) in the Scheme.

3.3.43 Copies of the letters are provided within **Annex I**, with an example of:

- s42(1)(d) Category 1 and 2 Statutory Consultation Letter.
- s42(1)(d) Category 1 and 2 Statutory Consultation Letters to New Parties.
- s42(1)(a) Prescribed Consultee Statutory Consultation Letter.
- s42(1)(a) Prescribed Consultee Statutory Consultation Letter (re-issued).
- s42(1)(b) Host Authority Statutory Consultation Letter.
- s42(1)(b) Host Authority Statutory Consultation Letter (re-issued).
- s42(1)(b) Neighbouring Authority Statutory Consultation Letter .
- s42(1)(b) Neighbouring Authority Statutory Consultation Letter (re-issued).
- s42(1)(d) Category 3 Statutory Consultation Letter.
- s42(1)(d) Category 1 and 2 Statutory Consultation Letters to New Parties (March 2019).
- s42(1)(d) Category 1 and 2 Non-Statutory Consultation Letters to Existing Parties (March 2019).

### 3.4 S46 (Notifying the Planning Inspectorate)

- 3.4.1 A letter and enclosures were sent to the Planning Inspectorate notifying them under s46 of the PA 2008 that Highways England intend to apply for a DCO for the Scheme under s37 of the PA 2008. The letter was sent to the Inspectorate on 4 September (in advance of the statutory consultation commencing in accordance with s46 of the act) confirming the planned statutory consultation taking place under s42 of the PA 2008 between 7 September 2018 and 18 October 2018. Additionally, the Inspectorate identified other consultees from the Regulation 11 list in the scoping report, which were added to the s42(1)(a) and s42(1)(b) list.
- 3.4.2 The letter sent to the Inspectorate contained the same information as provided to consultees identified under s42 and was sent to the Inspectorate in advance of notifying those persons identified under s42, who would receive their letters on 7 September 2018.
- 3.4.3 The letter advised that consultation materials would be available at a series of public information events, at deposit points and online, with further details of the consultation arrangements provided in the enclosures identified below:
- a copy of the s48 Notice;
  - consultation brochure and questionnaire response form;
  - junction layout plans;
  - Redline boundary plans; and
  - PEIR, together with a NTS of the PEIR.
- 3.4.4 A copy of the s46 letter is provided in **Annex J**, alongside the accompanying consultation material.

### 3.5 S47 (local community consultation)

- 3.5.1 The consultation ran for six weeks from 7 September 2018 to 23:59 on 18 October 2018. A consultation area was defined which includes households and businesses within a 500m buffer area of the A38 between Kingsway and Little Eaton junctions (see **Figure 8**).
- 3.5.2 A public consultation flyer was prepared with details of the planned public consultation dates, consultation event venues and deposit points for distribution to all households and businesses located within the area identified in **Figure 8**. A copy of the consultation flyer is provided within **Annex K**. A total of 8,330 copies of the consultation flyer were distributed within the consultation area on the morning of 7 September 2018.



**Figure 8 Extent of consultation area**

3.5.3 A total of nine public exhibition events took place at locations near the Scheme; these are summarised in **Table 6**. Members of the project team, including highway engineers and environmental specialists were available at the exhibitions to discuss the Scheme with attendees.

**Table 6 Events undertaken within the Local Community**

Event	Date	Location
Exhibition event	Friday 7 September 2018 (2pm to 8pm)	University of Derby Enterprise Centre, Bridge Street, Derby, DE1 3LD
Exhibition event	Saturday 8 September 2018 (10am to 4pm)	University of Derby Enterprise Centre, Bridge Street, Derby, DE1 3LD
Exhibition event	Wednesday 12 September 2018 (12 noon to 8pm)	Breadsall Priory Moor Road, Morley Derby, DE7 6DL
Exhibition event	Thursday 13 September 2018 (12 noon to 8pm)	Haslams (The Venue), Derby RFC Haslams Lane, Darley Abbey, Derby, DE22 1EB
Exhibition event	Saturday 15 September 2018 (2.30pm to 8pm)	Breadsall Memorial Hall Brookside Rd, Breadsall, Derby, DE21 5LR
Exhibition event	Tuesday 18 September 2018 (10am to 1pm) and (3.30pm to 7pm)	Allestree Memorial Hall, 1 Cornhill, Allestree Derby, DE22 2GG
Exhibition event	Wednesday 19 September 2018 (3.30pm to 8pm)	Little Eaton Village Hall Vicarage Lane, Little Eaton, Derby, DE21 5EA
Exhibition event	Saturday 22 September 2018 (10am to 4pm)	Brackensdale Primary School Walthamstow Drive, Derby, DE22 4BS
Exhibition event (using an exhibition van)	Saturday 13 October 2018 (10am to 4pm)	Kingsway Retail Park, Kingsway, New Zealand, Derby, DE22 3FA

3.5.4 At each exhibition event a common set of consultation material was used, including exhibition panels, maps and illustrations and comprised:

- consultation brochure and questionnaire response form;
- Scheme layout plan - showing the full area and boundary of the Scheme;
- PEIR and NTS of the PEIR;
- SoCC;
- a copy of the s48 Notice;
- Highways England Development Consent Order Leaflet - explaining the planning process in more detail;
- A38 Derby Junctions: Scheme Assessment Report – Non-Technical Summary; and
- A38 Derby Junctions improvements: Report on Public Consultation (2015).

### **Further consultation activity (additional to the SoCC)**

- 3.5.5 In addition to the approach to consultation outlined in the SoCC, a number of initiatives were taken by the project team to improve the effectiveness of engagement with stakeholders during the public consultation events. A fly-through visualisation of the Scheme was prepared, loaded onto a laptop and displayed on a white screen on a constant loop throughout the session in each of the venues. This was particularly useful as it enabled attendees to see, orientate and understand the Scheme in relation to landmarks and locations familiar to them; and was extremely useful when individuals wanted to get an idea of how close the Scheme would get to their property and the possible view from their property.
- 3.5.6 The fly-through was also used as a tool for wider media engagement. Highways England provided the fly-through to news outlets and included the video on the project website hosted via YouTube<sup>1</sup>.
- 3.5.7 A British sign language interpreter was available at the exhibitions at the Derby Enterprise Centre and Brackensdale Primary School. A portable hearing loop was available at all exhibition locations. The availability of both was advertised in the consultation materials, and posters highlighting their availability were posted at the relevant events. This provision had been identified as part of the SoCC in recognition of the large deaf population resident in Derby.
- 3.5.8 At all events there was also a corner for children to play, which included puzzles and colouring books. This supported the active participation of parents as their children were otherwise engaged.
- 3.5.9 All consultation materials were available to the public for inspection at all deposit points detailed in **Table 3**. Further details of each item of consultation material are provided below. Electronic copies of the consultation material are provided within **Annex K**.
- 3.5.10 In addition, Highways England acquired a new consultation exhibition van in October 2018 which was used to run an additional exhibition on 13 October 2018 at the Kingsway Retail Park, adjacent to the A38.

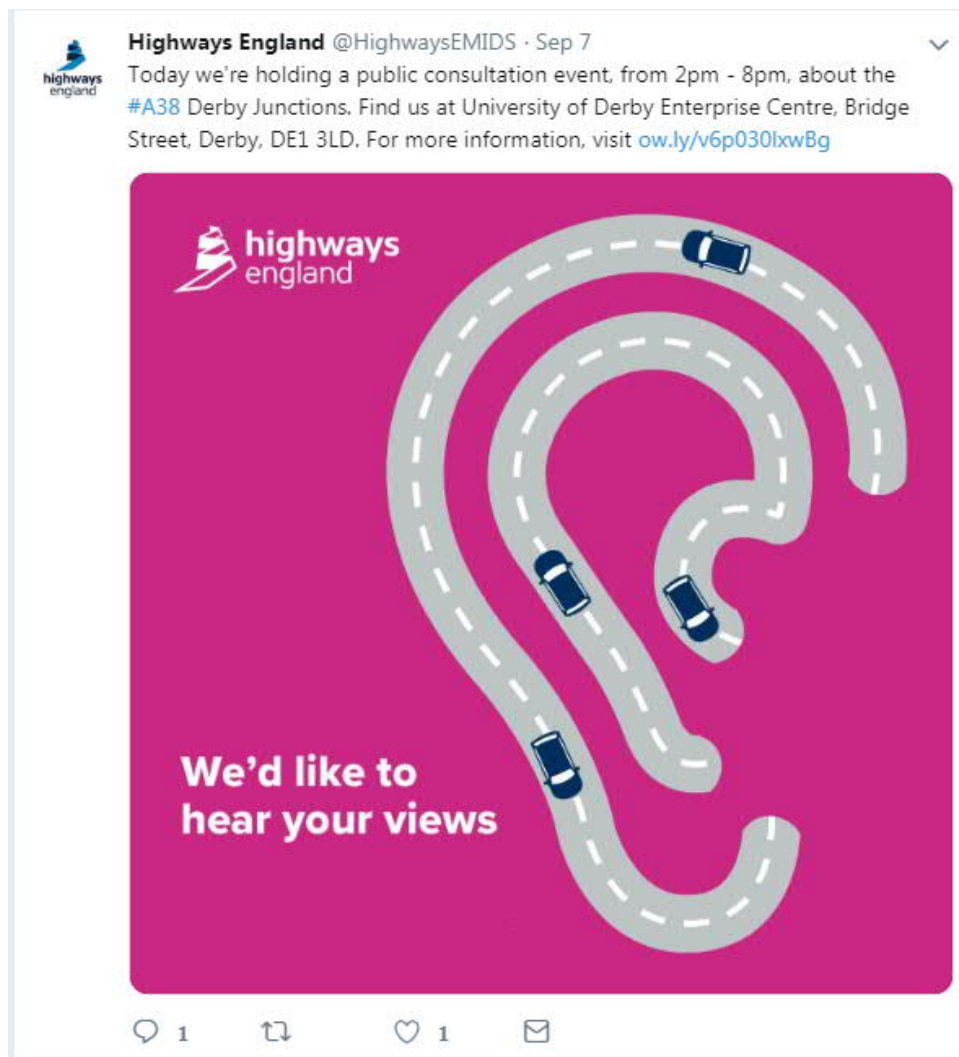
### **Social-media**

- 3.5.11 Social-media was used to publicise the eight exhibition events that were held at fixed locations (not including the mobile van used at Kingsway Retail Park) via the Highways England East Midlands twitter feed using the twitter identity @HighwaysEMIDS (<https://twitter.com/HighwaysEMIDS>). As of 29 November 2018, the account had 25,600 followers.
- 3.5.12 For each event the location and time of the exhibition was posted to Twitter, using the hashtag #A38. A total of eight tweets were posted, with an example post illustrated in **Figure 9**.

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<sup>1</sup> <https://youtube/dTPafHBWKWY>





**Figure 9 Example Twitter coverage for public exhibition**

3.5.13 The project team complied with the commitments made in the SoCC, in accordance with s47(7) of PA 2008. The evidence for this is presented in **Table 7** below.

**Table 7 SoCC Compliance Table**

Commitment within the SoCC	Accordance with commitment:
<p>We want to make sure that the local community, the residents, local interest groups, businesses, visitors and road users, have the opportunity to fully understand the Scheme and comment on our updated proposals. To do this we are holding a 6-week public consultation from 7 September 2018, during which we will provide information on the proposed layout, junction and access arrangements and development of the Scheme shown in the PRA which was made on 31 January 2018.</p>	<p>The consultation methodology was developed with input from the host and neighboring Local Authorities, to provide the maximum opportunity for all parties to fully understand and comment via a mix of media. We used numerous mechanisms, including a consultation brochure, social media and website presence as well as one-to-one meetings, deposit points and consultation events.</p>
<p>A series of consultation events are proposed to be held at a range of local venues, the dates for the events to span different week days, evenings and include Saturdays in order to provide consultees suitable opportunities to attend. The events will give people an opportunity to view Scheme proposals, talk to the project team and provide comments.</p>	<p>A total of nine consultation events were held in the vicinity of the Scheme, over a range of different days and times as described in Chapter 3. Locations for events were advertised on the Scheme website<sup>2</sup> and in the Scheme flyer and brochure provided in <b>Annex K</b>.</p>
<p>All consultation material, including full summary of the project, copies of the supporting project documents and an online questionnaire and this SoCC will be provided on a dedicated website consultation page. Links to this page will be provided from the project web page: <a href="https://highwaysengland.co.uk/projects/a38-derby-junctions">https://highwaysengland.co.uk/projects/a38-derby-junctions</a></p>	<p>The consultation brochure and all supporting information about the Scheme provided in <b>Annex K</b> was available on the Highways England website (see footnote 2)</p>
<p>Send every property within the consultation boundary a consultation flyer.</p>	<p>These were delivered on 7 September 2018 – a total of 8,330 copies of the consultation flyer (<b>Annex K</b>) were distributed within the consultation area shown in <b>Figure 8</b>.</p>
<p>Unstaffed deposit points at locations within the vicinity of the Scheme will display the consultation brochure, the SoCC, and other Scheme documents.</p>	<p>The deposit points and opening times are provided in <b>Table 3</b>. These were checked periodically by the project team and brochures were refreshed as necessary.</p>
<p>A consultation brochure with information about the Scheme was available to view on the Scheme website, at consultation events and deposit points and on request from Highways England by using the contact details provided in the brochure.</p>	<p>The consultation brochure with information about the Scheme was available on the Scheme website (see footnote 2) Brochures and Scheme information was also available at consultation events and deposit points identified in <b>Table 3</b>.</p>

<sup>2</sup> <https://highwaysengland.co.uk/projects/a38-derby-junctions>

Commitment within the SoCC	Accordance with commitment:
<p>A full summary of the Scheme, copies of the consultation material and PEIR and its NTS, as well as the questionnaire will be available online.</p>	<p>The project website<sup>3</sup> was updated prior to the consultation period with images of all the consultation materials including the PEI Report and NTS. A flythrough of the Scheme was hosted on You Tube (see footnote 1).</p>
<p>Where possible, we'll speak when invited to local councils (including Parish Councils) and community/area forums, within whose area the Scheme will be carried out. If you wish to speak to us about this, contact the project team using the details provided below.</p>	<p>Meetings have been held with a number of authorities, including DCiC, DCC, EBC, Amber Valley Borough Council, South Derbyshire District Council, and Breadsall Parish Council. Community groups, including the A38 Action Group also requested meetings which we attended. Details in <b>Annex A</b>.</p>
<p>The Enterprise Centre and Brackensdale Primary School events will include a British sign language interpreter, and a portable Loop system will be available at all consultation events for the hard of hearing.</p>	<p>The portable loop system was available at all events, with a large sign showing the loop logo and identifying availability of the loop placed prominently at the entrance to all venues. A BSL interpreter was available at the Enterprise Centre and Brackensdale Primary School events, with a prominent sign identifying their availability placed at the entrance of the venues.</p>
<p>Statutory notices to publicise the proposed DCO application and the SoCC will be issued: Proposed DCO application - once in The Guardian and the London Gazette and twice in local circulating newspaper (The Derby Telegraph). Publicising the SoCC once in local circulating newspaper (The Derby Telegraph). The consultation will be advertised in the local newspaper - The Derby Telegraph at the launch of the consultation.</p>	<p>The notices were published on the 5 September 2018 in The Guardian (page 33), the London Gazette (page 16007) and the Derby Telegraph (page 45), with a repeat notice published in the Derby Telegraph on 13 September 2018 (page 50). Advertisements for the statutory public consultation were published on 5 September 2018 in the Derby Telegraph on page 54. Copies in <b>Annex L</b>.</p>
<p>We use social media to broaden the reach of our consultation and encourage feedback. News and updates about the Scheme will be advertised on our twitter feed @HighwaysEMIDS</p>	<p>The Highways England twitter feed @HighwaysEMIDS was used to publicise each event. Details provided in Section 3.5.11-3.5.13.</p>
<p>Comments on the Scheme could be made by:</p> <ul style="list-style-type: none"> <li>• Completing the online response form</li> <li>• Attending a consultation event where you can meet the project team and complete a paper copy</li> <li>• Picking up a hardcopy at one of our display/ deposit points</li> </ul>	<p>All of these methods of communication were available for the public to correspond with the project team and respond to the consultation.</p>

<sup>3</sup> <https://highwaysengland.co.uk/projects/a38-derby-junctions>

Commitment within the SoCC	Accordance with commitment:
<p>The consultation brochure, this updated SoCC, and other relevant technical documents will be available online and will be added to throughout the course of the Scheme on the dedicated website consultation page, and will be available to view free of charge during the consultation at the following deposit points:</p> <ul style="list-style-type: none"> <li>• Allestree Library</li> <li>• Breadsall Village Shop</li> <li>• Riverside Library</li> <li>• Derbyshire County Council Offices</li> <li>• Etwall Library</li> <li>• Little Eaton Post Office</li> <li>• Mackworth Library</li> <li>• Mickleover Library</li> </ul>	<p>Consultation materials were delivered to all deposit points prior to the beginning of the consultation period. Paper copies of the consultation brochure were available to take away. Venues were contacted to check whether more brochures were needed and replenishment made as necessary with a log being kept by Highways England on this.</p>
<p>Comments received during the consultation will be carefully considered by Highways England and will be taken into account in developing the Scheme proposal.</p> <p>An explanation of how comments received have shaped and influenced our proposals will be reported in a Consultation Report prepared by Highways England which will accompany the DCO application.</p>	<p>All comments were taken into consideration and are presented along with an explanation of how comments shaped and influenced our proposals in Section 4 of this report.</p>

### 3.6 S48 (newspaper notices)

3.6.1 The names of the newspapers used to publicise the proposed application, including national, local and the London Gazette are provided in **Table 8** below. The deadline for receipt of responses was 18 October 2018.

**Table 8 Newspaper Notices Table**

National Newspaper		
Name:	Week 1	Weeks 2 (Local Only)
The London Gazette	6 September 2018	n/a
The Guardian	5 September 2018	n/a
Local Newspaper		
Name:	Date	Date
Derby Telegraph	5 September 2018	13 September 2018

3.6.2 The Guardian has a daily circulation of 133,000 (2018) and is published Monday to Saturday. The Derby Telegraph has a daily circulation of 15,029 (2018) and is published Monday to Saturday. Copies of the newspaper notices as noted in **Table 9** above are provided within **Annex L** and show the name of, and the date of the publication.

### 3.7 Protective provisions for statutory undertakers

3.7.1 As identified in paragraph 4.2 of the Inspectorate's *Advice note fifteen: drafting Development Consent Orders* (Version 2, July 2018), the Consultation Report should explain why Protective Provisions are not sought or required for a Statutory Undertaker identified by the Inspectorate (in their Regulation 11 List).

3.7.2 In relation to the parties identified by the Inspectorate discussions have been held with the 'relevant' statutory undertakers regarding the Scheme and its impact on their apparatus. These discussions are ongoing and it is anticipated that an agreement will be reached (where needed) with each of the relevant Statutory Undertakers prior to the close of Examination, this will be included within **Annex M**. At this stage and as a minimum requirement, it is anticipated that the Draft DCO submitted with the application will include the standard protective provisions as they apply to Statutory Undertakers.

### 3.8 Additional statutory consultation

3.8.1 As part of the ongoing land referencing exercise, and in consequence of diligent inquiry, some additional s42(1)(d) Category 1 and 2 consultees were identified after the start of the statutory consultation on 7 September 2018. These parties were issued with a letter on 30 October 2018 and a deadline of 23:59 on 4 December 2018 for responding to the consultation to ensure the party had 35 days to respond.

3.8.2 On 7 March 2019 s42 letters were sent to two interested parties with supporting information (consultation brochure, consultation response form, land interest plan, red line boundary plan, land interest schedule, Land Information Questionnaire (LIQ) and associated plan, USB stick with the consultation material) and a reply paid envelope for the LIQ. Details of a Senior Project Manager at Highways England and the Land Referencing consultants Gately Hamer were provided should assistance be needed with the LIQ. One party was identified as a Category 1 but at their request, two letters were sent. Letters were also sent to three Category 2 parties. The parties were given until 9 April 2019 to respond but no responses were received.

3.8.3 Also on the 7 March 2019 Non-Statutory letters were sent to those consultees where there had been changes in the land take proposed since Highways England consulted them in September 2018. These changes had occurred as a result of design refinements and feedback from the consultation. These letters were sent with plans to show the initially proposed land take (September 2018) and the newly proposed land take as well as a land interest schedule. The parties were given until 9 April 2019 to respond. Nine parties were identified as having a Category 1 interest and five as having a Category 2 interest. All 14 were sent the same letters and enclosures, relevant to the parcel they have an

interest in along with contact details of a Senior Project Manager at Highways England should they have any queries on the material. Telephone calls were made to all Category 1 parties either the day of document delivery or the day before to ensure the material was understood by the consultees. In some cases, this was followed up with an email. At the time of writing, no formal responses had been received.

3.8.4 In April 2019, parties were identified who are included in the Book of Reference but who were not previously consulted under section 42 of the PA 2008. These parties were identified shortly before submission of the application as a consequence of ongoing diligent inquiry. In accordance with paragraphs 49 to 52 of the DCLG (now MHCLG) Pre-Examination Guidance, an additional letter was sent to those parties in April 2019, outlining the DCO process and confirming they would have the opportunity to register with the Planning Inspectorate to participate in the examination process, if the DCO application was to be accepted for examination.

3.8.5 Tables identifying these additional parties and the dates during which they were consulted are provided in **Annex N** including a note of their interest (relevant section of PA 2008) in the Scheme. Reference copies of the relevant consultation letters and enclosures used to inform them of the consultation are provided within **Annex I**.

### 3.9 Deposit and information points

3.9.1 In addition to the public consultation events, eight deposit and information points were established (five in close proximity to the Scheme and three further afield but within the County) to provide information for the public to easily access. The points were in public buildings and were unmanned.

3.9.2 The information and deposit points were checked periodically throughout the consultation duration to ensure an appropriate supply of copies of all documents were maintained. Each deposit/information point had received between 50 and 60 consultation brochures. Details of the materials are as follows:

- consultation brochure and response form;
- Scheme layout plan – showing the full extent and boundary of the Scheme;
- PEIR and its NTS;
- SoCC;
- copy of s48 Notice;
- Highway England DCO Leaflet – Identifies and explains the planning process in more detail;
- A38 Derby Junctions: Scheme Assessment Report Non-Technical Summary; and
- A38 Derby Junctions Improvements: Report on Public Consultation (2015).

3.9.3 The locations of the deposit points are shown in **Table 9**.

**Table 9 Information and Deposit Locations**

Deposit Location	Dates Available
<b>Allestree Library</b> Park Farm Centre Park Farm Drive Derby DE22 2QN	Monday – Closed Tuesday – 10:00-17:00 Wednesday – Closed Thursday – 10:00-17:00 Friday – 10:00-17:00 Saturday – 10:00-13:00 Sunday – Closed
<b>Breadsall Village Shop</b> 2 Rectory Lane Breadsall Derby DE21 5LL	Monday to Friday – 07:15-18:30 Saturday – 07:45-18:00 Sunday – 08:30-14:00
<b>Riverside Library</b> Council house Corporation Street Derby DE1 2FS	Monday to Friday – 08:30-17:00 Saturday – 09:00-13:00 Sunday – Closed
<b>Derbyshire County Council Offices</b> County Hall Matlock DE4 3AG	Monday to Friday – 09:00-17:00 Saturday – Closed Sunday – Closed
<b>Etwall Library</b> Main Street Etwall Derby DE65 6LP	Monday – 14:00-19:00 Tuesday – Closed Wednesday – 10:00-17:00 Thursday – 14:00-19:00 Friday – Closed Saturday – Closed Sunday – Closed
<b>Little Eaton Post Office</b> 160 Alfreton Little Eaton Derby DE21 5DE	Monday to Friday – 09:00-17:30 Saturday – 09:00-11:00 Sunday – Closed
<b>Mackworth Library</b> Prince Charles Avenue Mackworth Derby DE22 4BG	Monday – 10:00-17:00 Tuesday – 13:00-17:00 Wednesday – Closed Thursday – 13:00-17:00 Friday – Closed Saturday – 10:00-13:00 Sunday – Closed
<b>Mickleover Library</b> Holly End Road Derby DE3 0EA	Monday – Closed Tuesday – 10:00-17:00 Wednesday – Closed Thursday – 10:00-19:00 Friday – 10:00-17:00 Saturday – 10:00-13:00 Sunday – Closed

## 4. Demonstration of regard had to statutory consultation responses

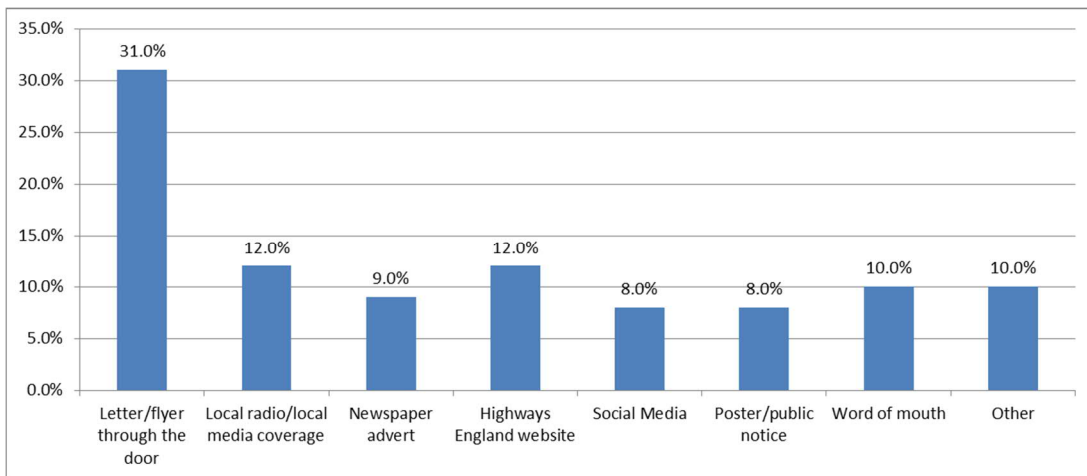
### 4.1 Analysis of responses

- 4.1.1 This section presents a summary of the questionnaire responses to the statutory public consultation. It also includes details of community responses and those of prescribed consultees via letter and email. Of the 284 questionnaire responses received, 139 were completed on-line via Citizenspace and 145 were completed on paper. Paper questionnaires were data entered and combined with the on-line responses to form one dataset.
- 4.1.2 The section includes extracts from community responses and these have been quoted verbatim; any spelling or grammatical errors have therefore been included so as not to lose any of the original meaning.
- 4.1.3 Due to rounding, percentages in the following section may not add up to one hundred. The number of respondents is shown as 'N'.
- 4.1.4 Paper copies of the statutory public consultation response form (questionnaire) were available at the exhibitions; these could either be completed and handed in at the exhibition or returned via the Freepost envelope provided. The consultation brochure provided details of the project website which housed the on-line version of the questionnaire. (**Annex K**).
- 4.1.5 The questionnaire explained the desire to capture views on each of the three junctions advising respondents to read the consultation material before completing the questionnaire. The questionnaire was made up of four sections; about you, the overall Scheme, specific junctions and the consultation process. The 'about you' section captured contact details and contained closed questions about how the Scheme might affect the respondent (as a local resident, landowner, regular user of the corridor etc.), frequency of using the A38 through Derby, times travelled and mode used. The closed questions in the 'Scheme as a whole' section determined the respondents' level of agreement with the need to improve the three junctions and how well the proposed Scheme addresses Highways England objectives. Open questions in this section asked respondents to identify missing elements from and further considerations for the Preliminary Environment Information Report as well as capturing comments on the proposals. Each junction was then referred to separately with open questions gathering views on noise barriers, public open space (Kingsway and Markeaton only) and the maintenance of pedestrian and cyclist routes as well as any further comments for each junction. Respondents were then asked how they had heard about the consultation and whether they had attended a consultation event. The following sections detail the questionnaire findings.
- 4.1.6 Bullet points listing the key themes from the questionnaire are provided in Section 4.1.143 of this document.



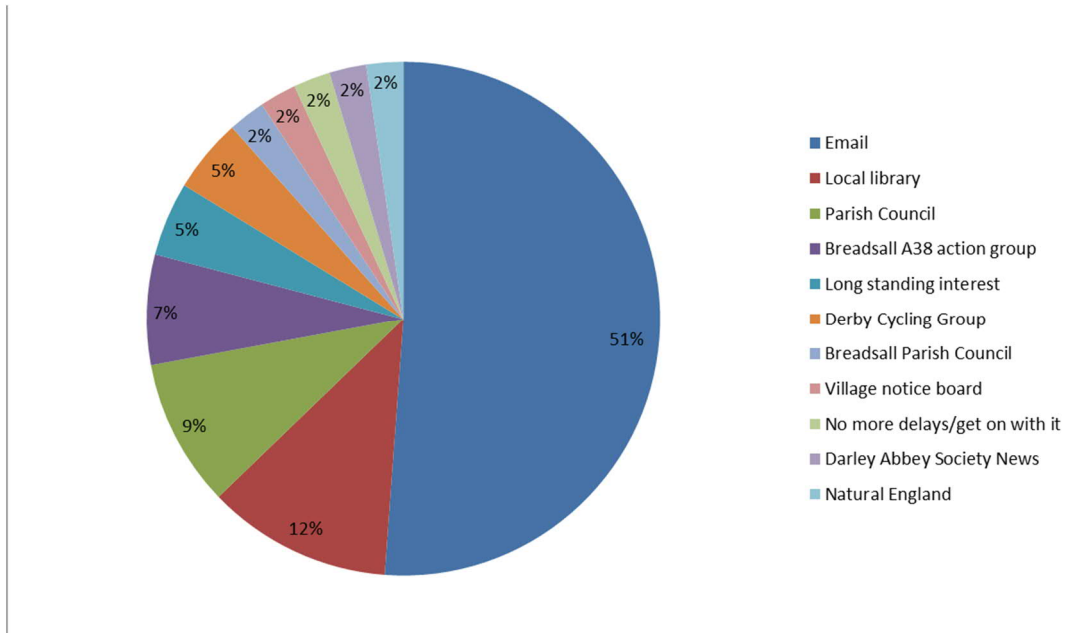
### How respondents heard about the consultation

4.1.7 Respondents were asked how they had heard about the consultation. From the total sample (N=286), 94% (N=270) of the respondents answered this question. **Figure 10** shows the percentages of the cases distributed for each option. The largest proportion of respondents heard about the consultation through letter or flyer through the door (N=131). The second largest source was Highways England website (N=52), followed by local radio/local media coverage (N=50) and word of mouth (N=43). Less popular means by which respondents heard about the consultation are newspaper advert (N=38), poster or public notice (N=35) and Social Media (N=34). Note that the number of cases displayed in the bar chart will sum to more than the sample size of responded answers (N=270) as the question was multiple response.



**Figure 10 Sources where respondents heard about the consultation (N=406)**

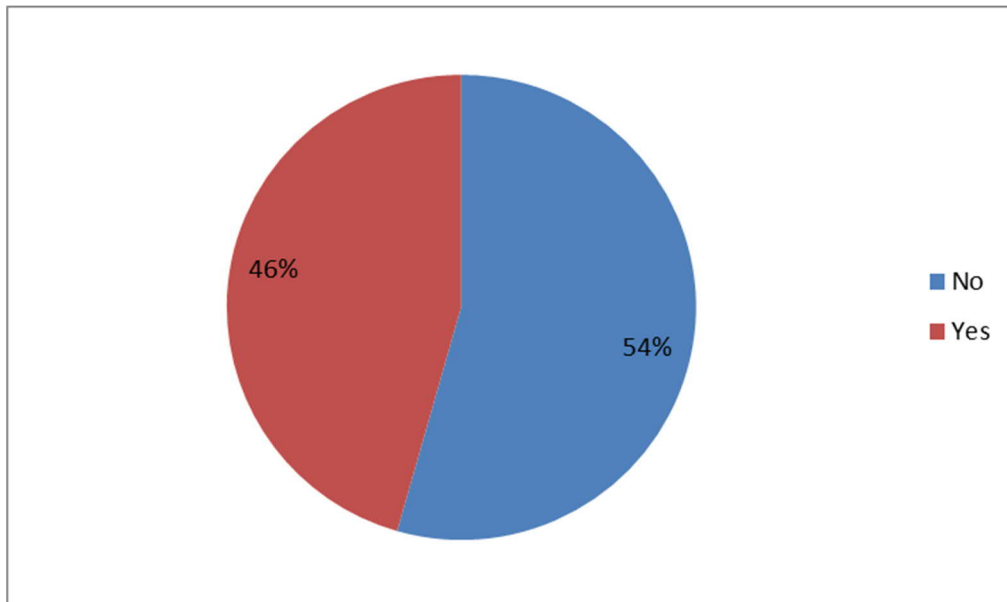
4.1.8 Analysis of the 43 responses for other sources of information to hear about the consultation (**Figure 11**) shows that email was the most popular accounting for 51% of 'other' responses (N=22). Local library 12% (N=5); Parish Council Village notice board 9% (N=4), Breadsall A38 Action Group 7% (N=3) and long standing interest 5% (N=2) were each cited by more than one respondent. Breadsall Parish Council 2% (N=1); Darley Abbey Society News 2% (N=1); Derby Cycling Group 5% (N=2) and Natural England 2% (N=1) were each mentioned by one respondent. One respondent used the space on the questionnaire at this question to write *"No more delays/get on with it."*



**Figure 11 Other sources where respondents heard about the consultation**

**Q21 Did you attend a consultation event?**

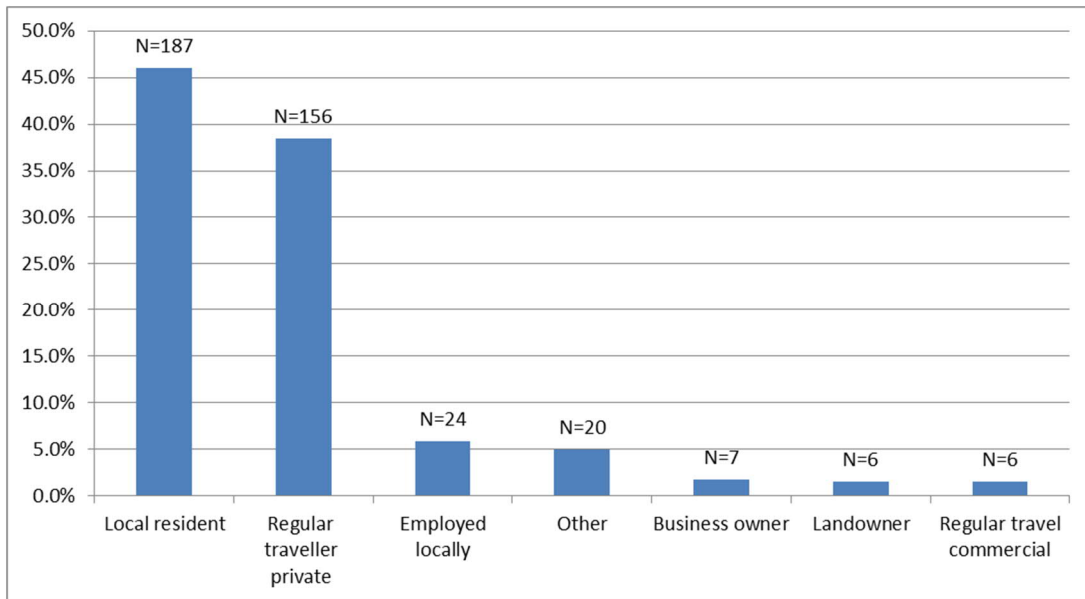
4.1.9 Respondents were asked whether they had attended a consultation event; 46% (N=124) had whereas 54% (N=148) had not. These data are shown in **Figure 12**.



**Figure 12 Percentage of the respondents who attended a consultation event**

**Q1 How does the A38 Derby Junctions Scheme affect you?**

4.1.10 Respondents were asked how the A38 Derby Junction Scheme affects them, being asked to select from a range of options. From the total respondents, 72% (207) answered this question. The distribution of the responses is shown in **Figure 13** and shows that the highest proportion of respondents are local residents (live within two miles of one of the junctions) and people regularly travelling the corridor in private vehicles; the majority of respondents to this questionnaire are therefore likely to be very familiar with the junctions. Note that as this is a multiple response question, the number of cases displayed in the bar chart total 406 responses.

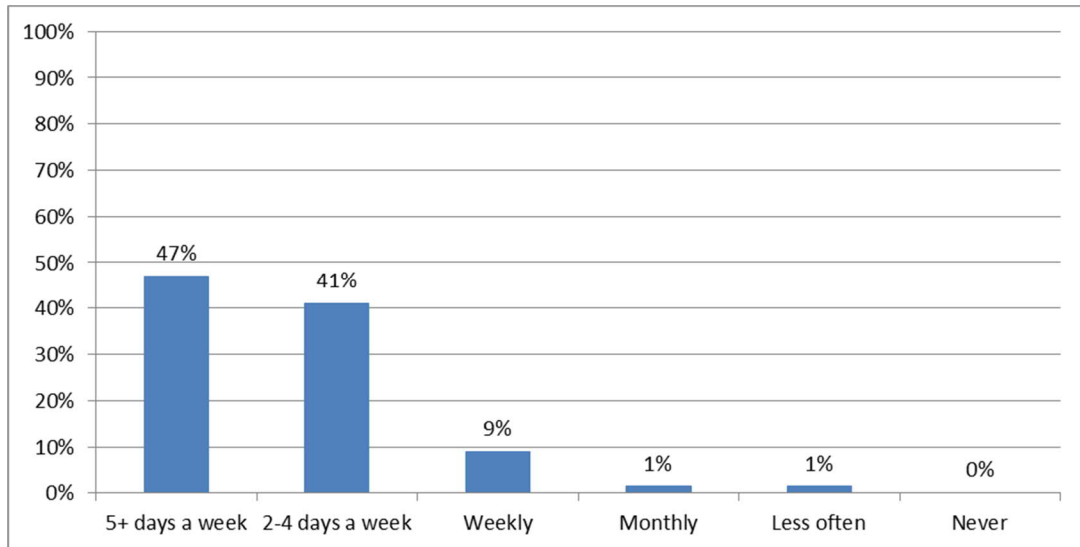


**Figure 13 Type of user affected by the proposed Scheme (N=406)**

4.1.11 Twenty respondents indicated that the Scheme affects them in other ways. Half (N=10) of these respondents indicated they cycled and seven stated they were pedestrians. One respondent each wrote that they were an allotment tenant (N=1), visiting friends, family locally or places to do activities (N=1) and an affected individual (N=1).

**Q2 How frequently do you use the A38 through Derby?**

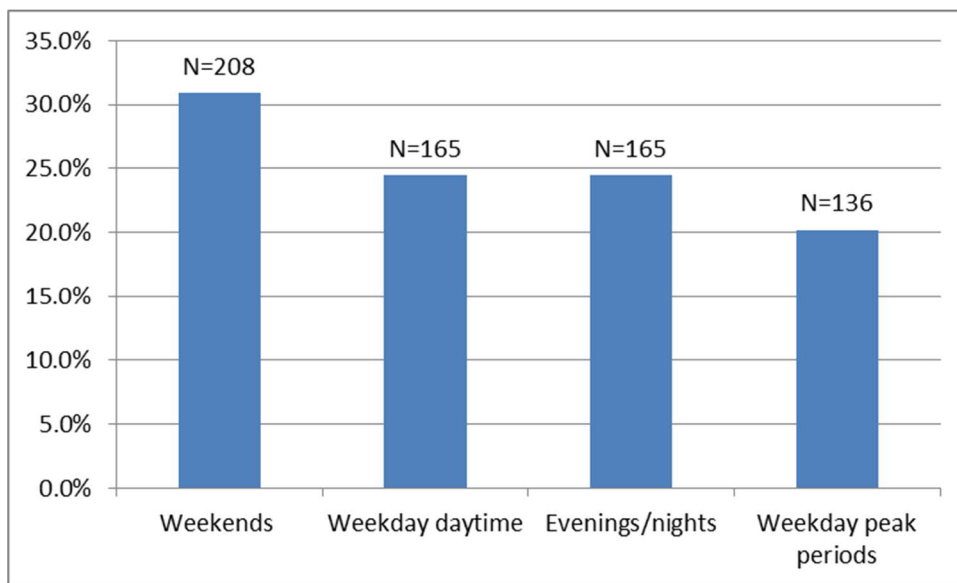
4.1.12 Seventy three percent (N=210) of respondents indicated how frequently they use the A38 through Derby; 97% (N=203) use the A38 through Derby at least weekly so will be familiar with the route. Almost half of respondents (47% N=99) use the route five or more days a week with only six respondents using the route monthly or less. These data are shown in **Figure 14**.



**Figure 14 Frequency of using the A38 through Derby (N=210)**

**Q3 What time of the day do you normally use this route?**

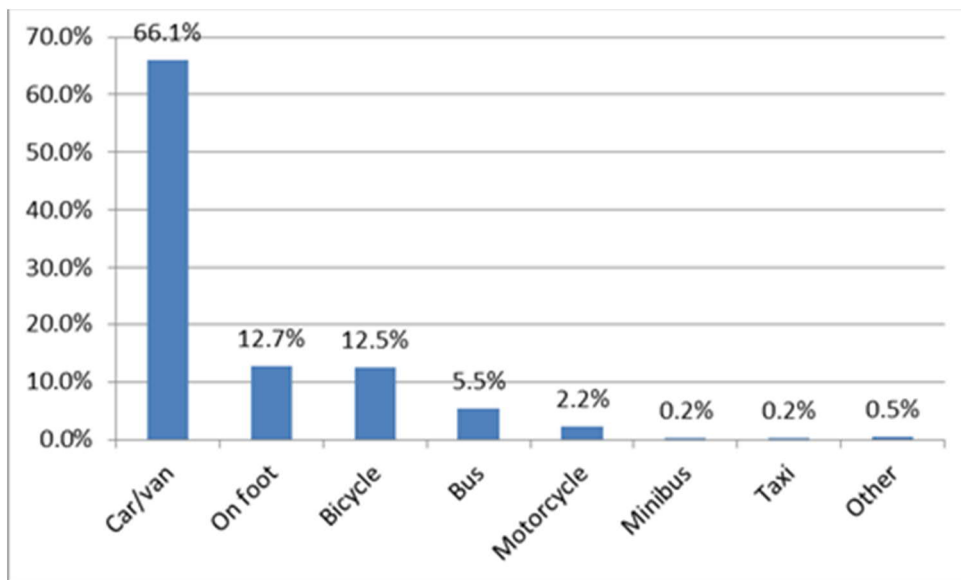
4.1.13 Respondents were asked at what time of day they use the A38 (N=208); these data are shown in **Figure 15**. Weekend use accounts for the largest proportion of responses with 31% (N=208) of respondents using the route at this time. Around a quarter of respondents indicated that they use the route in the evening/night with a further quarter using it in the weekday off peak with each of these time periods accounting for 25% (N=165) of responses. Weekday peak time is the least represented time period with a fifth of respondents using the route at this time 20% (N=136). Note that the number of cases displayed in the bar chart total 674 responses, as this is a multiple response question.



**Figure 15 Times of day route usually used (N=674)**

#### Q4 How do you normally travel on the A38 through Derby?

4.1.14 When asked for the mode of transport used to travel on the A38 through Derby, 96% (N=274) of respondents answered this question. The percentage of cases are shown in **Figure 16** indicating that car/van accounts for two thirds of the vehicles used by respondents to travel on the A38 through Derby (66%,N=265). The next two most popular modes are 'on foot' and bicycle accounting for 13% each with 'bus' making up 6% (N=22) of respondents' mode choice. Motorcycle was cited by nine respondents (2%, N=9). Other modes cited included minibus 0.2% (N=1), taxi 0.2% (N=1) and other unspecified 0.5% (N=2) which were selected by no more than two respondents. Note that the number of cases displayed in the bar chart total 401 responses, as the question was multiple response.

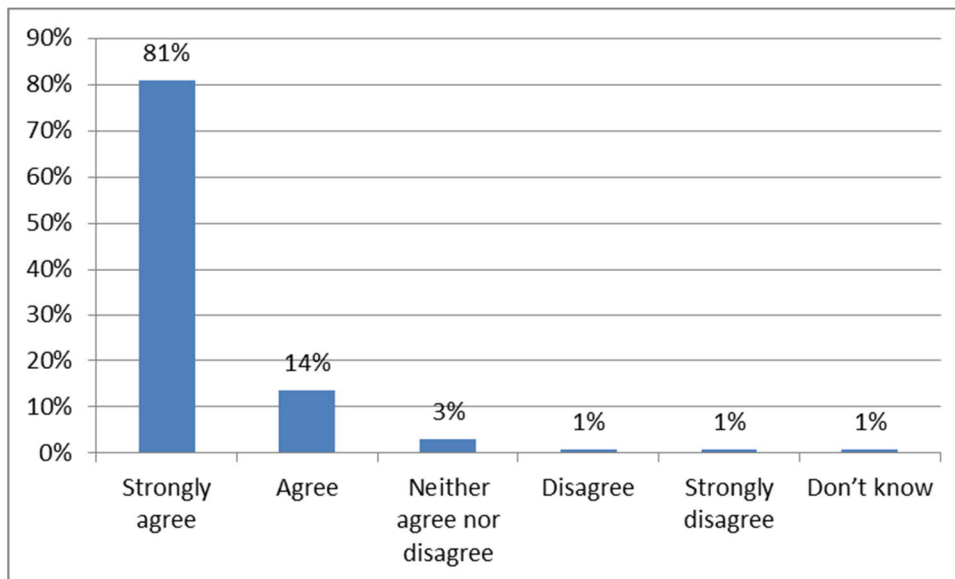


**Figure 16 Transport mode used to travel the A38 through Derby (N=401)**

4.1.15 Analysis was conducted to look at how local residents' (living within two miles of one of the junctions) (N=187) use of the A38 through Derby differs from non-residents (N=20). Half of local residents use the route five days a week or more with 100% using the route at least weekly; 75% of non-residents use the route at least weekly. Times of travel along the corridor are similar for both groups but non-residents are less likely to travel along the A38 through Derby during the weekday daytime than local residents (40% of non-residents travel at this time compared with 83% of residents). All non-residents travel along the A38 by car/van compared with 93% of residents. Similar proportions of residents (19%) and non-residents (15%) walk in the corridor and the proportions of cyclists are higher amongst non-residents as 25% of non-residents cycle along the route compared with 11% of residents. Bus use in the corridor is similar in both groups with 9% of local residents using the bus and 5% of non-residents. However, due to the low sample size for non-residents, these figures should be treated with caution.

### Q5 To what extent do you agree that the three junctions on the A38 in Derby need improving?

4.1.16 From the total sample, 90% (N=257) of respondents indicated the extent to which they agreed that the three junctions on the A38 in Derby need improving. The distribution of the responses is shown in **Figure 17** which shows that 95% of respondents agree with the statement. Of this, 81% strongly agree and 14% agree that the three junctions on the A38 in Derby need improving.



**Figure 17 The extent to which respondents think that the three junctions need improving (N=257)**

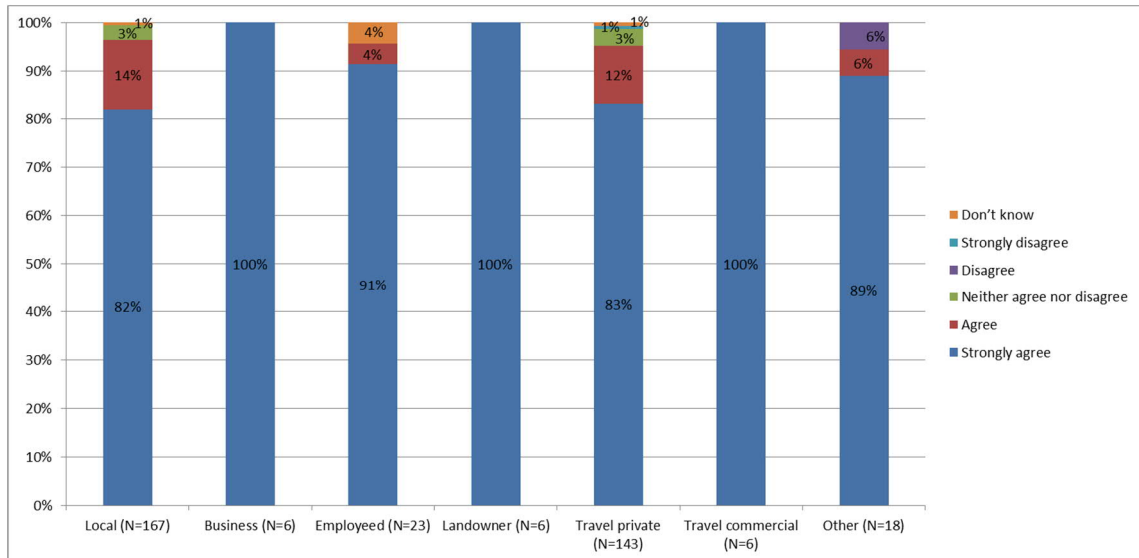
4.1.17 The responses relating to the level of agreement for the need to improve the three junctions on the A38 in Derby were analysed by the following categories:

- Type of user affected.
- Frequency of use of the route .
- Time of the day the route is used.
- Transport mode used.
- Type of user affected.

4.1.18 When cross tabulating level of agreement with the need to improve the A38 in Derby with user type, 65% of the sample (N=186) answered both questions. Note that user type is a multiple response question and the total number of responses is 369<sup>4</sup> **Figure 18** shows these data and it can be seen that all users of the route for business, commercial travel as well as landowners (within the area of the land proposed for the Scheme) strongly agree that the three A38 junctions in Derby need improving. However, it should be noted that number of respondents in these categories are low (N=6) so results should be treated with caution as they

<sup>4</sup> Note that some percentages have been rounded, thus the sum might be slightly more or less than 100%

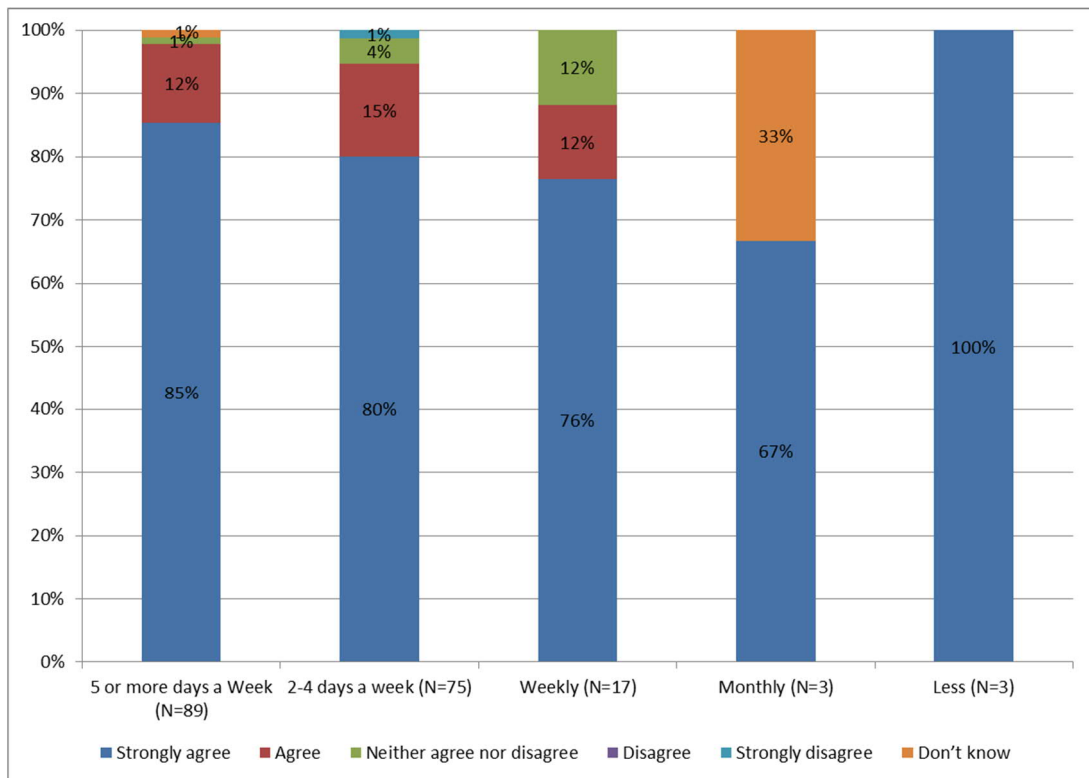
may not be representative. At least 94% of all other user groups (local residents (live within two miles of one of the junctions), employed locally, regular travellers through the area using a private vehicle and other) agree that the three junctions need improving.



**Figure 18 Opinion about the need for improving the 3 junctions on the A38 split by type of user (N=186)**

### Frequency of use of the route

4.1.19 The distribution of the responses for level of agreement that the three junctions on the A38 in Derby need improving against frequency of travel in the corridor are shown in **Figure 19**. Sixty five percent of the sample (N=186) answered both of these questions. Ninety six percent of respondents who travel along the A38 at least weekly agree that the three junctions need improving. Amongst regular users of the route, the more often the route is used, the higher the proportion of respondents strongly agreeing that the three junctions on the A38 in Derby need improving.

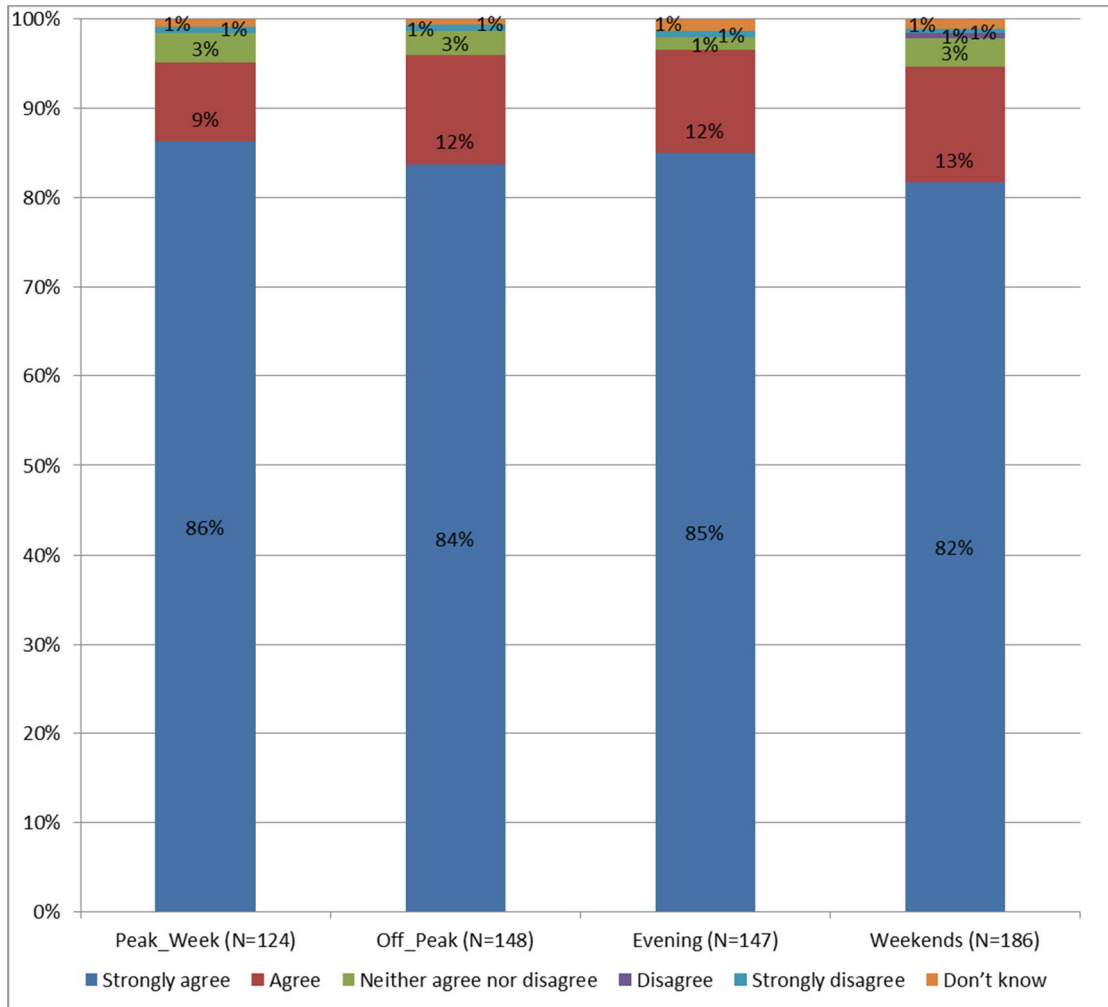


**Figure 19 Opinion about the tree junctions split by frequency of use of the route**

**Time of the day the route is used**

4.1.20 The level of agreement that the three junctions on the A38 in Derby need improving when analysed by time of the day was answered by 65% of the sample (N=186). Note the latter is multiple response therefore the total number of responses is 605. **Figure 20** shows these data indicating that at least 95% of respondents travelling on the A38 in all time periods agree that the three junctions need improving.

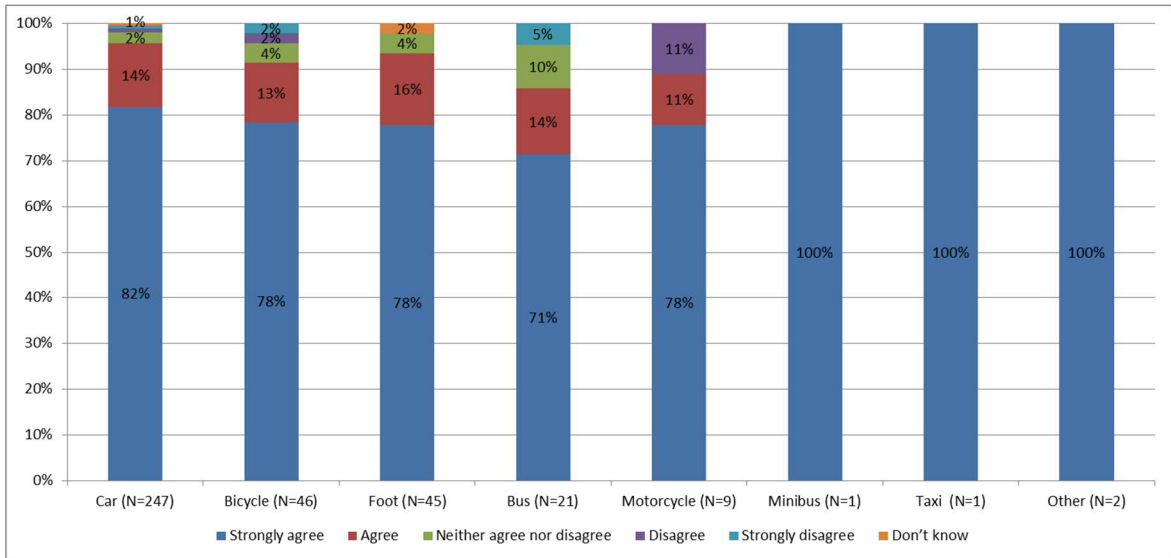




**Figure 20 Opinion about the need for improving the 3 junctions by time of the day is used**

**Transport mode used**

4.1.21 The distribution of the responses for level of agreement that the three junctions on the A38 in Derby need improving by type of transport used was answered by 89% of the sample (N=255). Note that as the latter was multiple response the total number of responses is 372. **Figure 21** shows that 96% of car users (N=247) agree that the three junctions should be improved. Of the 45 pedestrians using the route that answered the question, 93% agree that the junctions should be improved and 91% of cyclists (N=46) also agree. Of the 21 bus users that answered the question, 86% agree that the junctions should be improved as did 89% of the nine motorcyclists using the route.

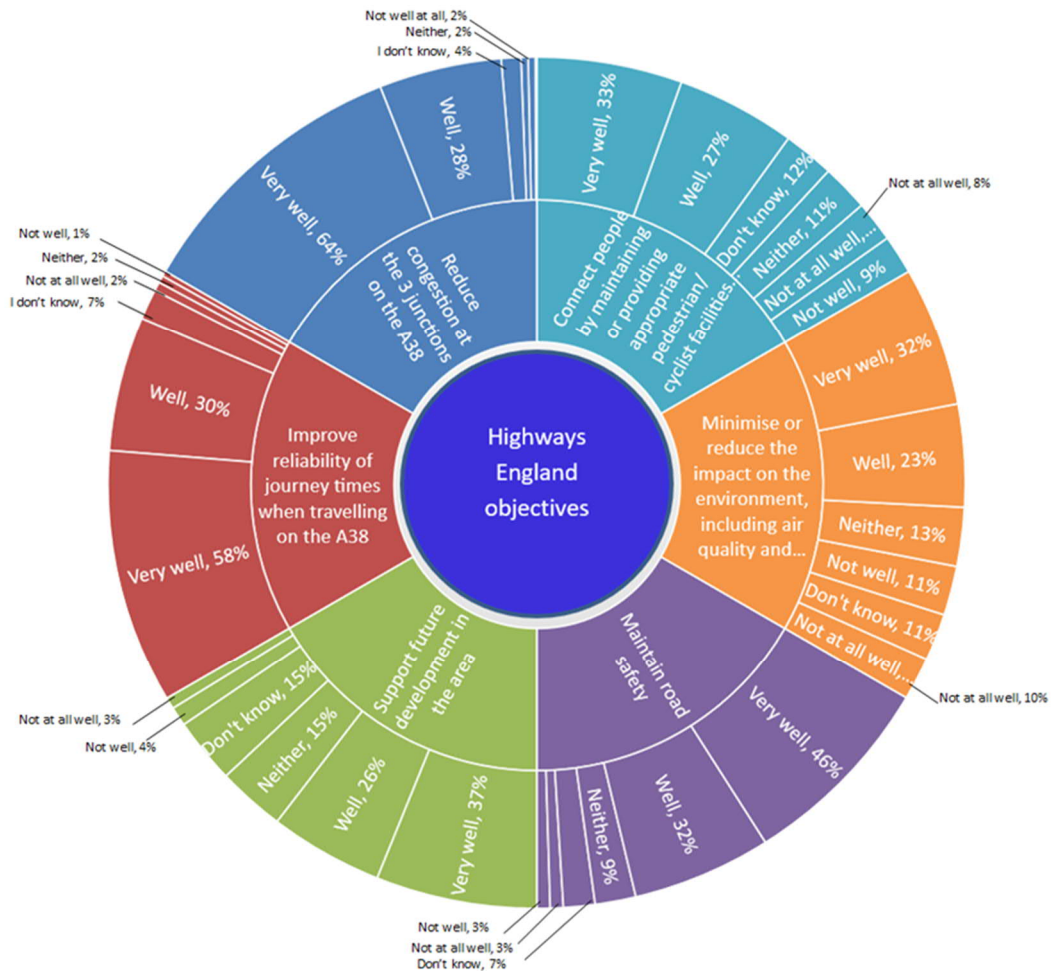


**Figure 21 Opinion about the need for improving the 3 junctions on the A38 split by transport mode used**

**Q6 How well do you think the proposed Scheme addresses Highways England objectives?**

- 4.1.22 Respondents were asked to indicate how well the proposed Scheme would address Highways England’s six objectives for the Scheme. The majority of respondents indicated that the Scheme addresses each objective well. However, levels of agreements were highest for objectives 1, 2 and 4 (reduce congestion, improve journey time and maintain road safety) where at least three quarters of respondents felt the Scheme addressed these objectives well. Objective 3 (support future development for the area) received the highest proportion of ‘don’t know’ responses with 15% of respondents citing this. A higher proportion of respondents (around 20%) felt the Scheme did not address objectives 5 and 6 (connect people using pedestrian and cycle facilities and environmental impact) than the other objectives. The data for each objective follow and are shown in **Figure 22**.
- 4.1.23 Regarding objective one (N=249) “Reduce congestion at the three junctions on the A38”, 92% of respondents expressed that the Scheme addresses the objective well or very well.
- 4.1.24 For objective two (N=246) “Improve reliability of journey times when travelling on the A38”, 88% of respondents stated that the Scheme addresses the objective well or very well.
- 4.1.25 Regarding objective three (N=228) “Support future development in the area” 63% of respondents consider that the Scheme addresses the objective well or very well. Fifteen percent of respondents cited ‘neither’ and a further 15% responded “don’t know”.
- 4.1.26 The responses for objective four (N=236) “Maintain road safety” show that 78% consider the Scheme addresses the objective.

- 4.1.27 Regarding objective 5 (N=249) “Connect people by maintaining or providing appropriate pedestrian and cyclist facilities for crossing and travelling along the road” 60% consider the Scheme addresses the objective well or very well, 18% considers the objective is not addressed well and 12% responded “don’t know”.
- 4.1.28 With respect to objective 6 (N=233) “Minimise or reduce the impact on the environment, including air quality and noise” 55% consider the Scheme addresses the objective well or very well, 21% consider the objective is not addressed well, 13% cited neither and 11% responded “don’t know”.



**Figure 22 How well respondents think the proposed Scheme addresses Highways England objectives**

4.1.29 The responses about the respondents’ opinion about how well the proposed Scheme addresses Highways England objectives where analysed by the following categories:

- Type of user affected.
- Time of the day the route is used.
- Transport mode used.

Objective 1. Reduce congestion at the three junctions on the A38

- 4.1.30 At least 93% of users travelling on the A38 in all time periods, at least 94% of all user types and at least 87% of all modes users feel that the Scheme addresses objective 1 well.

Objective 2. Improve reliability of journey times on the A38

- 4.1.31 At least 89% of users travelling on the A38 in all time periods, 91% of user types and 84% of all mode users feel that the Scheme addressed objective 2 well.

Objective 3. Support future development in the area

- 4.1.32 At least 64% of users travelling on the A38 in all time periods and 64% of user types feel the Scheme address this objective. With the exception of motorcyclist (where one of the nine respondents felt the Scheme did not meet this objective reducing overall support to 44%), 52% of all mode users feel that the Scheme addressed objective 3 well.

Objective 4. Maintain road safety

- 4.1.33 At least 79% of users travelling on the A38 in all time periods, 79% of user types and 67% of all mode users feel that the Scheme addressed objective 4 well.

Objective 5. Connect people by maintaining or providing appropriate pedestrian/cyclist facilities for crossing and travelling along the road

- 4.1.34 At least 68% of users travelling on the A38 in all time periods and 68% of user types feel the Scheme addresses objective 5. At least 56% of car drivers, bus users and motorcyclists feel the Scheme addresses objective 5. However, support falls to 49% amongst pedestrians as 14 respondents of the 45 in this group do not feel the scheme addresses this objective. The same is true amongst cyclists where 34% feel the Scheme addresses the objectives with 15 of the 44 respondents in this category not feeling that the Scheme addresses this objective. However, due to the low sample size in these mode groups, the results may not be representative.

Objective 6. Minimise or reduce the impact on the environment, including air quality and noise

- 4.1.35 At least 60% of users travelling on the A38 in all time periods and 60% of user types feel that the Scheme addressed objective 6 well. Car users and motorcyclists are the only modes of transport where the majority of respondents (56%, N=225 car and 56% N=9 motorcycle) feel this objective is met by the Scheme. Thirty eight percent of bus user (N=21), 39% of pedestrians (N=44) and 36% of cyclists (N=45) feel the Scheme meets this objective. Twenty seven percent each of pedestrians and cyclists do not feel the Scheme meets this objective.

## Views on the PEIR

- 4.1.36 Question 7 of the questionnaire explained that the PEIR outlined the potential impact of the Scheme and the mitigation to address these impacts. It asked whether anything had been missed or should additionally be considered. Over 140 respondents did not provide a comment on this question. Eighteen respondents provided a general positive comment regarding the PEIR considering it to be *“Comprehensive and complete”*.

*“No. I believe the proposed actions are more than sufficient to address any potential impact on the environment”*

Natural England’s response to this question states:

*“Natural England agrees with the topics that have been published in the Preliminary Environment Information Report, in particularly to those considerations for which Natural England are the statutory consultee, namely European Designated and Nationally Designated sites. We also support the consideration of impacts on Air Quality, Landscape, Biodiversity, Soils and Climate. All mitigation measures should ensure no significant impacts.”*

- 4.1.37 Eleven comments were received that suggested that the PEIR was not comprehensive or that the respondent did not receive a copy of the document to review. Several comments focussed upon detailed environmental aspects, with a few respondents suggesting more details should be provided.

*“The report failed to mention the time of year development likely to take place and once work is started how would the biodiversity water, geology and soils will be moved to a new location that has lower risk on the local environment and protect the biodiversity including moving insects, plant etc.”*

*“You have covered all the key components of the environmental impact but in many areas there is insufficient detail for consultees to reach an informed view (e.g. planting, lighting, noise barriers).”*

*“There are some points that are not in the non-technical summary that are covered briefly in the main PEIR. These include, during the construction phase:*

*Significant amounts of traffic will divert along already busy roads... In the operational phase, Fig 2.7 shows an increase in traffic over current levels of between 20 and 30%. I would like to see more on how this affects air quality... I don’t believe that there will be a negligible change in CO2 emissions. Removing a bottleneck that adds 15 mins to a journey from north of Derby to south of Derby will encourage more car travel.”*

- 4.1.38 In addition to comments made specifically about the PEIR many respondents cited a range of concerns including issues during construction, impacts on the local road network and the location of site compounds. Two topic areas received the most comments, each receiving 21 comments; these were noise mitigation and cycle/pedestrian access. Concerns relating to noise were often accompanied by light and air pollution concerns.

*“Options for lighting, noise and visual impact have not been developed enough to facilitate meaningful communication as part of a consultation exercise.”*

### **Noise, light and air pollution**

- 4.1.39 Respondents wished to see noise mitigation for properties adjacent to the A38 within the Scheme boundary as they felt increased traffic speed; volumes and the flyover at Little Eaton will lead to greater road noise. Suggestions for barriers to be implemented were made by residents of Maxwell Avenue and Kedleston Old Road who are adjacent to the A38.

*“In an attempt to minimise noise and sound barriers need to be erected as close to the road as possible.”*

- 4.1.40 Respondents citing noise pollution fears tended to also raise concerns with light pollution and air quality in the corridor. The height of the flyover at Little Eaton was mentioned as it was felt that the increased height of the carriageway will mean *“...that particles from vehicles exhausts will be more air borne.”* In addition, concerns were raised about traffic fumes from congestion they saw resulting from the Scheme.

*“The reduction to two lanes from the South/West and on the flyover at Little Eaton is likely to mean that there will be queues leading to higher levels of pollution than should be the case.”*

*“...stationary traffic on the A38 due to congestion entering Derby will not be alleviated by this Scheme and that congestion, slow queues of shuffling traffic, I would assume causes considerable pollution.”*

*“If the road generates more traffic it is likely to increase pollution and noise levels.”*

- 4.1.41 As well as noise, light and air pollution, Breadsall residents felt that the carriageway being nearer to their properties will negatively impact on their visual outlook especially the houses situated at Croft Lane which sits in relative close proximity to the A38. One comment from a resident in Laurel Gardens expressed concerns that:

*“the street lights on top of a 9 metre high road will considerably change the visual aspect of the A38 from Breadsall houses.”*

*“Lighting on this high level Little Eaton flyover needs to be eliminated. Also no high level sign gantries should be installed”.*

- 4.1.42 One comment referred to the visual impact of the Scheme on Derby’s heritage.

*“I would like to see the original railway bridge at Kingsway Roundabout retained in some capacity; I appreciate it's been at least 50 years since the Great Northern Line through the area closed and subsequently lifted but it would be nice to be able to retain the feature as a reminder of Derby's past.”*

- 4.1.43 In order to reduce air pollution, speed reductions along the length of the corridor were suggested.

### **Pedestrian/cycle access**

- 4.1.44 Comments were made regarding the A38 being a physical barrier and that provision for local people to cross it safely should be provided; suggestions for a foot bridge, rather than at grade crossings were made with particular reference to Markeaton junction. Signalised crossing for pedestrians and cyclists at Little Eaton were also mentioned.

*“Insufficient provision for cycling and walking on any of the road crossings.”*

*“The A38 is a major barrier to cross and the current cycle paths are disjointed and not well maintained.”*

*“Not sure how well this caters for people crossing the roads by bike or on foot especially to Markeaton Park. Another footbridge/ cycle bridge at Markeaton Park would be beneficial.”*

*“At all the proposed improvements where pedestrian crossings are necessary these should be enabled by the provision of bridges NOT crossings controlled by traffic lights.”*

### **Further access issues**

- 4.1.45 Specific points were made by respondents regarding particular aspects of the surrounding area to the Scheme.

*“Care home on Greenwich Drive North that regularly has emergency ambulances; it would take extra time and maybe lose lives if there is access miles away”.*

*“The existing and proposed millennium way footpath is not shown on your drawings”.*

- 4.1.46 The need to encourage sustainable travel was cited by respondents as well as further details on how road traffic, pedestrian and cycle flow will be managed during construction. The need to separate pedestrian and cycle routes was also mentioned.

*“Encouraging cycling will reduce traffic, environment impact and provide a safe passage for cyclist and pedestrians.”*

*“During peak construction, this will likely result is increased congestion within Derby as motorists find other routes, to lessen the impact, promoting cycling as a valid alternative for short travel in Derby.”*

*“The Scheme must provide continuous, direct, segregated cycling and walking routes, separated from the main A38 carriageway and its slip roads....All cycling and walking routes must be off-road, must be safe enough and feel safe enough, for parents to allow their children to use them to get to school or to visit friends”.*

*“As a cyclist I want to be convinced that the proposals will give me a dedicated cycle path to cross the A38 and cycle along it segregated from traffic and walkers”.*

*“Incorporate new riverside Derwent Valley Cycleway from Haslams Lane to Little Eaton”*

### **Community**

- 4.1.47 Thirteen respondents submitted comments which considered the disruption expected to be experienced by local residents of Breadsall and Little Eaton. One comment specified that *“More needs to be said about what local traffic is expected to do in the construction period”*. Several comments highlighted the issues for pedestrians of the villages implying that the A38 improvements will have a greater impact on the whole community making it inconvenient to travel by foot.

*“...Breadsall seems to be cut off.”*

*“Do not, as has happened in the past, wait until the no. of deaths/injuries prove that a crossing is required here put a foot bridge in as a part of the Scheme.”*

- 4.1.48 In addition, a few of the responses focused upon the physical impacts on the communities such as the loss of views or the inconvenience of being located close to a site compound.

*“Please ensure site compounds are not on land near or adjacent to residential properties.”*

- 4.1.49 Ten comments specified the importance of implementing barriers around the Little Eaton southbound diverge slip road in particular to prevent visual pollution for the village of Breadsall. Respondents suggest that there should not be fencing and instead have a natural barrier in place to fit in more with the landscape.

*“Comprehensive barriers and vegetation required on the main route and slip road at the Little Eaton Junctions.”*

*“Native trees and shrubs are predominantly deciduous and provide little screening during the winter. Consideration should be given to interplanting with evergreens in sufficient proportion to maintain adequate screening year round.”*

- 4.1.50 Many of the comments received also expressed an interest in effectively planting to reduce noise pollution especially for the residents living closest to the road. There are some concerns about the additional height of the road and the noise that will result from this. The use of low level lighting (cats eyes) at Little Eaton was suggested.

*“Not only does our property look across the fields straight onto this, but from looking at the plans, the flyover will potentially be some 9m high at the highest elevation. I have major concerns about noise from the new roadway and the light pollution if high level lighting is installed. My wife suffers with asthma so further air pollution is also not good.”*



*"I think this has been thought through well and I do support the noise reduction plans around Little Eaton particularly the wooden barriers with Greenery."*

### **Ecology and Environmental Impacts**

- 4.1.51 Sixteen respondents directly identified both positive and negative environmental impacts of the proposed Scheme. Respondents raised concerns about the predicted loss of greenbelt.

*"Little Eaton junction: the large areas of land is excessive, only to justify the 70mph speed limit. There doesn't seem to be any consideration given to the impact on the environment and the green belt."*

- 4.1.52 A few comments expressed an interest in preserving the environment of the surrounding area with the protection of local habitats, as well as planting of additional trees to compensate for the loss of greenbelt and woodland.

*"Increase area of wildlife habitat improvement where possible."*

*"I think you should consider as much planting as possible in the greenbelt area which you are carving into at Little Eaton roundabout. Pine/fir trees would be ideal as they are the best at removing pollution from the environment and would provide a natural barrier between the flyover and Breadsall village."*

- 4.1.53 The flood risk of the area was raised as a concern in several comments, with several questions regarding the proposed mitigation measures set to deal with any impacts of additional surface water.

*"The Alfreton Road rough grassland wildlife site is permanently flooded. Will any potential surface water 'seep' into this field, and if so how will it be managed more effectively to reduce the flooding? Would a surface water management/attenuation pond be created similar to Dam Brook on the opposite side of the road?"*

### **Impact upon transport and other Schemes**

- 4.1.54 Sixteen respondents commented on the potential impact on other Schemes and transport generally due to the A38 Derby Junctions Scheme. Residents of the nearby villages are concerned and require some clarity on planned improvements and how this will directly affect their local roads.

*"...major implications from this Scheme on the A6 eastbound as it approached the Palm Court Island (over the A38). This is because there will be more traffic approaching due to the closure of the Ford Lane Bridge."*

*"I think control of traffic speed on Alfreton Road needs to be considered while any changes take place."*

*"Is this integrated with Derby clean air Zone planning?"*

- 4.1.55 One comment highlighted concerns about the levels of traffic during peak periods as “Traffic on the A5111, A52, Kedleston Road, A6 and A61 currently backs up due to restrictions into the city causing obstruction at the junctions”.

In addition, one comment advertised the need to consider sustainable transport improvements for future development.

*“Consideration should be given to future development of the old Friar gate Railway due to cross the Kingsway Island development. This would allow a tramway to link Burton, Eggington, Etwall, Mickleover, Mackworth to Derby town centre via the old lines.”*

#### **Impact upon the A38/A6 junction after closure of A38/Ford Lane**

- 4.1.56 Overall thirteen comments specifically identified the impact upon the A6 junction due to the Ford Lane closure. One respondent highlighted the additional capacity requirements facing the A6 after the improvements “...are the planners happy that 2,400 vehicles will use the A6 daily including peak times?”
- 4.1.57 Several comments offered guidance on how impacts could be mitigated as well as identifying further concerns from Little Eaton residents regarding the road closure especially during the construction works. Many of the respondents focussed on the need for signalisation at this junction in order to maintain a steady traffic flow.

*“At the consultation at Little Eaton, it was confirmed that HE is in discussion with Derby City Council with a view to installing traffic lights at the Ford Lane/A6 junction. This is essential to maintain reasonable traffic flow.”*

*“It is not clear how you will sort alternative routes for such a long period road works”.*

*“There are not alternatives roads to the A38 that local traffic will be able to use, not to say that there have been built many new houses in the Markeaton/Mackworth area recently and they all have not extra or alternative routes to use.”*

*“Based on the current proposal to close the Ford Lane access to A38 if this goes ahead the plan absolutely HAS TO include a plan to add lights to the A6/Ford lane junction otherwise residents like myself will be forced to go to this junction and have no way of getting out onto the A6.”*

#### **Traffic within the Scheme**

- 4.1.58 Eight comments related to traffic issues within the Scheme area, with some respondents identifying opportunities to improve other congestion issues within close proximity of the Scheme.

*“It would be a great opportunity to alleviate (or possibly solve) the massive traffic problems at the Kingsway retail park if a rear access slip road would be imported into these plans. The “Kingsway Park close spur” is a golden opportunity to connect to the lower island within the retail park.”*

- 4.1.59 One comment highlighted the potential impact on the gradient of the road due to the flyover; this respondent requested more detail regarding proposed design of the Scheme and the effects this would have on road users.

*“Compared to today I can envisage a lot of braking and extra power being required to get through the ‘roller coaster’ between the A516 junction and the Kedleston slip roads as there will be two significant downward sections and two rather steep inclines...It would be a good idea to include: a cross-section profile of the proposed A38 showing the A38 road levels and gradients including the slip roads.”*

#### **Positive sentiment regarding the Scheme and presentation**

- 4.1.60 In total six respondents expressed positive views towards the PEIR document and the presentation.
- 4.1.61 Some comments represented positive views of the Scheme and outlined why implementing the Scheme would offer environmental benefits especially in terms of pollution. One comment expressed the view that the route after improvements will be free-flowing causing less congestion and hence less pollution.

*“I believe air pollution will be reduced, since the layouts of the junctions with the intersection of traffic cause significant traffic jams, which result in increased pollution. The layouts enabling free flow through the junctions will reduce the levels of pollution as vehicles will not be static in queues. This will not just impact the A38, but also ‘rat runs’ through Mickleover, Littleover, Allestree, the A52 Ashbourne Road.”*

*“It should be an environmental improvement.”*

#### **Negative sentiment regarding the Scheme**

- 4.1.62 Nine comments expressed a negative viewpoint on the Scheme proposals largely due to general concerns not related to the PEIR, for example “...we consider the choice of the preferred option to be incorrect and object to the continued progress with this flawed design and require HE to halt this current proposal.” Some respondents expressed negative sentiment regarding the PEIR and a few comments highlighted the canal and its importance. It is suggested by some respondents that if the Scheme and the proposed compound are to go ahead then this will negatively impact upon the canal’s heritage and that these impacts should be considered further.

*“The PEIR has not addressed the threat to the Little Eaton Canal by the construction of the depot. If this had been properly addressed (e.g. in sections 6,5,29 and 6,6,4) then I believe a different location for the depot would be proposed. Whatever HE’s intentions the access will inevitably become permanent and attract development into this area, changing its character forever. This will have significant detriment to the heritage of this site, which connects the village to its fascinating industrial-age history.”*

*“...there is no reference to the canal in sections 6.5.29 (the Derbyshire historic landscape character) as well as 6.6.4 (potential cultural heritage impacts identified during preliminary assessment) I believe this is an omission. Although unaffected by the road itself, the potential site for the depot- which requires access - will have a negative impact on the heritage and environmental aspects of the canal”*

### **Construction and monitoring**

4.1.63 Fewer than five respondents commented directly about Construction and monitoring of the Scheme, unnecessary land use or wanting the project to speed up its timeline.

4.1.64 Comments were made with regard to the impacts of the construction phase of the Scheme with an interest in the traffic flows during the works. One respondent suggests that more detail is needed to better understand how the construction work will impact the environment and users of the surrounding road network.

*“Construction sequence and methods not mentioned, neither are there any proposals described for dealing with the traffic flow on the A38 whilst the work is carried out.”*

*“More local traffic details during construction needed (including disability vehicles)”*

4.1.65 Six respondents made a comment with regard to the construction timeline with some of these comments suggesting that the construction sequence is not clear. It is clear that there are concerns about the impact of the works on local roads during the construction phase, so appropriate mitigation should be identified.

*“For the Kingsway junction, on all the plans shown at the consultation event, there was no indication of where the site construction compound will be located - as opposed to Markeaton and Long Eaton junctions where potential site compounds have been identified. Will construction traffic have to travel to the Markeaton site compound along existing carriageways?”*

*“2.2.27 refers to the closure of Ford Lane junction with A38. The impact of this closure of traffic access and egress to/from the residential estate is not mentioned.”*

4.1.66 One respondent who commented with regard to the monitoring of the proposed Scheme after construction suggested including the *“provision of permanent speed cameras to reduce speed of traffic and consequent accidents”*. In addition a few respondents identified the amount of land needed at the Little Eaton junction to be unnecessary especially when considering how some of this land is currently used.

*“...with regard to the Little Eaton junction it would appear that the large area of land take in this option is required by an obsession with delivering the national speed limit (unlike the other junctions), albeit with an advisory 50 mph limit.”*

4.1.67 Several comments provided support for the Scheme deeming it to be necessary and “LONG OVERDUE”. Another comment from a resident of Enfield Road likened the current road to a death trap and wants the Scheme to progress “...as soon as possible”.

#### **Other Comments**

4.1.68 In addition to the above responses, several comments were received which were not deemed to be relevant to this particular question. Only one respondent commented on the following issues:

- Reinstatement of Friar Gate Railway to provide a tramway.
- Utility companies causing delays.
- The Scheme is a waste of money.
- The area needs a flyover.
- The Scheme has not considered any environmental impacts.
- Spoil from previous A38 construction project should be investigated.

4.1.69 Question 8 of the questionnaire asked respondents that having read the consultation brochure and the PEIR and providing their responses to the questions asked whether they had any other comments on the proposals for the A38 Derby Junction Scheme. In total, 184 comments were provided here.

4.1.70 Forty one respondents suggested they had positive views towards the Scheme, which included:

*“Excellent design- please get on and build!”*

*“It's long overdue and I can't wait.”*

*“What a fantastic proposal - it will be brilliant for the local area and vastly improve the flow of traffic along the A38.”*

*“I feel that once the Scheme is complete traffic movements along the A38 and hopefully into and out of Derby will be improved however I am not looking forward to the construction period.”*

4.1.71 Eleven respondents provided negative sentiments towards the Scheme including the following:

*“The residents [of Breadsall] have protested about the poor planning of the Scheme in general but their comments have not really been addressed. We hope that ongoing concerns regarding the polluting effects from noise/lighting will be addressed properly.”*

*“This Scheme is fundamentally flawed. It totally ignores the Mackworth residents insofar as the proposed road closures effectively put up walls to say Mackworth is now a no-go area and is closed, do not enter. It forces us to queue up along Prince Charles Ave, in order to turn right into Ashbourne road... This Scheme does not “connect people”, if you completely block residents from the Mackworth Estate as suggested by your design.”*

*"I oppose the current option for Little Eaton - a flyover is not necessary. I am also disappointed that we will effectively lose 1/3 of Peglow Wood."*

- 4.1.72 Furthermore, three respondents raised concern regarding the closure of Ford Lane, stating:

*"I understand the need to close Ford Lane/ A38 slip road, but I am concerned as to the impact on the A6 Duffield Road especially at rush hour in the morning as so many people use the Ford Lane/ A38 cut through."*

- 4.1.73 Twenty six respondents stated that they were concerned about the disruption during the construction period of the Scheme.

*"How will you keep traffic flowing for 4 years whilst works are completed. Given how horrendous traffic is now? We can only imagine total grid lock of Derby."*

*"The construction phase is shown as a period of three years this appears to be a very long period. My major concern is the disruption to both local users and through traffic. I would like to see more information on mitigation the impact and details of the construction phase."*

*"I'm concerned about the disruption during the build phase. I would like to know what measures will be put in place to manage potential increased traffic volume in surrounding smaller roads and villages, as traffic tries to find quicker less disrupted routes."*

*"The proposals look like a good solution to the long-standing issues there are for through-traffic travelling on the A38. These are major works, and the recent improvements to two of the junctions caused congestion for months. Please ensure that the works are carefully planned to minimise disruption, even at the cost of extending the overall duration of the works."*

- 4.1.74 A number of respondents (17) provided comments on the walker and cyclist provision; 13 of which commented on the proposed cycle provision.

*"It is important to include safe and adequate accessibility for cyclists and walkers. The A38 is a major barrier through the side of Derby and it's necessary to facilitate cycling for many reasons but the most significant relative reason is to help reduce vehicle volume."*

*"[plans should have included] an indication on your proposals of how the proposed Derwent Valley Cycleway will be incorporated into your Scheme."*

*"For walkers and cyclists, to cross the Markeaton junction, it looks like there are 4 or 5 road crossings, as a cyclist I would likely just cycle in the road to avoid the delay of all these crossings. Doesn't seem properly integrated."*

*"The section of cycle path between the Pektron roundabout and the A38 junction must be significantly widened..."*

*"Need to ensure excellent cycle networks to access the 3 main crossings".*

- 4.1.75 Of those that responded to this question, 25 respondents stated that they had concern for the environment or would prefer the inclusion of specific environmental mitigation.

*“An earth bund should be provided alongside Markeaton Park to provide a screen and a noise barrier... It would act as a safety fence and look better, and it could be faced with creepers instead of grass”*

*“I particularly support maximum proposals for tree planting for visual screening and noise reduction...”*

*“Due to loss of vegetation could more land be purchased between the Scheme and Breadsall village for additional tree planting. Lighting at the Little Eaton junction needs to be eliminated from elevated sections. No high-level signs gantries should be installed.”*

*“I would like to see a means of enhancing the passage for wildlife from the canal area thus enhancing the site as a meaningful, green corridor as opposed to an area that is isolated as the road currently cuts across the end of Little Eaton and there is no safe passage for mammals in particular to roam further without risking getting run over and possible causing accidents.”*

*“The approach from the South/West and the flyover at Little Eaton shows just two lanes whereas the two underpasses show three lanes. This is likely to mean that there will be queues where the road narrows... This will lead to higher levels of air pollution than should be the case.”*

- 4.1.76 Further comments stated that traffic lights at the junction with the A52 and Prince Charles Avenue should be provided; the speed limit should be reduced to 40mph from 50mph for safety reasons and concerns were raised for the safety of the access and egress arrangements at the Esso Garage/McDonald's and Markeaton Park. Concerns were also raised with regard to the indirect impact of the Scheme on the A6; and the concern that the Scheme will only deliver short-term benefits as people will move towards different forms of transport, other than cars.

- 4.1.77 Natural England stated:

*“Natural England are currently in on-going dialogue on protected species. The PEIR states that further data is still being collated on traffic modelling and potential air quality impacts on designated sites. Natural England encourages early engagement should additional surveys indicate significant impact to determine suitable mitigation measures if required.”*

### **Kingsway noise barriers**

- 4.1.78 Q9 of the questionnaire explained that the PEIR outlined the potential impact of the Scheme and the mitigation to address these impacts. It asked respondents for comments on whether noise barriers should be provided along both sides of the A38 mainline between Kingsway junction and Windmill Hill Lane, and the type of barrier to be used; 123 comments were received relating to this of which 113 supported the use of barriers.

4.1.79 The two most popular comments received 44 and 41 comments respectively; the first being that a barrier should be provided and that the type of barrier should be '*timber barrier with climbing vegetation*'. A further 12 respondents requested the installation of "*the optimal noise prevention option.*"

*"...noise barriers should be provided. Timber barrier with climbing vegetation would seem to be the preferred method- both visually and effectively. (wood on its own deteriorates and is easily damaged)"*

*"Timber barrier with climbing vegetation required to reduce noise pollution especially the residents at Kingsway who will be highly impacted."*

4.1.80 Barriers were felt to be needed as it is anticipated that the increased traffic speed and volumes will lead to greater road noise especially for those residents fronting the route and that the barriers should be extended or double glazing provided.

*"Barriers should be provided on the entire length of both sides of Kingsway and should be a combination of timber barrier and planting including trees with other vegetation (this will also address the loss of mature planting's which will be destroyed)..."*

4.1.81 Environmental concerns were reinforced with suggestions from respondents calling for more eco-friendly barrier options. Vegetation and earth bunds were suggested by thirteen respondents.

*"...I think the earth bunds are the least visually intrusive therefore would prefer this method to be used."*

4.1.82 Residents felt that the barriers being nearer to their properties will negatively impact on their visual outlook especially if any litter accumulates and maintenance of the chosen barrier is not consistent. Suggestions for more than just a "*basic wooden fence*" were made, proposing the use of local artwork or sculptural ideas.

*"Anything that reduces noise for residents in this area is welcome, however in my opinion timber screens are an eyesore. Whenever possible vegetation and or earth bunds should be used."*

*"...Timber barriers are needed at 2m high to keep the noise pollution to a minimum. I have concerns as to who will maintain the timber barriers in the future. I understand that timber barriers will give the best sound defence, but understand that there is no obligation to maintain the timber barriers once the construction has been completed so that is a major concern. Maintenance should be included in the development for the future. I think that earth bunds are a good option from a visual point of view as the road is going to be quite an eyesore"*

*"Vegetation connected barrier would appear to be best, provided they do not create a litter trap. Other option would be public art masquerading as a sound barrier."*



### **Pedestrian/cycle access**

- 4.1.83 Comments were made regarding the A38 being a physical barrier and that the barrier should be to protect pedestrians. Equally the opposite view was made for those who want pedestrian access over the A38.

*“Noise barriers should be considered at these points. The use of timber barrier with climbing vegetation would be preferred. It would provide a physical barrier to prevent carriageway access particularly at the closed Thurcoft Close/Greenwich Drive North crossing.”*

*“As there are no routes (but one) at this time any extra routes across the new road would be useful.”*

*“If there were noise barriers, pedestrians wouldn't have a chance crossing the road. It's bad enough now with 2 lanes each way but at least we have a central verge so we can cross half way at a time.”*

*“At present there are instances of pedestrians crossing the A38 carriageway between Kingsway and Markeaton R/bts clearly unsafe for both pedestrians and traffic. Irrelative of whether noise barriers can be justified this should be stopped”*

### **Barrier opposition**

- 4.1.84 Fewer than seven respondents expressed negative sentiment for the barriers. These respondents questioned the usefulness and impact they will have, with three stating *“we do not want any barriers of any kind”*. Comments that local roads being used as rat runs and air pollution are more of a concern were mentioned.

*“I don't feel the noise barriers will make any impact to me as people just cut through using our road as a rat run so will probably be worse off.”*

*“the needs to reduce the current very high levels of air pollution is a greater priority.”*

### **Comments on Public Open Space regarding loss of land at Mackworth Park**

- 4.1.85 Question 10 of the questionnaire explained that the PEIR outlined the potential impact of the Scheme and the mitigation to address these impacts. It asked whether respondents had any comments on the potential sites used as replacement sites for areas of public open space land that will be lost from Mackworth Park and next to Greenwich Drive South as a result of the Scheme.
- 4.1.86 Seventy comments were received relating to this. Of these 23 comments provided positive sentiment for the proposals stating *‘happy with the proposal’* and *“the benefits far outweigh any loss”*. However, concerns relating to ecology/wildlife often accompanied these responses as well as access issues.

*“As long as the areas surrounding the open spaces which will be lost will remain publicly accessible and the lost open spaces are retained to allow wildlife to make use of them I do not see any issue with the replacement public open spaces.”*

*“Doesn't look like too much of an impact on areas that people use, as long as wildlife are able to re-locate.”*

### **Ecology and wildlife**

- 4.1.87 Although many respondents provided positive sentiment towards the proposals, several also had concerns over the removal of the space and how it would impact the local wildlife and environment.

*“One site is the location of glow worms and bats.”*

*“Do you intend to reinstate as far as you can the diversity by sowing native wild flower meadow seeds and ameliorating and effect on the site of the old railway line?”*

*“Create wildlife meadows and habitats.”*

- 4.1.88 Natural England stated:

*“...we advise consulting with the Derbyshire Wildlife Trust and the relevant Local Planning Authority to determine suitable replacement areas. Natural England supports the measures to ensure no net loss of biodiversity, We recommend that this can be strengthened to also consider how the proposal can incorporate ecological net gains. There may also be opportunities to enhance local sites and improve their connectivity.”*

### **Appearance of Public Open Space exchange land sites**

- 4.1.89 Comments were made regarding the appearance of the exchange land sites; emphasis was made on the dissatisfaction with ‘just mown grass’ saying that the replacement space should go beyond this and that the appearance should “make them first class examples from day one”.

*“Avoid over landscaping the scenery and fields of grass, ensure wild flowers and trees are replaced.”*

*“An earth bund should be provided alongside Markeaton Park.”*

### **Suggested proposal improvements**

- 4.1.90 Respondents provided suggestions for the space. They voiced how the new replacement areas could be turned into parks that should be equal to the land lost giving suggestions as to how the spaces could be designed to reduce any crime.

*“Make the new open space better for local people with street lighting to prevent crime, increase tree and plants including moving plants and small trees from open space lost on Mackworth Park to other open spaces mentioned...”*

*“Make sure they are well lit and discourage crime.”*

*“Consideration must be given to pedestrian safety in wooded areas and the potential for unsocial usage.”*

- 4.1.91 As well as better lighting residents felt the need for more substantial pedestrian access and cycle routes. Suggestions for a footbridge were also mentioned

*“Hard surfaced path to be provided and trees retained.”*

*“Ensure that the cycle paths you look to add/modify have useful and direct...”*

#### **Apprehension of replacement space**

- 4.1.92 A small number of negative comments (5) were made by respondents relating to the replacement sites. Some respondents questioned the usability of the replacement land being close to busy roads adding that the replacement space does not meet the needs of the public.

*“Most of the replacement areas are adjacent to this 3 lane 50mph motorway and therefore not fit for recreation because of noise and pollution problems.”*

*“Not sure how useable proposed area adjacent to Markeaton junction is as long and thin area adjacent to slip road.”*

*“Very disappointed regarding loss of green open space, children play on green area, walk to senior school, pollution will be an issue. Access must be guaranteed on pedestrian walkway.”*

#### **Transport and Pollution**

- 4.1.93 A few comments were made with regard to vehicle access within the area. Suggestions to reconnect Greenwich Drive North to Brackensdale Avenue were made as well as providing a drop-off area at the top of the slip road (Greenwich Drive South) to reduce congestion on Brackensdale Avenue . Additionally, it was suggested to plant more trees within the replacement area to help reduce pollution.

*“There is a huge area of land between Greenwich Drive and Mickleover which could used to plant more trees. This would help reduce pollution.”*

#### **Pedestrian and cyclist routes and crossing points**

- 4.1.94 Question 11 of the questionnaire explained that the PEIR outlined the potential impact of the Scheme and the mitigation to address these impacts. It asked whether, in addition to maintaining the existing pedestrian and cyclist routes and crossing points, respondents had any comments regarding the facilities that are being provided for pedestrians and cyclists. One hundred and six comments were received relating to this.

### Positive sentiment for the proposed facilities

- 4.1.95 The most common response to this question was support for the proposed facilities; 27 such comments were received. This was reinforced by a further 19 comments supporting the provision of the new facilities. Comments included “*definitely required*”, “*welcome*” and how “*the new cycle link from the Kingsway junction to Mackworth is a good improvement.*” Many remarked on how they feel the facilities are important for local people and that they “*look excellent and very safe*”. It was felt that these measures would encourage others to take up cycling as the Scheme provides “*improvements to existing routes*”.

*“I hope these will be a part of the final Scheme. I think they're very important for local people whether commuting or for leisure. They're especially important for young people, who can't drive or ride a motorbike yet.”*

*“The proposed new routes appear to give much greater and safer access to Kingsway...”*

*“Any improvements to existing pedestrian and cyclist routes will be good” and “any improvements to cycling and pedestrians are welcome.”*

- 4.1.96 Natural England's views on public open space land are below. They indicated that this comment applies to all three junctions:

*“Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.”*

### Safety at crossing points

- 4.1.97 Respondents made comments with regards to the need for a form of controlled crossing to improve access and safety within the Kingsway Park Close area as ‘*...it is already dangerous to try and cross this road*’ and “*...It is unreasonable to expect walkers to look both ways with this fast moving traffic.*”

*“There is an opportunity to build a roundabout with separate cycle path as installed by Dutch road designers, giving better protection to cyclists”*

*“A crossing of the A38 west of Kingsway island is a welcome improvement. It needs to be well linked into the Mickleover railway path. It isn't clear if there will be a safe point to cross the A5111 to get to the retail park.”*

*“...There is a conspicuous lack of needed signalised crossings to maintain safe pedestrian travel between housing and shops. At the very least built infrastructure should be provided to facilitate later installation of signalised crossings. You should also consider pedestrian access to the retail park in the area between Kingsway Close and the local park...”*

*“The new cycle lane and pedestrian routes welcome including better lighting to make it safer for both pedestrians and cyclist to use the route at night. The downfall and concern these are no signed crossing points that could cause problems for disabled people and elderly because they have problems crossing roads including children. For example people with sight problems and lack of hearing will have difficulty crossing non signed crossing...”*

4.1.98 Further comments about the need for controlled crossing points include:

*“...There needs to be some kind of system for pedestrians to cross this road. The road is horrific to cross for normal person we with disabilities struggle even more...”*

*“Will there be central islands so only have to cross one lane at a time. Hard to cross 2 lanes when you have a pushchair or children with you as school children will need to use these crossing places...”*

*“...we object to the proposal for uncontrolled crossings over the slip roads. This is intended as a route to school and to enable that to happen these must be signal controlled crossings.”*

*“Crossing points are uncontrolled which is likely to act as a barrier to use by people with mobility challenges (including sight impairment) and decrease access to the Kingsway shopping area...”*

4.1.99 Derby Cycling Group stated:

*“Derby Cycling Group objects to the 2-lane exits from the new roundabouts onto the A38 slip road westbound and Kingsway Park Close. These will encourage aggressive driving styles and faster speeds which pose problems and risks for the proposed NMU crossings. We suggest single lane exits to be provided.”*

### **Cycle Provision**

4.1.100 Nineteen respondents commented on the need for specific cycle access provision to be provided. Many noted how the current access both for cycle and pedestrian access is inadequate and that more should be done to separate pedestrians and cycles and cycles and road traffic. Utilisation of a bridge or subway and creation of a new riverside route from Haslams Lane to the existing tunnel under A38 to Little Eaton were advocated, along with improving the lighting along paths.

*“We believe there should be either a pedestrian and cyclist underpass or bridge where the existing eastbound layby is roughly in the middle of the Kingsway and Markeaton islands.”*

*“The new facilities seem to be shared use, far more consideration should be provided to segregated facilities. Section of new cycle way that remain on the road are required at the Markeaton junction where under current arrangement cyclists will be transiting from the road onto a shared use path then back. The shared use paths in general incur multiple crossing points to traverse a junction and many cyclists will remain on the road, a segregated cycle path that remains on the road should be provided.”*

- 4.1.101 Roads such as Brackensdale Avenue, Greenwich Drive North/South, A38 and Markeaton junction were mentioned relating to the improvement of cycle access.

*“Cycle access from Brackensdale Avenue to Greenwich Drive North is needed, utilising the land to be vacated by the old A38 access road at this point. This will also give access to the new public open space which will be created here while providing access towards Markeaton Park on this side of the A38.”*

- 4.1.102 Recommendations for an off road link, parallel crossings over Brackensdale Avenue on both sides of the A38 and improved routes with cyclist in mind along Kingsway Park Close were mentioned. Further remarks for the need to join up and clearly mark routes as well as the need for maintaining the routes were made. It was suggested that the existing cycle path alongside the A61 which runs into the Little Eaton junction should be widened.

#### **Negative sentiment towards proposals**

- 4.1.103 Eight comments provided negative sentiment towards the proposals. They cited that the proposal did not go far enough or was inadequate. These respondents remarked that the provisions meant that cycle users had to stop several times due to the number of crossings and that the facilities do not match the level of use. Others cited the impact the crossings would have on road users and they objected to that.

#### **Other comments on the Kingsway Junction**

- 4.1.104 The questionnaire asked whether respondents had any other comments on our proposals for Kingsway junction; 101 comments were received.

#### **Positive sentiment for Kingsway junction proposals**

- 4.1.105 The most popular comment, cited by 30 respondents was positive sentiment for the Kingsway proposals. Respondents provided overall general support for the Kingsway junction proposals commenting that they were ‘*much needed*’ and improvements were ‘*long overdue*’. Many remarked on the current congestion seen at the Kingsway Park Close/Lyttleton Street junction from Mackworth Estate traffic from/onto Brackensdale Avenue. Remarks were made how the improvements will ‘*help to alleviate the current traffic problems.*’

*“It would seem that some of the works for Kingsway can be undertaken with no impact to existing traffic flow. Doing the Kingsway works are important as some of the issues faced at Markeaton are caused by queuing from the Kingsway junction.”*

*“Will be of great benefit and massively help reduce congestion which has massive knock on affect for all other roads.”*

*“I support closing access of A38 from this junction point because it reduces accidents from traffic slowing to entre junction including preventing vehicles that are slower moving with fast flowing traffic when entering the A38 from this junction. Closing of this access point will also prevent pedestrians from walking along A38 include preventing deaths of pedestrians because people including drivers as seen pedestrians and adjust using this junction area, include walking along A38.”*

*“Without exception, I feel the plans for Kingsway junction perfectly meet the objectives of the A38 Derby Junction Scheme. The proposal is comprehensive and cannot happen soon enough. Each day I use this junction twice and I would not like to count the number of hours of life wasted while queuing here. It is progressively getting worse.”*

4.1.106 Recommendations were made for the speed on Kingsway Park Close being kept to 30mph and the addition of speed bumps on the road. Improvements in the marking of lanes on the A38 mainline between Kingsway junction and Markeaton junction so that A38 through traffic does not merge with local traffic using the left lanes to travel between the junctions was put forward.

4.1.107 Respondents remarked on the safety and the potential negative impact the construction period could have and that proposed implementation of traffic management could mitigate the situation. One respondent mentioned with regards to works, *‘...temporary traffic lights are desperately needed for the eastbound approach to the present roundabout. There should be traffic lights to control westbound traffic for the next four years...’*

*“Currently, during busy times entering the roundabout from the A5111 can be dangerous as traffic coming from the A38 heading southbound is often travelling faster than is safe. There are long waits and small gaps to enter the roundabout and this leads to people taking risks to do so. There are many near misses daily and I am concerned this would only get worse as traffic will be slowed down by the roadworks and people will therefore be more impatient. The queues here also have an impact on the Manor Road/Uttoxeter New Road junction during peak times and I would like to see this taken into consideration too.”*

*“If there are lane closures on the roundabout during construction then I would like to see temporary traffic lights controlling entry on the roundabout at all its entrances, instead of just at the current A38 northbound lights”.*

*“...I do have one concern and that is with traffic leaving the Northbound A38 at the proposed Kingsway junction. Will the volume of traffic from the A5111 joining the A38 northbound here cause hold ups for those leaving the A38 northbound? I am not sure of the volumes but the traffic from the A5111 on to the A38 is considerable at all times. Just thinking that there may need to be traffic lights at this part of the junction.”*

### **Support for new entrance to Kingsway Retail Park**

- 4.1.108 Several comments were made regarding the need for a second entrance to the Kingsway Retail Park to improve traffic flow and to reduce congestion. This is seen as a priority for the local residents using these sections of road.

*“It looks as if a new entrance to Kingsway Retail Park will be possible. Excellent news; the current entrance is totally inadequate...”*

*“...this would be the perfect time to improve/add additional access to the Kingsway retail park.”*

This was reinforced by those who thought that the proposals had failed to address this issue and that this should be part of the Scheme.

*“It fails to address the problem associated with Kingsway Retail Park. While the new layout should reduce queues coming OFF Kingsway it will not prevent tailbacks onto roundabout when the retail park entrance is slow-moving.”*

*“Should consideration be given to a secondary access route to the Kingsway Retail Park from the new Kingsway Park Close link road given the issues with congestion at this location? Granted redevelopment of the Kingsway roundabout and free flowing of the A38 at this location should considerably alleviate this issue.”*

### **Access**

- 4.1.109 Several comments were made relating to access. Due to the proposed development for the Kingsway junction many respondents suggested that a Kingsway Close “link to the shopping centre” should be included or that there should be a foot/cycle access to the retail park from the link road. Furthermore, there were numerous proposals from respondents for Greenwich Drive North to be reconnected to Brackensdale Avenue as it previously was to alleviate traffic in the area. However, concerns for other roads being used as “rat runs” was also mentioned.

*“Re-connect Greenwich Drive North with Brackensdale Avenue = help reduce cars passing school on Walthamstow Drive.”*

*“As a local resident my main concern with the Kingsway junction proposal is the proposed new access/link road via Kingsway Park Close. This is already a very busy area, with Slack Lane and Cheviot Street being a well-used “rat run”...”*

*“The path to Kingsway Park Close should provide a link to the shopping centre.”*



4.1.110 Some residents were disappointed the Scheme did not extend further along the A5111, as they feel the egress road to and from the Kingsway Retail Park has some severe congestion problems and that this has been overlooked. *“Both the Highways Agency and Derby City Council are ‘missing a trick’ by not taking the opportunity to address something at this time”*. Furthermore, the lack of potential stopping or parking has been noted as respondents feel that no alternatives have been provided and this will lead to *“a lot of parents and children walking along Kingsway Park Close alongside the extra traffic.”*

4.1.111 Remarks were made by residents from the Mackworth Estate, asserting that the Scheme had not been designed with Mackworth residents in mind. Suggestions to *“keep open slip off between Kingsway and Markeaton into Mackworth estate”* were made.

*“A bridge, over an “A” road, beside a mental hospital, is a suicide haven, and the proposed access road closures have to be the most ludicrous suggestion ever conceived in this whole Scheme. It completely ignores how the Mackworth Residents use the roads, in and out of the estate....”*

#### **Air, noise and light pollution**

4.1.112 Environmental issues were raised by some respondents, emphasising that, *“pollution should be top priority”*. Concerns were raised that light pollution and the negative visual effect of too much street lighting and lighting from an overhead gantry would have for residents.

#### **Other comments**

4.1.113 One respondent gave a negative view of the proposals of the junction and cycle provision, stating that priority should be given *“to vehicles NOT pedestrians and cyclists. This is a major highway in the UK which should be built for vehicles only without special lanes for cyclists, buses or electric vehicles.”* Likewise, a comment on the proposals stated that the proposal funding *“should be put into rail freight and local van transfer”* and how the future needs of transportation, such as electric and autonomous vehicles, will make these proposals redundant.

#### **Noise barriers at Markeaton**

4.1.114 Question 13 asked: Do you have any comments regarding whether noise barriers should be provided along both sides of the A38 mainline between Windmill Hill Lane and Markeaton junction, and the type of barrier? Details of the noise barriers can be found in the consultation brochure and the PEIR.

4.1.115 Out of the 107 respondents that provided an answer to the question, two stated that they did not agree with the proposed location of the noise barriers. These stated that:

*“Barriers should be provided on Kingsway Close.” ... and*

*“Noise barriers might be required on the northbound carriageway but unlikely to be required on the southbound carriageway, except for a small length near the end of Windmill Hill lane.”*

- 4.1.116 The remaining 105 respondents did not comment on the location of the proposed noise barriers but did provide comments on the material or appearance of noise barriers. Thirty eight of these respondents stated that they did not have a preference regarding the material or appearance of these barriers. Twenty eight stated that they would prefer timber barriers with climbing vegetation and nine stated that they would prefer timber barriers only. In addition, four respondents stated that they would prefer earth bunds as a form of noise barrier. Fewer than five respondents stated that barriers should only be provided where they are needed; barriers should be aesthetically pleasing; and that noise barriers won't reduce noise pollution enough.
- 4.1.117 In addition, 11 respondents provide comments that do not directly relate to the question. These included, air quality being a greater issue than noise pollution; trees should be used for screening and CO<sub>2</sub> sequestration; the works to road is the overriding priority; noise dampening insulation should be installed in properties; landscaping should be used to reduce noise; noise barriers may stop pedestrians crossing the A38; encourage more people onto local bus services; and that the Scheme would not ease traffic congestion where local traffic enters onto the A38.

#### **Public open space at Markeaton Park**

- 4.1.118 Question 14: Areas of public open space land will be lost from the edge of Markeaton Park as a result of the Scheme. We are providing replacement areas and have included suggestions in the brochure. Do you have any comments regarding these potential sites? Of the 286 respondents, 75 provided comments. Four respondents raised issues with the proposed plans such as the cost associated with maintenance. However, 39 respondents stated that they were happy with the proposed replacement public open space, comments included:

*"The booklet highlighted 10m of the park will be lost, but you are adding new grass land and semi-mature trees to this area, that is larger than the loss of 10 meters of Markeaton park meaning more vegetation will help local environment and help reduce CO<sub>2</sub> and air pollution in the area."*

*"Any open spaces are a bonus in high traffic areas - be nice to be able to walk along the area with cleanest air possible, minimum noise and cars hidden with natural tress, planting, water features - anything to make the area more pleasant to walk in. Wild flower patches and areas where grass is allowed to grow without cutting back to encourage insects etc."*

- 4.1.119 Seven respondents stated the size of replacement areas should be equal to the area that is being lost. Some respondents (11) provided comments not directly related to the areas of public open space but cited issues such as public safety and issues with air quality and noise within the areas of public open space. The remaining 14 respondents commented, amongst other things, that the areas should be appropriately landscaped, should be in keeping with the current area, the site compound should be made into an area of open space and did not think that the proposed areas of public open space would compensate the loss from Markeaton Park.

4.1.120 In addition, 17 respondents provided comments that do not directly relate to the question. These included, barriers would not reduce noise; ensure that public safety for pedestrians is made a priority; issue with the online questionnaire; noise and air quality are a priority over public open space; issues with provided plans; ensure mature trees are replaced; and it is a priority to ensure the junction functions properly.

#### **Pedestrian and cycle crossing closure (Markeaton)**

4.1.121 Question 15: It is proposed to close the existing uncontrolled pedestrian crossing of the A38 between Thurcroft Close and Greenwich Drive North, for safety reasons. Alternative routes will be via Brackensdale Avenue or the new controlled crossings at Markeaton junction. Do you have any comments on this proposal? Would you use the new facilities?

4.1.122 One hundred and sixty one comments were received for this question. A high proportion of those that provided comment (39) stated that they would use the new facilities and 18 stated that they do not use the existing crossing and would not be affected by the closure of this crossing. In addition, 19 respondents agreed that the crossing was dangerous, that it should be closed and that the proposed facilities are appropriate. However, 13 respondents believed that people would still attempt to cross in this location as the additional time taken to use the proposed facilities would be too great and suggest a footbridge/underpass should be included.

*“...Many people who cross at this point headed for the shop at Stanley St and would resent the detour. Put in a foot bridge.”*

*“A footbridge crossing at this point will prevent or discourage pedestrians to cross the main carriageway...”*

*“We believe there should be either a pedestrian and cyclist underpass or bridge where the existing eastbound layby is roughly in the middle of the Kingsway and Markeaton islands.”*

4.1.123 Five respondents stated that they might or would not use the proposed facilities at the Markeaton Junction. Twelve respondents raised queries including whether other crossing facilities in this location have been considered; how many people would this adversely affect; and will pedestrians take shortcuts and cross at this location despite the formal crossing being closed.

4.1.124 In addition, 11 respondents provided comments that do not directly relate to the question. These include noise and air quality mitigation is a priority; the funds for the Scheme should be used to provide sustainable transport infrastructure; whilst the closing of the crossing is disappointing and a crossing at this location would preferable, funds should be used to create state of the art crossings at the Markeaton junction and the Brackensdale Avenue junction; ensure that appropriate facilities are provided for pedestrians; and why has no footbridge been provided in this location.

### **Other comments on pedestrian and cycle facilities around Markeaton**

4.1.125 Question 16: Do you have any other comments regarding the facilities we are providing for pedestrians and cyclists around the Markeaton junction?

4.1.126 Eighty seven comments were provided to this question. Of these, 25 stated that they were happy with the proposals. Eleven respondents cited that they had issues with proposed facilities, including:

*“You are not actually providing pedestrians with facilities if we are forced to walk to the far corners of our estate, just to cross over...”*

*“They are inadequate.”*

4.1.127 Six respondents stated that pedestrian and cyclist provision should be a top priority of the Scheme. In addition, five respondents stated that the proposed facilities should ensure that the crossing of the A38 is safe for all, including vehicle users. Thirty respondents gave suggestions for alternative design options, some which include:

*“Junction will remain daunting to cross on foot or bike... why not have a design statement flyover cycle/ pedestrian bridge through the junction? [The cost would be trivial.]”*

*“... [there is the] opportunity to create a super wide cycle path along the length of the route and help residents and possibly increase cycling in the area (it’s difficult to cycle from east to west in the north of the city).”*

*“The walking and cycling routes seem very convoluted to across the junction. Would like to have seen segregated cycle paths included to permit a convenient and swift crossing.”*

*“...a deep cutting to the A38 actually adds to the psychological barrier... There is sufficient space to have a pedestrian/ cycle bridge cross the whole roundabout. This could/should be a statement bridge and should ideally allow cyclists to cross the junction in both directions without stopping...”*

*“Designated pedestrian and cycle lanes where possible.”*

4.1.128 Two respondents stated that there should be enough time for the disabled to cross.

4.1.129 In addition, one respondent stated that enforced use of cycle lanes should be included within the Scheme. Furthermore, four respondents stated that they felt they had insufficient information to provide meaningful comments.

### **Other comments on Markeaton proposals**

4.1.130 Question 17: Do you have any other comments on our proposals for Markeaton junction? Eighty Four comments were provided. Ten respondents stated that the works were overdue and should be progressed as soon as possible. A number of respondents, 16, had concern for the effect of the proposals on access and egress to roads/ public areas adjacent to the A38. These concerns include:

*“I do not think the junction for entering/leaving Markeaton Park has been thought out. Traffic signals will only cause tail backs down Ashbourne Rd towards Derby at busy times.”*

*“[Under] the present proposals, house owners around my house will lose the entry and exits onto the A38 [as opposed to entering the A38 from Enfield Road]. We will have relatively long drive up to Prince Charles Avenue or around to Brackensdale Avenue from Greenwich Drive North...”*

*“Ashbourne Road McDonald’s access and the Markeaton Park access are currently a ‘proceed with great caution’ area for drivers. The new mapping provided still doesn’t give me much confidence for safety.”*

*“If you are going to close the slip road off the estate by MacDonald’s [Enfield Road] it will result in a rat run at peak times off the estate down Walthamstow Dr, which is home to a primary school. You should open Greenwich Drive North all the way to Brackensdale like it used to be before the present road lay out.”*

- 4.1.131 Fourteen respondents expressed positive views towards the proposals and eight provided negative views towards the proposals. Four respondents commented that there should be more provision for pedestrians/cyclists. Other comments provided include:

*“Drop the roadway and cover it with grass [increase the length of the roadway that is below ground and create an area of public space above it].”*

*“The speed on this section of the A38 should remain at 40mph through the junction area to reduce the risk of accidents, help reduce congestion and... benefit the environment with less CO2 produced and lower noise...”*

*“The new footbridge linking Markeaton and Markeaton Park (spiral bridge) needs to be built/redesigned. The present location that is proposed would be directly on top of a mature very large oak tree and would extend into the pond...”*

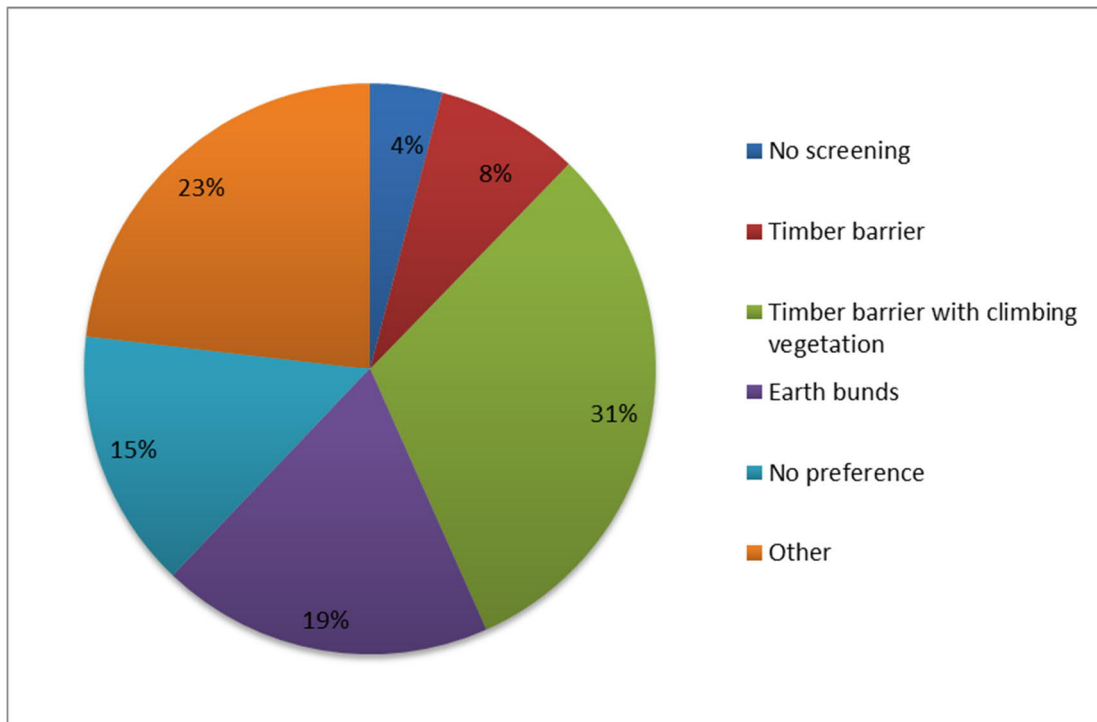
- 4.1.132 Four respondents stated that they had concerns for the wider area, for example, flooding within the underpass. In addition, fewer than five respondents stated that noise barriers should be provided at Kedleston Road; the control of traffic signals are a top priority; safety of vehicles accessing and egressing the Kedleston junction; the Scheme incorporates too many traffic signals; the temporary loss of the Markeaton footbridge would affect people’s ability to cross the A38; the Scheme should be re-designed to incorporate a diverging diamond interchange; ensure that appropriate lane marking is included so local traffic does not merge with A38 traffic; and the toilets at Markeaton Park should be demolished.

- 4.1.133 Furthermore, 46 respondents provided comments that are not directly related to the Markeaton junction. These included, concern for risk posed by the Scheme to public safety; air quality and noise should be top priority; the Scheme will not provide the capacity needed in the future; the Scheme will lead to severance of areas; provide turning head when Raleigh Street is closed; the current junctions are inadequate; include one way access and egress from the Esso and

McDonald's; and concerns that mature trees will not be protected even when they are shown as being retained on Scheme plans.

### Environmental mitigation at Little Eaton

4.1.134 Question 18 listed some options for respondents to express their preference relating to the screening at the Little Eaton junction. Overall, 251 respondents answered this question. The highest proportion of respondents (almost a third) indicated a preference for timber barriers with climbing vegetation and 19% selected 'earth bunds'. Fifteen percent of respondents selected 'no preference' with 8% opting for a timber barrier. Four percent of respondents (15 people) opted for no screening some adding in the comments section that "*timber barriers are an eyesore*" or expressing concerns that the vegetation on barriers would not be maintained. These data are shown in **Figure 23**.



**Figure 23 Environmental mitigation at Little Eaton junction**

4.1.135 Natural England stated the following:

*“Natural England recommends how any environmental screening measures can provide wider environmental Green Infrastructure benefits, creating ecological corridors where possible. Consideration should be made to what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Opportunities for enhancement might include:*

- Restoring a neglected hedgerow.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.

- Using native plants in landscaping Schemes for better nectar and seed sources for bees and birds.”

- 4.1.136 Respondents were asked whether they had any comments regarding the proposed screening barriers at the Little Eaton junction. In total 55 respondents provided a comment. The majority of these stated that trees and hedgerows or natural screening should be provided. Thirteen respondents stated existing vegetation should be retained or enhanced as far as possible and four stated that the barriers should be the most appropriate choice in ecological terms. Seven respondents stated that a combination of screening, such as vegetation, timber barriers and earth bunds would be required. Twelve respondents raised concern regarding the maintenance of timber barriers and vegetation. Other comments included, noise barriers should be a piece of public art but also serve as visual screening and noise mitigation; and that timber barriers are unappealing.
- 4.1.137 Fewer than five respondents stated 3m high barriers should be included on the flyover and slip roads at the proposed Little Eaton junction, lighting should be kept to a minimum, and additional planting beyond what is proposed should be included.
- 4.1.138 Furthermore, a number of respondents provided comments that were not directly related to the question. These comments included: remove the flyover; reduce speed limit from 50mph to 40mph; ensure the junction is safe; the Scheme will cause large delays; redirect funding for the Scheme to encourage more sustainable modes of transport; this Scheme design is the best design for the mobile home park; the junction will have the greatest impact on local residents and concerns relating to the effect of the scheme on traffic on the A6 during peak times.

#### **Pedestrian and cycle facilities at Little Eaton**

- 4.1.139 Respondents were asked whether they had any comments regarding the proposed pedestrian and cyclist provision at the Little Eaton junction. In total 61 comments were received. Of these, 14 respondents expressed positive views towards the proposed pedestrian and cyclist facilities and seven respondents expressed negative views. Four respondents stated that the cycling facilities on Ford Lane need improving; generally these comments related to the narrow width of the shared path along Alfreton Road and that this should be widened. Eighteen respondents suggested different views for the design of pedestrian and cycling facilities at the Little Eaton junction, including segregating the cycle path:

*“None at all provided the underpass under the A38 is well lit and feels safe for people to use...”*

*“... the cycling provision includes lots of pedestrian crossings... This location would appear particularly suited to a grade separated tunnel.”*

*“Provision for the future Derwent Valley Cycleway should be included. An increase in pedestrian and cycle usage should be planned for, particularly as this will be part of the Derby clean air plans.”*

*“Widen [the] cycle path approaching the junction from Pektron Roundabout, preferably segregate it entirely away from pedestrians, current cycle path is a death trap.”*

4.1.140 Three respondents stated that they would like to see all of the crossing facilities signalised to aid the flow of traffic at peak times. Five respondents stated that the wider cycle network, beyond the Scheme boundary, should be improved. One respondent stated that the Scheme provided too many signalised crossing facilities for cyclists and the crossings should allow cyclists to cross the A38 without stopping.

4.1.141 In addition, a number of respondents (43) provided comments that are not directly related to the question. These include, concerns that the diversion of the Dam Brook will lead to flooding downstream; problems with the supplied material; the Scheme should exemplify Derby’s heritage; enforce legal cyclist riding behaviours; signals should give cyclists priority over vehicles; and air quality and noise pollution are a greater concern than the facilities being provided.

4.1.142 Natural England stated the following:

*“Natural England encourages any proposal to incorporate measures to help improve people’s access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.”*

4.1.143 The key themes from the questionnaire responses are as follows:

- 95% of respondents agree that the three A38 junctions through Derby need improving.
- The majority of respondents agree that the Scheme addresses each of Highways England’s six objectives.
- Noise mitigation is required for properties adjacent to the A38 through Derby.
- Light pollution and air quality in the corridor are of concern.
- Cycle and pedestrian access across and along the A38 which is viewed as a barrier is important. Footbridges or controlled crossing are required along with segregated pathways.
- The height of the Little Eaton flyover, resulting noise and light pollution and visual impact on residents of Breadsall is of concern.
- Construction concerns including pollution from congested traffic, the impact of traffic on surrounding roads and lack of information on timings were raised.
- The Ford Lane closure is of concern.
- Little Eaton Canal has not been addressed in the PEIR.



- Site compounds are not wanted near residential properties.
- Loss of green belt at Little Eaton is disliked and the desire to increase planting in this area has been expressed.
- Access to care home on Greenwich Drive North is of concern.

4.1.144 In addition to their questionnaire responses, 13 respondents attached supporting, more detailed responses to their submissions. A summary of these responses is below along with the study team's response to those comments. The comments and responses are included here as part of the questionnaire analysis.

4.1.145 Respondent 12 (Little Eaton Junction) – the respondent is in full support of signalisation of the Ford Lane/A6 junction to keep local traffic free flowing. Believes a pedestrian crossing could be incorporated making it safer for pedestrians. They suggest the re-modelling of the junction to include laybys for buses. The respondent highlights the potential for fly tipping as an issue at the end of Ford Lane so, suggests blocking all vehicular access. Has an interest in the land use near their property, has overall support for the Scheme.

**Project team response:** Discussions are taking place with the City Council regarding the potential signalisation of the A6/Ford lane junction.

4.1.146 Respondent 21 – concerned with the potential noise and light pollution that may arise in Breadsall, believes due to the proposed higher carriageways the noise experienced will be greater. Notes that the A38 should be surfaced with a material which absorbs noise, a bund should be constructed of at least 3m above the carriageway and tall trees should be planted to grow to at least 6m above the carriageway, in order to reduce noise impacts. To prevent excessive light pollution the respondent suggests a line of trees along the foot of the bund and the adoption of low-level carriageway lights on the carriageway north of the junction by Breadsall, to supplement the screening of light by the line of trees suggested.

**Project team response:** With regard to noise, detailed modelling has been undertaken to assess Scheme effects, including effects in Breadsall – results are reported in the Environmental Statement. Due to the provision on noise/visual screening barriers, noise effects with Breadsall are anticipated to be negligible. Following consultation the Scheme design at Little Eaton junction has been confirmed and includes no lighting columns along the A38 mainline, whilst the Scheme would be constructed with low noise surfacing throughout. In addition, the landscape design includes screen planting at Little Eaton junction. Details of mitigation proposals and environmental effects are provided in the Environmental Statement.

4.1.147 Respondent 34 (Kingsway Junction) – overall supports the Scheme, considers it to be well thought out. Believes improvements at Kingsway Junction should be made as a priority due to the high traffic flow, considers the junction to need its underpass as a matter of urgency.

**Project team response:** All three junctions will have equal priority.

- 4.1.148 Respondent 43 – very familiar with the local area. Believes closing the existing slip roads will affect traffic flows resulting in pedestrians having difficulty crossing the roads in the area. Feels traffic management measures should be implemented under the Brackensdale Avenue/A38 bridges including signalled junctions as they consider it to be unsafe. The respondent comments that a bridge or tunnel in order to cross the Kingsway Park slip road would be safe and maintain traffic flows, with the suggestion of further relief of flows at Kingsway Retail Park roundabout. Is upset at the closure of the public foot crossing between Greenwich Drive North and Thurston Close as they feel there isn't enough crossing provision in place. Have concerns about longer ambulance journey times to the care home in Greenwich Drive North, considering it to be an 'ambulance hotspot'. The respondent wants safety barriers to protect pedestrians. They believe Highway's England should seek advice from sight experts in the future to allow everyone opportunity to review drawings.

**Project team response:** It is proposed to signalise the Kingsway Park Close junction with Brackensdale Avenue and this will include pedestrian/cyclist provision. The pedestrian/cyclist crossing of the Kingsway Park Close link road will now be signal controlled. The existing uncontrolled crossing near Thurcroft Close is to be closed for safety reasons. Delays to road users, including ambulances, will be carefully monitored and the Traffic Management modified if required.

- 4.1.149 Respondent 52 (Kingsway and Little Eaton Junction)– believes the new A38 north and southbound carriageways should be brought closer together with less distance between the directions to keep traffic further away from housing. Feels the timber barrier with climbing vegetation is the better barrier option and should cover all properties. Notes signalisation will be needed at certain local junctions as well as crossings for pedestrians, in addition to this retaining the existing footpath to the Kingsway Retail Centre. At the Little Eaton junction the respondent feels that traffic should be slowed down as it comes from the A38 to the new island.

**Project team response:** Following consultation the Scheme design has been confirmed and includes noise/screening barrier along sections of the mainline between Kingsway junction and Markeaton junction and at Little Eaton junction. Such barriers will be integrated into an appropriate landscape design. Details of the barrier locations, and landscape design are provided in the Environmental Statement. Many of the local junctions will become signalised and there are many signal controlled (and some uncontrolled) crossings for pedestrians and cyclists.

- 4.1.150 Respondent 85 (Little Eaton junction) – resident of Breadsall believes village is used as a rat run onto the A38, frequently uses the road with no problem. Feels the fly over is unnecessary and there are other solutions which they favour such as taking traffic under the Derwent or using a local architects proposal (Mike Poplar). Believes that the Scheme should have no lighting columns on the highway carriageways, 2m high barriers and support low noise asphalt.

**Project team response:** Following consultation the Scheme design at Little Eaton junction has been confirmed and includes no lighting columns along the A38 mainline, a 2.5m high noise/screening barrier along the mainline and A61 slip road, whilst the Scheme would be constructed with low noise surfacing throughout. Improvements to the A38 route should discourage 'rat-running' through Breadsall. All options previously proposed have been fully assessed and an Alternative Options report produced that resulted in the current Scheme being the preferred option as announced in January 2018.

- 4.1.151 Respondent 86 (Little Eaton junction) – resident of Breadsall believes village is congested due to new housing developments during peak times. Uses the A38 and experiences no problems so feels that the Scheme is a waste of money. The respondent suggests that building roads is not the solution. They believe the Scheme should have no lighting columns on the highway carriageways, 2m high barriers and support low noise asphalt.

**Project team response:** Following consultation the Scheme design at Little Eaton junction has been confirmed and includes no lighting columns along the A38 mainline, a 2.5m high noise/screening barrier along the mainline and A61 slip road, whilst the Scheme would be constructed with low noise surfacing throughout. The need for the junctions improvements have been well documented and they will provide high value for money (i.e. it will generate benefits to the public that outweigh the cost of the Scheme).

- 4.1.152 Respondent 87 (Little Eaton junction) – resident of Breadsall village and is opposed to the construction and operation of the fly over. Is in support of Mike Poplar's design or a Scheme that takes traffic under the Derwent. Believes that the Scheme should have no lighting columns on the highway carriageways, 2m high barriers and support low noise asphalt.

**Project team response:** Following consultation the Scheme design at Little Eaton junction has been confirmed and includes no lighting columns along the A38 mainline, a 2.5m high noise/screening barrier along the mainline and A61 slip road, whilst the Scheme would be constructed with low noise surfacing throughout. All options previously proposed have been fully assessed and an Alternative Options report produced that resulted in the current Scheme being the preferred option as announced in January 2018.

- 4.1.153 Respondent 112 – commented that an alternative alignment was presented on the plan. Not clear what respondent is referring to.

- 4.1.154 Respondent 114 (Little Eaton junction) - commented that there should be a cycle route along the south side of the A38 to use the existing bridge connecting with Ford Lane.

**Project team response:** A cycle route along the south side of the A38 is not feasible as there is insufficient distance between the railway bridge and the Ford lane link and the level difference is too great to construct a ramp down the embankment.

## 4.2 Section 42 consultation responses

- 4.2.1 This section summaries the comments from s42 consultees. Responses to prescribed consultees are provided in **Annex O**; responses to non-prescribed bodies follow their comment.
- 4.2.2 The following prescribed consultees advised that they do not have any adverse comments on the proposed works: The Peak District National Park, NATS Ltd, Office for Nuclear Regulation, The Coal Authority, Barnsley Metropolitan Borough Council, Broxtowe Borough Council, Amber Valley Borough Council and Erewash Borough Council.
- South Derbyshire District Council express support for the Scheme.
  - National Grid Electricity Transmission plc and National Grid Gas plc confirm that they have no assets in the vicinity of the proposal.
  - The Health and Safety Executive have no record of hazardous installations within 1km of the Scheme and has no comment on licensed explosives sites in the Scheme vicinity.
  - Network Rail has no objection to the proposals and presumes that Highways England will enter into the usual dialogue and Basic Asset Protection Agreements regarding the railway bridge over the Midland Mainline at Little Eaton A38 junction.
  - The Equalities Human Rights Commission advised that they do not have the resources to respond to all consultations but will respond where it considers issues raised are of strategic importance. They advised that planning proposals must consider the potential to impact on equality for different groups of people providing technical guidance for this.
- 4.2.3 **Western Power Distribution** stated that they need to protect their position in relation to this DCO proposal specifically the secondary electricity substation site at Ashbourne Road, Derby, DE22 4AA. They see no reason why this building should form part of the Order and will object to such a proposal. They add that they have any number of 132,000 Volt (and below) underground cables within the land specified that will need protecting or diverting depending on the scope of the final scheme. They advise that they will object to the DCO until Highways England enter into an Agreement in relation to the costs and rights relating to such protection works/diversions.
- 4.2.4 **Historic England** advise that it is unlikely that the Scheme will have significant impact on the Outstanding Universal Value of Derwent Valley World Heritage Site.
- 4.2.5 **East Midlands Ambulance Service NHS** expressed support for the Scheme as on completion, their response times and access to Royal Derby Hospital will improve. They raise concerns that during construction, the likely congestion created on the A38 and surrounding roads, will adversely increase their response times and could delay staff getting to work resulting in late shift start times. These delays could pose a risk to the public's wellbeing. Rather than undertaking works

on all junctions simultaneously, they advocate completing work separately. They welcome guidance on this as it will directly affect response times, patient and hospital access thus holding up crews and ambulances that could be released for further emergencies. They also cite risk factors with the works of large Schemes such as trench collapse and working at heights stating that responding to such incidents could result in their resources being thinly spread posing a risk to the public.

- 4.2.6 **Environment Agency** advise that the Flood Risk Assessment will need to be revised to ensure that the most up to date information is included. They state that as controlled waters are at risk from various contaminants of concern, they must be given the opportunity to review and provide comments on the Investigation and Risk Assessment reports. As mitigation measures during Scheme construction and operational phases may not always reduce the risk posed by historic sources of contamination, they wish to see a copy of the completed Environmental Statement. They advise that whilst the risks to the aquatic environment and potential mitigation measures have been adequately assessed, the impact of the potential use of calcium magnesium acetate as a de-icing material requires further assessment.
- 4.2.7 **DCC** advised that due to their administrative area, the majority of their comments related to the Little Eaton junction, grade separation of which provides the largest benefits in transport economic terms. They welcome early engagement with Highways England to establish the effects on travel patterns during construction and would like to see more detail in the PEIR relating to transport modelling works. DCC state that the Environmental Statement will need to take the traffic modelling into account as air quality, traffic noise and vibration will impact on communities well beyond the red line boundaries. They raise concerns about pedestrian/vehicle conflict at the junction for users of the Dam Brook trial and wish to see a pedestrian crossing near Croft Lane/A61.
- 4.2.8 They seek clarification on boundaries following construction and urgently seek details of Highways England's adoption boundary. Clarification is sought on the closure of Ford Lane and concerns with the bridge in this location are raised. No known archaeological assets of regional/national importance are within the development footprint and they note the separate consultation regarding Derwent Valley Mills World Heritage Site.
- 4.2.9 DCC feel that increasing the size and visual bulk of the A38 in this location could harm OUV through the erosion of the historic floodplain landscape. They feel that the failure to make any judgement against the County Scale Landscape Character Type is an oversight which could underestimate the landscape effects of the proposal and will not adequately inform the requisite mitigation. It is felt that following construction, bus access through the Little Eaton and Markeaton junctions will improve (none of their services use Kingsway). Mention is made of a range of waste, aggregate and mineral publications that the Environmental Statement should take into account expressing the desire for construction material to be sourced locally. DCC would like the Environmental Statement to expand on the economic and regeneration benefits of the Scheme. They

welcome the inclusion of measures to reduce noise to neighbouring residents and stress the importance of ensuring connectivity.

- 4.2.10 **DCiC** raise concerns that there is too little provision for SuDS at the Markeaton junction and that there is insufficient area to provide the level of attenuation required to deliver discharge rate reduction. They advise that as Kingsway and Markeaton junction are designated as areas in flood risk, the project will need to demonstrate that it passes the sequential and exception tests, should not increase flood risk elsewhere and where possible, reduce flood risk overall. They state that the impacts on Our City Our River need to be understood as well as the impacts on the World Heritage Site. A review of where DCiC highway drainage discharges into Highways England drainage should be carried out, the systems separated where possible and legal rights of discharge agreed. DCiC are content with the proposed mitigation for the loss of public open space.
- 4.2.11 Concerns are raised with the short merge length and visibility for traffic merging onto the southbound A38 at Kingsway and further discussion on access and egress to Kingsway Retail Park is welcomed. Concerns are raised relating to traffic flow on the bridge should one lane become blocked the same being true for the A38 northbound diverge. They query whether the A5111 pedestrian crossing could be staggered and moved and state that the Kingsway Park Close crossing should be controlled.
- 4.2.12 DCiC would like a greater understanding of the Brackensdale Avenue layout and review opportunities for improved cycle connections to Greenwich Drive North and the pedestrian/cycle link under the A38. DCiC query whether two lanes for a longer distance would provide benefits on the A38 Markeaton diverges and query the access arrangements to the proposed compound to the east of the A38. For safety reasons, they would prefer spiral lane markings of the circulatory carriageways for the new A52 junction and the Little Eaton junction. The ability for HGVs to turn left from the A52 into McDonald's/petrol station is questioned and a pedestrian refuge is desired in this area. DCiC query whether a two lane diverge from the A38 northbound to the Little Eaton junction could be provided and feel that consideration should be given to providing a footway on Ford Lane to access the public open space and cycle route.
- 4.2.13 DCiC advise that Markeaton Park is a heritage asset and the stone walls that enclose it are important and as much of them as possible should be retained. Concerns are raised with the flood compensation storage area located in the Derwent Valley Mills World Heritage Site strongly suggesting that other locations outside of the WHS and its buffer zone are looked at.
- 4.2.14 They stress the importance of considering the impact on local air quality that changes to the road network will have, during and post construction, in the EIA highlighting the importance of including CAZ affected roads. DCiC strongly suggest that the scoping assessment is amended to reflect the need to consider the effects of fleet and traffic volume changes resulting from temporary diversion routes and recommends the use of a 2016 baseline as well as the inclusion of PM2.5 modelling. DCiC strongly advise that the Scheme aims to avoid night-works unless absolutely essential. They do not agree with the thresholds for

significant observed adverse effects (SOALs) advocating that a lower threshold be used when designing mitigation

### **Non-Prescribed bodies**

- 4.2.15 **Friends of Little Eaton Canal** write regarding location of and access to the Little Eaton Depot. Having read the PIER they find that the section of the old Derby Canal that remains in Little Eaton is barely referenced and they view this as an omission from the document. They add that no reference is made to the canal in the Derbyshire Historic Landscape chapter (6.5.29) or Potential Cultural Heritage Impacts Identified during preliminary assessment (6.6.4) chapter. Whilst the road will not affect the canal, they feel that the potential site for the depot (including access) will have a negative impact on the heritage and environmental aspects of the canal. They explain that the canal (between Starbucks and Duffield Road) dates back to 1796 as is of significant interest to Little Eaton, hence the formation of their group. They understand that the depot site is temporary but have concerns that this development will set a precedent for future development on land adjacent to the canal and that the access road will become permanent. This would lead to the loss of environmental and heritage aspects of the canal. Also seeks clarification on exact location of the depot and access road, queries how this information will be relayed to the community and whether they will be able to comment on it.
- 4.2.16 The response to the Friends of Little Eaton Canal is as follows: The aim of the PEIR is to present a preliminary assessment of potential environmental effects associated with the Scheme. The PEIR makes a number of references to the former Derby Canal as follows: Para. 2.3.10 A temporary bridge would be required over the ditch running adjacent to the B6179 Alfreton Road (route of the former Derby Canal) to provide access into the proposed main construction compound. To minimise adverse impacts, this bridge would traverse the ditch and not impact on water flows. Para. 6.5.15 At the beginning of the 18<sup>th</sup> Century local roads were improved under the turnpike system, including the Derby to Brassington (via Hulland Way) turnpike road (A18) and Derby to Hurdlow (via Ashbourne) turnpike road (A19). From the later 18th century transportation links were developed to improve communications with the wider region. This helped to foster the industrial development of the city and the surrounding villages. The Little Eaton branch of the Derby Canal was opened in 1795 (A13) to move coal and stone from mines and collieries (Denby and Kilburn pits) to the Derby Canal Wharf. Evidence of the canal can still be seen near the B6179 Alfreton Road. Para. 8.3.4. It is assumed that the potential construction compound at Little Eaton junction would avoid impacts upon boundary vegetation and areas of biodiversity interest. A temporary crossing structure would be installed to enable access over the former Derby Canal to avoid any direct effects on the feature.

Gazetteer of Heritage Assets (extract):

Asset Number	Reference	Junction	Site Type	Description	Period	Value
A13	99010	Little Eaton	Canal	Derby Canal, Little Eaton branch Canal that was opened in 1795.	Post-medieval	Low

Given the above, the PEIR assesses that the former Derby Canal would not be significantly affected by the Scheme, namely during the construction phase due to access into the proposed construction compound being provided via a temporary bridge. Nevertheless, the Scheme impacts upon the former Derby Canal will be re-evaluated and reported within the ES which will be submitted as part of the DCO application.

Regarding our proposed means of communicating the final location of the site compound and access – whilst we have to ensure there is adequate provision in our DCO application for temporary areas required by the contractor for construction compounds and the like, the final decision of which areas will actually be used and the means of accessing them will lie with the contractor who will construct the Scheme. We expect to appoint the contractor this year so once they begin to plan how they will deliver the Scheme we will be in a better position to be able to provide further information. We would hope to keep the community updated with the Scheme as it progresses with updates on the project website and through our regular newsletters.

4.2.17 **Breadsall Action Group** made comments on a technical note for the Little Eaton junction indicative mitigation proposals. Do not support the preferred route finding it to be based on “*the flawed interpretation*” of the 2003 consultation when they state that 329 objections were counted as one objection. They wish to continue to engage with the project team and would like the team to present the draft final mitigation proposals to them prior to the submission of the DCO application. This they say, will allow them to inform interested parties and allow views to be aired. They state that the red line drawing on page two indicates that to the south west of the roundabout in the field with the balancing ponds, additional planting and screening would be possible within the proposed land take area. They add that to the west of the southbound off slip to the A61 additional planting/screening would be possible without the need to remove existing trees. They strongly support the removal of the 12m high lighting column (3.1.2) which they state will be visible from many Breadsall residences. They note that the document does not mention gantries or electronic road signs and query whether any are planned. They state these are visually intrusive and due to their height, can be difficult to shield. They support proposal 3.1.3 but ask that their comments about planting and screening in the land take areas cited earlier are incorporated into the landscape design. They would welcome more details on the planting (types of proposed trees/shrubs) suggesting evergreens as deciduous planting (common along the



A38) is effective in the summer but not in winter months. They seek clarity on the location of woodland and shrubs and suggest woodland planting on the A61 slip road embankment from Dam Brook southwards.

- 4.2.18 The Response to Breadsall Action Group is as follows: The landscape design in the area south-west of the junction has been amended to increase screen planting along the southern sections of the new A38 embankment. The landscape design along the A61 off slip has been amended to include screen planting, species rich grassland, integrated around the realigned Dam Brook.
- 4.2.19 Lighting columns on the A38 mainline have been removed from the Scheme design. It is noted that lighting columns would be required at the new at-grade roundabout and the approaching slip-roads. No gantries or electronic road signs are proposed at Little Eaton junction. Further details of the planting species will be provided on the landscape design drawings.
- 4.2.20 The woodland mix included in the design contains a percentage of evergreen shrubs 'Ilex aquifolium' that would provide additional winter screening. Evergreen trees have not been included within the mix as there are no such native evergreen trees in the area. A revised landscape design has been prepared and will be available for inspection.
- 4.2.21 Additional noise modelling has been undertaken such that proposals for noise barriers have been confirmed. These locations will be clearly identified on the Scheme design drawings. The noise barrier on the southbound carriageway extends from the A61 slip road diverge to the edge of the A38 over-bridge. The noise barrier on the southbound diverge slip road to the A61 extends just south of the water works underpass all the way to the southern tie in with the A61. The Scheme design now includes noise/screening barriers that are 2.5m in height at Little Eaton junction. Low noise surfacing would be used throughout the Scheme.
- 4.2.22 Hydraulic modelling has been undertaken including the Dam Brook diversion works and associated culverting. The Scheme would not have any adverse effects on flooding in the area.
- 4.2.23 A meeting with this group will be arranged ahead of the DCO application.
- 4.2.24 **Derby Cycling Group** state they are pleased that this project has a dedicated Non-Motorised User team and "*that it is clear from the plans to date and from talking with the team that delivering good quality local routes, to enable people to travel in the vicinity of the A38 without a car is an important objective of the project.*" They state they are pleased that all existing cycling and walking routes will be retained with the exception of the uncontrolled crossing over the A38 between Thurcroft Close and Greenwich Drive North and that the "curly bridge" linking Markeaton Street with Markeaton Park will be replaced with a new bridge.

- 4.2.25 They support a new route being built across the new A38 over-bridge on Kingsway to link the Manor Kingsway development with Mackworth as a route to school and are pleased that the walkers and cyclists crossings over the Little Eaton and Markeaton junctions will all be signal controlled. They add that more could be done to create continuous, segregated, direct, off-road, cycle routes alongside and across the A38 and its slip roads to such a standard that children are able to use them to cycle and walk to school.
- 4.2.26 They are seeking a pledge to keep current cycle routes open to everyone at all times during the construction phase of the project and to make it part of all contractor's contracts that their vehicles be fitted with the latest appropriate cyclist safety equipment and that the fitment of such equipment is monitored and enforced at all project sites. They feel more needs to be done to give cyclist and pedestrians *"full protection in all places by giving them an opportunity to gain priority to cross the road."* They look forward to working *"proactively and constructively with the project team to develop really outstanding facilities for people who would like to travel in the vicinity of the A38 Derby Junctions by bike or on foot."*
- 4.2.27 The responses to the comments made by Sustrans below are also applicable to the above comments by Derby Cycling group.
- 4.2.28 **Sustrans** explained their role and aims. They believe that this funding should be reallocated to sustainable modes as this would alleviate many of the issues identified. They state that Derby needs fewer vehicles travelling on its roads not more and cite the need to ensure that it is even easier to walk and cycle across the A38 than at present. Their overall position is that *"we cannot build our way out of a problem by increasing road capacity for motorised vehicles. Therefore Sustrans would want to see the funding allocated to this Scheme to be used to dramatically improve the local walking and cycling provision and improve public transport."*
- 4.2.29 Should the Scheme go ahead they state that the quality of the provision for active travel should be maintained during construction and significantly improved upon completion. There should be walking and cycling segregation and all active travel routes should meet the minimum accepted best practice design standard for shared use paths. All contractor vehicles should have the latest available technology to ensure the safety of vulnerable road users. They state that all crossings should have user operated lights to control traffic. They note some concerns with the Scheme namely that they do not support the increase in speed limit to 50mph and that some of the slips are shown as having two lanes, which they view as excessive as it encourages speeding; these should be reduced to one lane. They would like to know when the projected increase in numbers and speed of motorised vehicles means that the poor air quality returns to its current levels.

- 4.2.30 Their response makes a number of suggestions for each junction. For the Little Eaton flyover they note approval of user activated lights at the toucans on the slip roads which form part of route 54 of the National Cycle Network (NCN). They seek assurances that during construction there will be no severance of NCN R54 and user lights will be retained. When the current tunnel under the A38 is moved they wish to see this made into a walking cycling route linking Ford lane to Haslams lane. They wish to see an active travel link between the tunnel and NCN R54 along the city/ southern side of the A38 citing this as being essential as the northern side of the A38 will not be altered and it is too narrow for a shared use path by national standards. They wish to see improvements to the active travel links to Little Eaton and the delivery of user activated lights to provide a safe crossing across the A61 linking NCN R54 to Breadsall.
- 4.2.31 For the Markeaton junction they are pleased to see it will be fully signalised with toucan crossings on the roads approaching the roundabout. They add that there should be user operated lights on the slip road leading onto the A38 from Kedleston Road as this is a heavily used route as it leads to the University of Derby and Markeaton Park; they state this is essential. They raise concerns about how site traffic will access the site compound that has been identified at the top of Markeaton St. as "*no solution seems ideal*" and suggest that an alternative site is found. They state that Markeaton Street is too narrow, two of the three fields are protected by Village Green status and a link onto the A38 would have to cross a key walking and cycling route alongside Queensway.
- 4.2.32 They would like to see a segregated cycle route along the whole of Ashbourne Road on both sides of the roundabout and the cycle routes alongside Queensway/A38 need to be upgraded to segregated routes that meet national standards. They add that the replacement spiral bridge needs to be 3.5m wide and to ensure that the positioning and angle is suitable to active travel users. They cite significant concerns over the junction for active travel users entering Markeaton Park from Ashbourne Road adding that there needs to be provision across the junction with the petrol station/McDonald's entrance. They suggest that the position of the crossing of Ashbourne Road could be the city side of the junction so avoiding crossing the entrance to the petrol station.
- 4.2.33 For the Kingsway junction they welcome the addition of a route the links Kingsway to NCN R54/68. They add that there must be user controlled lights on all sections where users are crossing roads, in particular on slip roads. They explain that this route above will link the new housing at Kingsway with Brackensdale Primary school and that the safety of active travel users to a primary school must require signalised crossings on the slip roads. They add that they want to see a cycle route that links Kingsway and Markeaton Roundabout along the north side of the A38. The route could be found if the A38 was two lanes and not the proposed three lanes each way. Even if it is three lanes, it is important to have a cycle route on the north side of the A38 where we currently have Greenwich Drive North.

- 4.2.34 The response to Sustrans is as follows: It is a central Government policy decision to increase road capacity. The final scheme will improve on the existing provision for walkers and cyclists and most proposed crossings are to be signal controlled. Uncontrolled crossings will be provided where traffic flow is low. Shared pedestrian/cycleway facilities are generally provided with a minimum width of three metres wherever possible.
- 4.2.35 Highways England's contractor for the Midlands has indicated that vehicles will have the latest available technology to ensure the safety of vulnerable road users. Two lane slip roads are proposed where traffic flows require it; only providing one lane in these locations would result in congestion. Operating at 40mph would erode some of the Scheme's economic benefits. With improvements to vehicle emissions, it is anticipated that air quality will continue to improve in the future.
- 4.2.36 The pleasure with the provision of user activated lights at the Toucans on the slip roads which form part of Route 54 of the NCN is noted. It is the intention that all routes are kept operational during the construction works however, some local diversions could be required. The team is working with Derwent Valley Heritage Cycleway team regarding the potential new route linking Ford Lane to Haslams Lane.
- 4.2.37 The proposed active travel link between the tunnel and NCN R54 has been investigated and unfortunately it is not a feasible option. This is due to the limited distance between the railway bridge and the underpass. This, together with the height of the embankment, would require ramps that would be unacceptably steep. The suggested improvements to the active travel links to Little Eaton are beyond the scope of the junctions improvements Scheme. Derbyshire County Council would need to provide this.
- 4.2.38 The delivery of user activated lights across the A61 linking the NCN R54 is beyond the scope of the junctions improvement Scheme. However, Highways England has secured funding separately and a crossing is now planned. The pleasure with Markeaton roundabout being fully signalised with Toucan crossings is noted. The installation of user operated lights on the slip road leading onto the A38 from Kedleston Road is beyond the scope of the junctions improvement scheme. Derby City Council would need to provide this. The site compound at the top of Markeaton Street is no longer being pursued.
- 4.2.39 The segregated cycle route along the whole of Ashbourne Road on both sides of the roundabout is beyond the scope of the junctions improvement Scheme. Derby City Council would need to provide this. The need for the replacement spiral bridge to be 3.5m wide and the positioning and angle suitable to active travel users is noted. There will be signalised controlled crossings at the signalised junction with the filling station as well as on the west side of the new main signalised roundabout providing ample opportunities for pedestrians and cyclists to cross the A52.

- 4.2.40 The welcoming of the Kingsway link to NCN R54/86 is noted. The south facing slip roads at the Kingsway junction have uncontrolled crossings as the forecast traffic flow is quite light. There is a safe route from the new housing at Kingsway to Brackensdale School. There will be a signalised crossing of the A5111 then the existing footway/cycleway on the east side of the A38 would be used and the A38 would be crossed using the Brackensdale Road under-bridges. Three lanes between Markeaton and Kingsway are essential for the Scheme. A dedicated cycleway cannot be placed on Greenwich Drive North due to lack of space. It will be necessary for cyclists to ride on the road if they wish to stay on the north side of the A38.
- 4.2.41 **Intu Derby** provides details about the organisation and the footfall it attracts (23 million annually). It welcomes the investment this Scheme brings to the region being aware of the need to address congestion and delays at the three junctions. If delivered correctly, they support the overall aims and long term intentions of this Scheme. Whilst recognising the benefits the A38 Derby Junctions Scheme will bring once operational, they cite concern regarding the traffic impacts which will arise during the construction period.
- 4.2.42 They seek reassurance that other major road Schemes currently underway e.g. the M1, M42/A42, A52 upgrades will have been completed prior to the A38 works commencing as they do not wish the future impacts of the A38 works to be further compounded by other Schemes on the network over-running. They deem disruption and delays inevitable during construction for customers and staff as the A38 is a key route to/from, and bypassing, Derby. They raise concerns that these works may lead to severance for large parts of their catchment area – *“the works at Markeaton Island will impact upon customers from Mackworth and the A52 corridors towards Ashbourne and the southern Peak District, whilst the Little Eaton works will affect customers from our northern catchment areas.”*
- 4.2.43 In addition they highlight great uncertainty over the knock-on effects of the A38 works on the local road network, as traffic which would normally use the A38 finds alternative routes to avoid the roadworks. There is a danger this could result in gridlock, especially given the city’s road network is already at capacity during peaks times.
- 4.2.44 Given their own learnings from other major road upgrades – A1 Western Bypass, M25/A13, M60 Smart Motorways - as a major trip generator, they request to be consulted from the outset, to be involved when a traffic management plan for the A38 Scheme is developed. They wish this to commence at the earliest possible instance to minimise/mitigate impacts of the A38 works on their Derby’s operations. In addition they request that Highways England establishes a business stakeholder group which meets regularly to disseminate updates on progress and receive feedback on any issues arising. This engagement should continue throughout the construction period.
- 4.2.45 During the planning and construction programme, they urge a realistic level of contingency be included; as their experience shows works of such a complex nature tend to overrun, which then generates further negative press and is difficult for our retailers to plan their operations to a satisfactory level.

- 4.2.46 They suggest that wherever possible, elements of the works with the most significant impact on road users should be planned so that they do not coincide with peak trading times (e.g. Christmas). Options to undertake overnight works on the live highway should be explored to reduce the impacts on existing road users but we would request that any road closures are advertised as beginning at 2100, if not later, subject to the scheduling requirements for mobilising/demobilising plant and personnel.
- 4.2.47 They state that previous highways Schemes have resulted in a prolonged period of reduced footfall as customers avoid travelling to their centres whilst works were underway. To help minimise this impact, they request that Highways England and their contractors work with stakeholders, including ourselves, to develop a comprehensive communications plan and look to fund a series of alternative transport opportunities, maybe through working with the local bus and trains companies, all to ensure the travelling public know they can access Derby throughout the construction period. They suggest that prior to the construction period, Highway England's communications team should engage with the local media to project a positive message about the works, so customers will understand Derby city centre is still 'open for business' and accessible whilst the A38 works are underway.
- 4.2.48 The response to Intu Derby's comments follow: There should be no other major strategic construction Schemes being carried out simultaneously with the A38 Derby Junctions Scheme. These concerns are recognised and every effort will be made to keep the traffic flowing during the construction period. The contractor will be required to prepare a detailed traffic management plan to achieve this. It is normal practice for a Scheme of this scale for the contractor to appoint an individual who will liaise with the local community and businesses. The traffic management plan and the community liaison officer will address these concerns.
- 4.2.49 **Road Haulage Association** supports this scheme to improve journey time, improve traffic flows and reduce congestion. They highlight the importance of good traffic management and in particular the positioning of road signs. They add that emergency refuge areas should be considered and clearly marked as such. They support the use of a flyover citing it as being key to reducing conflict between vehicle types manoeuvring around the junction. They would like to see fluidity at the junction as reducing the need to stop reduces fuel consumption and air pollution.
- 4.2.50 They state the importance of the A38 as a strategic arterial route, for road freight, connecting the east and west of the country citing it is also a key resilience route. As such they deem it imperative that whilst construction works take place that road users are not subject to delays and free flow traffic must be maintained during construction. They state that where diversions are implemented during construction these must be clearly and properly signed. They add that the cost of delays to road users must be prioritised over construction costs stating that road users would prefer fast construction time and higher construction costs, over long construction and lower project cost. Metrics must relate to the cost of businesses

when delays occur, not relate to HE construction cost benefits. Road users are Highways England customers, not the other way round.

- 4.2.51 They add that where possible lay-by's and lorry parking facilities be provided and any redundant road space be used for this purpose. They state that appropriate electronic signage must be in place in the event of an incident to warn road users of hazard(s) and that vehicles carrying hazardous materials must be allowed to use this strategic corridor without restrictions. They state that tunnel height must be the same as motorway bridge heights to allow this route to be fully utilised as a resilience route.
- 4.2.52 These concerns are noted and the traffic management plan will address these issues.
- 4.2.53 **Woodland Trust** expressed concerns regarding the potential impact of the Little Eaton junction improvements on a veteran oak (grid reference: SK36483978) within close proximity to the surface water management ponds. They request a full root protection area adding that veteran trees are protected under the National Policy Framework paragraph 175c. They make reference to the comment in the PIER report that "*Any veteran trees that may be felled would be used to provide dead wood habitats for saproxylic (dead wood loving) species*" stating that "*...it is essential that no ancient nor veteran trees are lost to facilitate this scheme, and every effort is taken to ensure that any veteran trees set to be impacted are retained with a full root protection area in line with Natural England's Standing Advice.*" They add that development resulting in the loss or deterioration [of veteran trees] should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 4.2.54 The response to the Woodland Trust's comments are as follows: We note the concern that the oak tree (grid reference SK36483978) located to the south of the A38/A61 Little Eaton junction should be protected. This tree is located within our proposed A38 Derby Junctions scheme boundary, in an area that may be used for construction purposes and to the south of the area proposed for surface-water attenuation ponds and the diversion of Dam Brook. Highways England has confirmed that this tree will be retained and appropriately protected during the scheme construction phase; this includes protection of its root protection area (15 x diameter RPA).
- 4.2.55 **University Hospitals of Derby and Burton NHS Foundation Trust** cited letter to Gately Hamer where they made it clear that a large proportion of the access road on DR DC 0001 will be a staff car park by the end of 2018. This car park is an essential part in a number of developments on the site of the Royal Derby Hospital to create 90 additional patient beds and four additional operating theatres. The Trust have worked incredibly hard in conjunction with Derby City Council to lessen the impact of our traffic flows on the gyratory and the residents who live adjacent to the Royal Derby Hospital. To add further traffic to this area will affect the ability of essential medical staff to access car parking. This in turn will force staff to park on the hospital site and reduces the ability for patients to park and use the hospital and forces patients (and potentially some staff) to park on the surrounding streets and cause problems for local residents. The reason

we know this will happen because this is already happening and the additional car parking is to remove this problem. We are disappointed that this information we shared with Gateley Hamer seems to have been ignored. Provides contact details and planning reference numbers available on Derby City Council's planning portal.

- 4.2.56 Meetings have taken place with the respondent and following these meetings, the design has been modified to remove the access route across their land.

#### **Resident responses**

- 4.2.57 Resident 1 – lives locally to the proposed Scheme and is a frequent user of the route. Notes that the Scheme is needed to improve journey times and allow for increased traffic and queries what the intention is for the traffic when it reaches M1 junction 28. Feels that the issue there should be resolved prior to spending money on the Derby junctions.

**Response to Resident 1:** The A38 junction with the M1 at junction 28 is not part of the Scheme and any work at that junction would be assessed and prioritised against other Schemes.

- 4.2.58 Resident 2 – enquires if noise will be reduced on the Allestree/Ford lane side of the Little Eaton fly over. Has queries regarding Ford lane/A6 junction, if it will be signalised and how will this be communicated to residents. Questions the construction timeline, will the three roundabout improvements be made at the same time? Also, how will traffic will be kept moving while the work is being carried out?

**Response to Resident 2:** With regard to noise, detailed noise modelling has been undertaken to assess Scheme effects, including in Allestree – results are reported in the ES. Locations within Allestree would experience a negligible/minor increase or decrease in noise levels depending upon the location. Reference should be made to the ES for details. Discussions are taking place with the City Council regarding the potential signalisation of the A6/Ford lane junction. To keep the overall duration of the construction to a minimum, it is proposed to construct all three junctions at the same time. During construction, it will be a requirement to keep two lanes of traffic in each direction open during the busy times in order to keep traffic moving – the contractor will provide a detailed traffic management plan before construction commences.

- 4.2.59 Resident 3 – feels the Scheme is a waste of money. Also, expresses concern that the Scheme will increase air and noise pollution as well as negatively affecting views from Breadsall village. Respondent believes the road will not be fit for purpose and will have a lot of speed restrictions and accidents due to being substandard.



**Response to Resident 3:** With regard to noise and air pollution, detailed modelling has been undertaken to assess Scheme effects, including effects in Breadsall – results are reported in the ES. Due to the provision on noise/visual screening barriers, noise effects with Breadsall are anticipated to be negligible, whereas air quality effects would be imperceptible. Some views from Breadsall would be affected, although impacts would be minimised through the provision of an appropriate landscape screen planting. Details of mitigation proposals and environmental effects are provided in the ES. The Scheme will be designed to current standards and will be subject to a Safety Audit at several stages through the design and construction.

4.2.60 Resident 4 – lives locally very distressed as they believe Scheme will negatively affect their view due to loss of vegetation barrier. The respondent feels they and the residents of Greenwich Drive North have been ignored after they have not been privately consulted. Expresses concern over gantry signage directly outside of their house and instead propose this is erected 200m away in a non-residential patch. Requested a further private consultation. In addition expresses local road issues; including the new use for land at the bottom of Greenwich Drive North/Enfield Road and traffic flow issues if signals are not installed at local junctions. This respondent was replied to directly on 24 October 2018.

**Response to Resident 4:** While we always strive to minimise vegetation loss during the design of a Scheme, there will always be some unavoidable loss, as is the case along Greenwich Drive North. During the detailed design, we will endeavour to maximise the available space between the main A38 route and Greenwich Drive North in order to permit replacement landscape planting. As a minimum we would expect to be able to include climbing vegetation (which could be designed to climb over and cover an environmental barrier), but we would hope to be able to provide more wherever possible. As the A38 and Greenwich Drive North are at a similar level near to your property, it is possible that that there would be no need for a retaining wall outside number 28, so freeing more space for planting.

The locations and types of environmental barrier to be used in the Scheme are still under consideration and we will progress this aspect of the design when we have studied all the responses to the statutory public consultation. You will note that question 13 of the consultation questionnaire asked “*Do you have any comments regarding whether noise barriers should be provided along both sides of the A38 mainline between Windmill Hill Lane and Markeaton junction, and the type of barrier? Details of the noise barriers can be found in the consultation brochure and the PEIR.*” We will make a final decision on the type and appearance of any barrier when the views of those affected have been properly considered.

I note your request for a meeting with residents from Greenwich Drive North and the bottom of Enfield Road. Before responding to this request, we have first needed to give other residents the opportunity to comment on our scheme proposals. Now that the consultation period has ended, we will consider what other local people have said about the scheme and will let you know in the near future how we propose to take your suggestion forward.

You were also concerned about gantry signage close to your property. Gentries are placed at prescribed locations in relation to junction positions, but at this stage the gantry positions we have shown are indicative only; the exact locations will be determined by the later detailed scheme design. It may be worth noting that gantry-mounted signs have been adopted in preference to verge-mounted signs as they are considered less obtrusive. Verge-mounted signs are much larger and require extensive verge-side vegetation clearance to provide visibility. Gantry-mounted signs also provide added safety benefits to the road user in locations where there are closely spaced junctions such as on the A38.

You raised some further issues at the end of your e-mail of 23 September. I would comment as follows:

- *We recognise your concerns over the junction with Kingsway Park Close and are currently recommending that this should be signalised, as you suggest.*
- *The other issues you mention fall outside the scope of the Highways England scheme and are for Derby City Council to consider. We will let the City Council know of your concerns over these matters.*

Your second e-mail requested a noise assessment for your property. I confirm that we will complete an initial noise assessment to identify all those residential properties which are likely to qualify under the Noise Insulation Regulations 1975 as part of our current scheme assessment work. The results will be summarised in the ES that we submit to the Planning Inspectorate with our application for a DCO for the Scheme.

A full noise assessment is outside the scope of the ES and would normally be completed either at the detailed design stage or during construction, once the design of the Scheme along with mitigation measures has been fully finalised; such an assessment may even be completed after the opening of the scheme. The 1975 Regulations require us to publish a list of properties qualifying for noise insulation within six months of the scheme opening. However, we would normally aim to publish the list before the start of construction works, so that any insulation measures can be put in place to provide a benefit during the works. Please rest assured that we will contact you again at the appropriate time regarding our noise assessment.

- 4.2.61 Resident 5 – Respondent requests noise insulation assessment for their home at Greenwich Drive North as they believe the Baseline Noise Monitoring Report from 2015 showed their home to have high noise readings. Feel they will be directly affected by increased noise levels with the removal of the vegetation barrier.

**Response to Resident 5:** With regard to noise, detailed noise modelling has been undertaken to assess Scheme effects, including at Greenwich Drive North. A 1.5m high noise barrier has been included in the Scheme between Brakensdale Avenue bridge and Markeaton junction, such that properties on Greenwich Drive North would experience a minor decrease to minor increase in noise levels (depending upon the property location). Details are reported in the Environmental Statement.

- 4.2.62 Resident 6 – supports the introduction of traffic lights at the Ford Lane junction with the A6 to include a controlled pedestrian crossing. Suggests re-modelling the junction to include lay-bys for buses to stop. Also, believes it would be beneficial to block vehicular access to the ‘dead end’ at Ford Lane to prevent fly tipping or mis-use. Has an interest in the land use near their property, overall support for the scheme.

**Response to Resident 6:** Discussions are taking place with the City Council regarding the potential signalisation of the A6/Ford lane junction.

- 4.2.63 Resident 7 – respondent claims they have not received the consultation materials and wants to receive this information.

**Response to Resident 7:** All the consultation materials are available on the Scheme website

- 4.2.64 Resident 8 – feels the online questionnaire is not suitable as you can’t skip questions. Believes improvements on Burton M1 need to be made alongside this Scheme to reduce traffic delays. Raises safety concerns at these slip roads as a regular user they find them inadequate.

It is not clear what the respondent is referring to with the ‘Burton M1’

- 4.2.65 Resident 9 – generally pleased with the proposals set out. Concerns of local traffic joining the faster moving traffic and questions why the 50mph speed limit cannot be extended to the A6 junction. Believes there is a safety issue northbound A6 to A38 traffic is joining with a restricted view, left- hand bend when looked at over the drivers right hand shoulder. The respondent feels that the junction was designed for lower traffic levels and lower speeds and this was not covered in the consultation material.

**Response to Resident 9:** The section of the A38 the respondent is referring to is outside the scope of the Scheme. However, the issue of poor visibility for traffic joining the northbound A38 from the A6 has been raised the Highways England’s maintenance team to address.

- 4.2.66 Resident 10 – respondent would like the design at Little Eaton roundabout to allow for segregation between pedestrians and cyclists. Outlines safety concerns at Little Eaton due to the sub-standard, narrow path, believing a fatality is inevitable. Welcomes the user controlled traffic lights to cross the A38. Raises another safety concern for cyclists and pedestrians at Alfreton Road.

**Response to Resident 10:** Narrow footway/cycleway adjacent to the A61 on the south side of the Little Eaton junction is outside the scope of the Scheme and is the responsibility of the County Council. However, we understand they plan to widen this in the near future (ahead of the junction improvement scheme); also, Highways England has secured separate funding for a signal controlled crossing of the A61 near to Croft Lane.

4.2.67 Resident 11 – proposes a statement sculpture. Believes it will benefit Derby and Little Eaton.

**Response to Resident 11:** This is not in the scope of the Scheme and could not be promoted as part of the Scheme as the land required could not be seen as essential for the scheme so would cause planning issues.

### 4.3 Regard to responses (in accordance with s49 of the PA 2008)

4.3.1 S49 of the PA 2008 imposes a duty on the applicant “to have regard to any relevant response” received under s42, s47 or s48 of the PA 2008 within the specified deadline. Responses to questionnaire attachments and resident responses are provided under each comment and Annex O provides responses to other consultees.

4.3.2 Highways England has shown regard to all other issues raised during the statutory consultation, in accordance with s49 of the PA 2008. Where issues were raised during the consultation, Highways England has sought to accommodate design changes. **Annex O** includes the tables for evidencing the regard had to consultation responses in accordance with s49 of the PA 2008.

4.3.3 **Table 10** shows numbered changes to the Scheme, which are cross-referenced to responses received during the consultation and identified in the tables evidencing the regard had to consultation responses (in accordance with s49 of the PA 2008) provided in **Annex O**.

**Table 10 Summary of Scheme changes as a result of the statutory consultation**

No.	Location	Element of the Scheme which has changed	Reason for design change
1	Kingsway Junction	Uncontrolled crossing of Kingsway Park Close link to become signalised	The amendments are included in response to consultation including comments from the public as well as from Derby City Council.
2	Kingsway Junction	Noise barrier along the back of properties on Cheviot Street (along back of footway on Kingsway Park Close)	Design development on completion of the noise assessment work.

No.	Location	Element of the Scheme which has changed	Reason for design change
3	Between Kingsway and Markeaton junctions	Inclusion of noise barrier adjacent to NB carriageway to protect properties along Greenwich Drive North	The amendments are included in response to consultation. This was supported by the majority of respondents that express a view on the issue.
4	Between Kingsway and Markeaton junctions	Inclusion of noise barrier between Brackensdale Avenue and Windmill Hill Lane adjacent to SB carriageway	The amendments are included in response to consultation. This was supported by the majority of respondents that express a view on this issue.
5	Little Eaton junction	Inclusion of noise barrier adjacent to SB carriageway of main line (from the back of diverge slip road nose to north junction underbridge)	The amendments are included in response to consultation. This was supported by the majority of respondents that express a view on this issue.
6	Little Eaton junction	Inclusion of noise barrier adjacent to SB diverge slip road	The amendments are included in response to consultation. This was supported by the majority of respondents that express a view on this issue.
7	Little Eaton junction	Inclusion of noise barrier adjacent to NB carriageway of main line (from railway bridge to south junction underbridge)	The amendments are included in response to consultation. This was supported by the majority of respondents that express a view on this issue.
8	Little Eaton junction	Lighting removed from A38 main line through the junction	The amendments are included in response to consultation to reduce visual impact (following appropriate safety assessment work).

4.3.4 Issues raised on more than one occasion during consultation, but which did not result in changes to the Scheme are presented in **Table 11** along with a justification for the approach.

**Table 11 Elements of the Scheme not changed as a result of the statutory consultation**

No.	Element of the Scheme & issue raised in consultation	No design change as a result of consultation response
<b>Scheme design</b>		
1	Q15 of the consultation questionnaire relates to the closure of the existing uncontrolled crossing of the A38 near Thurcroft Close. A small number of respondents suggested it should be replaced by a footbridge or underpass.	Over 160 respondents replied to this question and a large majority agreed with the scheme proposals. Only a small number (13) suggested that it should be replaced with a bridge or underpass. It is felt that this can't be justified on the grounds that the usage of the current crossing is quite low and there are safe alternative crossing points included in the scheme design.
2	For Kingsway junction, many respondents were of the opinion that the Scheme should address the issues currently experienced at the Kingsway Retail Park (as there are a lot of delays here at present)	This is beyond the limit and scope of the Scheme – DCiC is aware of this issue and it is their responsibility to resolve. DCiC has been made aware of the consultation responses in this respect.
3	Several respondents suggested an additional footbridge should be included at Markeaton junction (or on the A52 west of the junction, beyond the Scheme limit) to improve pedestrian and cyclist access to Markeaton Park.	An additional footbridge could not be justified particularly as there would be a footbridge across the A38 300m north of the junction and signal controlled crossings on all arms of the proposed roundabout at the junction.
4	Several respondents from Mackworth suggested that Greenwich Drive North should be connected to Brackensdale Avenue (as it did in the past) to compensate for closure of the local accesses onto the A38 from Mackworth. This would benefit the access to the Greenwich Gardens Sanctuary Retirement Home.	This issue has been discussed with DCC as Local Highway Authority and they were not supportive of this suggestion as it would attract more traffic onto the minor residential roads.
5	Two respondents suggested that Markeaton junction should be a 'Diverging Diamond' type junction as they believed it would produce a more free-flowing arrangement.	Such an arrangement would be novel in the UK and would be subject to high level of approval and sign-off. It would also require more space for the A52 lanes to 'swing out' before crossing over so potentially requiring more land take and property loss. It is considered to be a complex alternative that would offer no great improvement over the proposed option.

No.	Element of the Scheme & issue raised in consultation	No design change as a result of consultation response
6	A few people expressed concern over the new access to Markeaton Park off the A52. They suggested the existing access off the roundabout should be retained as they believed traffic waiting to turn right into the park off the A52 would block the A52 causing queues back onto the main Markeaton junction.	The proposed arrangement would be for a signal controlled junction with a lane for right turning traffic to wait thus allowing straight-on traffic to pass. Also, the signals would be linked to the main junction signals.

## 5. Conclusion

### 5.1 Compliance with advice and guidance

- 5.1.1 The DCLG Guidance on the pre-application process (version 26 March 2015) has been followed during the statutory and further consultation as appropriate. **Table 12** presents evidence of compliance.

**Table 12 Compliance with DCLG guidance on the pre-application process**

Paragraph	Requirement	Evidence of compliance
17	When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for purposes of consultation.	<p><b>Non-statutory Consultation 2015</b></p> <p>The consultation materials consisted of a brochure and questionnaire which was clear it was for the purposes of consultation. A copy of the brochure and questionnaire can be found at <b>Annex A</b> of this report.</p> <p><b>Statutory Consultation 2018</b></p> <p>The consultation materials consisted of a brochure and questionnaire which clearly stated the Scheme name and that the status of the document is for consultation. For example, the statutory consultation brochure states on its cover “A38 Derby Junctions Scheme – Statutory Public Consultation”. A copy of all materials used can be found at <b>Annex K</b> of this report.</p>
18	Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties.	<p><b>2015 &amp; 2018 Consultation</b></p> <p>All major stakeholders have been involved throughout the option identification, selection and development of the Scheme as evidenced in this report.</p> <p>Regular meetings (detailed in <b>Chapter 3</b> of this Report) have taken place with DCiC and DCC (as the host authorities most impacted by the Scheme) to discuss the Scheme design and ongoing consultation.</p> <p>Meeting have been undertaken with EBC who are now acknowledged and have been engaged with as a host authority alongside DCiC and DCC. Host authorities were consulted on the SoCC.</p> <p>Local and Parish Council that were engaged with include Amber Valley Borough Council, South Derbyshire District Council, Breadsall Parish Council and Little Eaton Parish Council.</p> <p>Meetings have been undertaken with key stakeholders including Esso, McDonald’s, Royal School for the Deaf Derby, Keir Partnership, University of Derby, Kingsway</p>



Paragraph	Requirement	Evidence of compliance
		<p>Hospital, Royal Derby Hospital, Euro Garages and Derby Garden Centre.</p> <p>Further details about the ongoing engagement with key stakeholders outside of the statutory consultations advertised periods can be found in <b>Chapter 2</b> of this Report.</p>
19	<p>The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the 6 months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues.</p>	<p>In accordance with the PA 2008 and related guidance on the pre-application process, consultation with all consultees and interested parties have been identified and had good opportunities to make their views known.</p> <p>As shown in <b>Chapters 2 and 3</b> of this Report Highways England has engaged in dialogue with these parties to consider as far as possible the issues raised and sought to reach agreement wherever possible.</p>
20	<p>Experience suggests that, to be of most value, consultation should be:</p> <ul style="list-style-type: none"> <li>• Based on accurate information that gives consultees a clear view of what is proposed including any options;</li> <li>• Shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and</li> <li>• Engaging and accessible in style, encouraging consultees to react and offer their views.</li> </ul>	<p><b>2015 Consultation</b></p> <p>The consultation brochure and questionnaire clearly set out the design features, layout and location. The questionnaire reflected the brochure to help consultees in providing feedback to the Applicant copies of these can be found in <b>Annex A</b> of this Report.</p> <p>Three options were presented at the non-statutory consultation held from 2 February and 13 March 2015. This informed the identification and refinement of a preferred option with the detail set out in Chapter 2 of this report.</p> <p>The 2015 consultation commenced well in advance of the DCO application date to allow time for consultees to influence the Scheme proposals.</p> <p><b>2018 Consultation</b></p> <p>The consultation brochure, questionnaire and display banners clearly set out the design features, layout and location. The questionnaire reflected the brochure to help consultees in providing feedback to the Applicant copies of these can be found in <b>Annex K</b> of this Report.</p> <p>The Preferred Route alignment was developed to sufficient level of detail and accuracy to provide a clear representation of what was proposed.</p>

Paragraph	Requirement	Evidence of compliance
		<p>The statutory consultation sought views on this preliminary design.</p> <p>All consultation materials were reviewed and edited by the Highways England Communications team to ensure that content was engaging and accessible.</p>
25	<p>Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.</p>	<p>In addition to the DCLG guidance on pre-application consultation, Highways England has followed its own consultation protocols as well as drawing upon Planning Inspectorate guidance (Advice Note three: EIA Notification and Consultation, Version 7 (August 2017). The consultation report, compiled in accordance with the Inspectorate, Advice Note fourteen: "Compiling the consultation report", Version 2 (April 2012), demonstrates that the Consultation was thorough, proportionate and effective using Highways England's experience and specialist resources to support this process.</p> <p>Highways England has adopted a thorough approach to consultation on the A38 Derby Junctions Scheme. As set out in section 2 of this report significant consultation has been undertaken and a number of options were considered before a preferred option was selected, that was subsequently taken forward into the statutory consultation. This has been effective in being able to demonstrate that the views of affected parties have been taken into account. In respect of providing sufficient time for responses, Highways England always seeks to provide more time to respond to statutory consultation than the minimum 28 days laid down in the Planning Act 2008. In this respect, statutory public consultation was undertaken over a period of six weeks, with all section 42 consultees being afforded being afforded the full six weeks within which to respond. In addition, where there were returns of letters, or ambiguity about addresses, certain consultees were re-notified and provided 35 days to respond.</p> <p>The consultation was designed to enable people to gain a good understanding of the Scheme through different media such as the brochure, large plans displayed at the consultation venues, 3D visualisations, and 'fly-through' images as well as having technical experts available to answer detailed</p>

Paragraph	Requirement	Evidence of compliance
		<p>questions. Engagement with individuals was via email, letter, phone call and individual meetings held, in accordance with the individual wishes of each consultee.</p> <p>In addition to the actual statutory and non-statutory consultations Highways England has held 1:1 meetings with a variety of stakeholders throughout the process in order to ensure their comments were fully understood.</p>
26	<p>The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed. Section 47 in the Planning Act sets out the applicant's statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.</p>	<p>Highways England has followed the PA 2008 and associated guidance in this pre-application stage to consult with the prescribed bodies and groups of people as detailed in this report.</p> <p>Highways England has followed Inspectorate guidance (Advice Note three: EIA Notification and Consultation Version 7, Department for Communities and Local Government and The Planning Act 2008: Guidance on the pre-application process (March 2015)).</p> <p>A consultation exhibition van was used from October 2018 as an additional exhibition at a prominent location (The Kingsway Retail Park) as part of the statutory consultation.</p> <p>In preparing the SoCC for the s47 consultation Highways England consulted DCiC, DCC, EBC, Amber Valley Borough Council and South Derbyshire District Council. Changes to the SoCC were made in light of comments received and these are set out in <b>Section 3.2.16</b> of this report.</p>
27	<p>The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent</p>	<p>The statutory and prescribed consultees are listed within <b>Annex G</b> and an updated list for the further consultation is provided in <b>Annex N</b>.</p> <p>Early discussions were held, and are ongoing, with the relevant consenting bodies such as Natural England and the Environment Agency in order to establish the</p>

Paragraph	Requirement	Evidence of compliance
	<p>regimes where, under section 120 of the PA 2008, decisions on those consents can be included within the decision on a DCO. Where an applicant proposes to include non-planning consents within their DCO, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such non-planning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could be make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.</p>	<p>need for additional consents and permits and agree the approach to securing the necessary permissions i.e. whether this be included within the DCO or whether it be sought separately through the normal regime. Further information is provided on this issue in the Consents and Agreements Position Statement, separately submitted in support of the application.</p>
29	<p>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a</p>	<p>Early engagement with expert bodies has been actively sought and secured for their technical input from bodies such as Natural England, Environment Agency, the relevant Utility Companies and Highways operations. A full list of all communications can be found in <b>Annex A</b> of this report. Their engagement has led to development of the Scheme design.</p> <p>In light of the access disturbance to McDonald's and Esso, discussions/meetings have been held with the operators of each site, DCiC, Euro Garages and SCP Transport to consult on plans and access arrangements to meet technical and safeguarding matters. At these meetings the organisations have been made aware of the programme for the Scheme, keys dates for their input, and the DCO process.</p>

Paragraph	Requirement	Evidence of compliance
	<p>request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.</p>	
38	<p>The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.</p>	<p>As set out in <b>Section 3.2</b>, in preparing the SoCC Highways England undertook consultation with the relevant local authorities, guided initially by the requirements of the Planning Act 2008, but ultimately going beyond that. Before issuing the SoCC for comment as a formal consultation, Highways England had an informal meeting with the 'host' local authorities of DCiC, DCC and EBC. In addition to the host authorities, the neighboring authorities of South Derbyshire District Council and Amber Valley Borough Council were also invited and attended. This meeting was used as a direct opportunity to obtain comments on hard to reach groups, methods of consultation and consultation venues, reflecting the local knowledge and expertise held by those authorities. Following this meeting, the draft SoCC was shared for informal comment, was subsequently updated and all of the named authorities were consulted for the required 28-day period.</p>
41	<p>Where a local authority raises an issue or concern on the SoCC which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</p>	<p>There were no major issues of concern raised on the SoCC that were felt un-addressable.</p> <p>As detailed in <b>Table 2</b>, South Derbyshire District Council did suggest for parish councils in the A38 corridor (being Burnaston, Egginton, Etwell, Findern and Willington) to be included as consultees to be written to inviting feedback. Following further discussion, it was determined the best way to capture parish councils' comment would be for all comments to be provided through South Derbyshire District Council thus no changes were made to SoCC.</p>

Paragraph	Requirement	Evidence of compliance
50	<p>It is the applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and applicants should make every reasonable effort to ensure that the Book of Reference (which records and categories those land interests) is up-to-date at the time of submission.</p>	<p>Due diligence has been undertaken to identify all land interests and every reasonable effort has been made to ensure that the Book of Reference is up-to-date.</p> <p>The Book of Reference will be refreshed and updated throughout the course of the DCO Examination should the application be accepted.</p> <p>The Statement of Reasons [TR010022/APP/4.1] sets out clearly the land referencing methodology undertaken.</p> <p>A validation check between the final Book of Reference and the parties listed in <b>Annex H</b> detailing those consulted at s42 in 2018 revealed a few parties/ interests in land that were not consulted. A list of new or previously unknown land interests was updated during the consultation period which were not consulted at s42 is available in <b>Annex N</b>.</p>
54	<p>In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultation in their area.</p>	<p>An inclusive approach to consultation was designed to ensure that different groups have the opportunity to participate.</p> <p><b>2015 Consultation</b></p> <p>Advertising leaflets delivered to residents and businesses within the defined 500m consultation boundary. Use of promotional materials in local communal areas such as public libraries close to Kingsway, Markeaton and Little Eaton junctions were used to advertise the consultation. Social media platforms (Twitter and YouTube) and updates on the Highways England website, press releases were.</p> <p><b>2018 Consultation</b></p> <p>Scheme summary brochure provided to all key stakeholders including households and businesses within a 500m buffer area. Social media (Twitter) were used to advertise and broaden reach of consultation. Newspaper advertisement published, included the London Gazette and local newspaper The Derby Telegraph. Provision of all materials was made available on the Scheme website.</p>

Paragraph	Requirement	Evidence of compliance
55	<p>Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.</p>	<p><b>2015 Consultation</b></p> <p>A consultation options brochure and questionnaire were published for the non-statutory consultation. Public consultation events were also held in a range of locations. Copies of the consultation brochure can be found in <b>Annex A</b> of this report.</p> <p><b>2018 Consultation</b></p> <p>A further brochure and questionnaire were published for the statutory consultation with the preferred route. Public consultation events were also held in a range of locations. Copies of the consultation brochure can be found in <b>Annex K</b> of this report.</p> <p>These brochures summarised the proposals, the potential benefits, and impacts, and clearly stated what matters Highways England were seeking people's views on.</p> <p>All brochures were available as paper copies and online and the other consultation material was available on the website and at deposit points.</p>
57	<p>The SoCC should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The SoCC should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices)</p>	<p>The SoCC was finalised and publicised with full details of each of the consultation events and was made available online on the Highways England website and in hard copy form across all of the deposit point locations (which were themselves agreed with the local authorities in consulting on the SOCC) which were also identified in the SOCC. Copies of the SOCC (either in electronic or hard copy form) were also made available at each of the consultation events. A copy of the published SoCC is available in <b>Annex F</b>.</p>

Paragraph	Requirement	Evidence of compliance
	and sent to local community groups as appropriate.	
58	Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in the Regulations, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.	<p><b>Annex L</b> encloses copies of the newspaper and other related publications that were issued in accordance with section 48 of the 2008 Act. The timing of these adverts coincided with the commencement of the public consultation for the scheme and were undertaken strictly within the prescribed approach as set out within the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Part 4. This included:</p> <ul style="list-style-type: none"> <li>- Publication of a notice within the Derby Evening Telegraph that ran for at least 2 successive weeks</li> <li>- Once in the Guardian Newspaper</li> <li>- Once in the London Gazette.</li> </ul> <p>The published notice including all of the information prescribed under part 4(3) of the regulations.</p>
68	To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time consultees will need sufficient information on a project to be able to recognise and understand the impacts.	There was approximately three years between the close of the non-statutory consultation period and the publication of the preferred route announcement. This allowed significant time for the consultation responses to inform the preferred route selection and although the Scheme was placed on hold for a period during this time, there was also a significant amount of optioneering done during this stage, which also directly informed and influenced the preferred route announcement. The statutory consultation provided people with 42 days to view the Scheme consultation material, understand the impacts and respond to Highways England. There was a further six months from the close of statutory consultation on the 18 October 2018 to DCO submission for the team to refine the preliminary design of the Scheme in light of consultation responses.



Paragraph	Requirement	Evidence of compliance
72	<p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.</p>	<p>The statutory consultation was held between 7 September and 18 October 2018 allowed people six weeks to respond. There were a few late responses received by Highways England and these were also taken into account. See <b>section 3.1.1</b>.</p>
73	<p>Applicants are not expected to repeat consultation rounds set out in their SoCC unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all</p>	<p>To date, further consultation has not been deemed necessary.</p>

Paragraph	Requirement	Evidence of compliance
	<p>previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.</p>	
77	<p>Consultation should also be fair and reasonable for applicants as well as communities. To ensure that the consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.</p>	<p>The consultation undertaken was informed by a strategy of balancing the strategic benefits of the Scheme against localised impacts that may result. In this respect significant engagement was undertaken which sought to capture all relevant stakeholders from the local authorities to the local communities to businesses and those that work or travel through the area. This strategy was then articulated within the production of the SoCC which was produced in close consultation with both the host and neighbouring authorities (therefore going beyond the requirements of the Act). The consultation was delivered fully in accordance with the requirements of the SoCC.</p>
84	<p>A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are also likely to have identified a number of key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.</p>	<p>Highways England is satisfied that the Consultation Report and supporting Annexes provides sufficient detail in response to the relevant impacts identified in response to consultation. Highways England has met regularly with key stakeholders and PILs as appropriate to address specific issues. This engagement is ongoing.</p>

5.1.2 Compliance with the Inspectorate’s Advice note fourteen: Compiling the Consultation Report; is evidenced in the following table:

**Table 13 Compliance with the Inspectorate’s Advice Note Fourteen (Version 2, April 2012)**

Advice	Evidence of compliance
<p>Explanatory text should set the scene and provide an overview and narrative of the whole pre-application stage as it relates to a particular project. It would assist if a quick reference guide in bullet point form, summarising all the consultation activity in chronological order, is included near the start of the report.</p>	<p><b>Chapter 1</b>, Introduction, of this report provides an overview of the pre-application process as it relates to this Scheme. A summary of all the consultation activity in chronological order is found in Table 1.</p>
<p>The applicant should include a full list of the prescribed consultees as part of the consultation report.</p>	<p>This is in <b>Annex G</b> (Prescribed Consultees), <b>Annex H</b> (List of Land Interests) and <b>Annex N</b> (List of Targeted Consultees for Further Consultation).</p>
<p>A short description of how s43 of the Act has been applied in order to identify the relevant local authorities should be included. This could be supported by a map showing the site and identifying the boundaries of the relevant local authorities.</p>	<p>Local Authorities were identified as prescribed consultees in accordance with the Planning Inspectorate’s Advice Note two: “The role of local authorities in the development consent process” (Version 1; February 2015).</p>
<p>Where compulsory acquisition forms part of the draft DCO the consultees who are also included in the book of reference for compulsory acquisition purposes should be highlighted in the consolidated list of prescribed consultees.</p>	<p><b>Annex H</b> contains the full list of PILs consulted and those who in the Book of Reference, for the purposes of compulsory acquisition, are shown as Category 1 and Category 2 interests. Some parties in the Book of Reference were not formally consulted and are identified in</p>
<p>It would be helpful to provide a summary of the rationale behind the SoCC methodology to assist the SoS’s understanding of the community consultation and provide a context for considering how consultation was undertaken.</p>	<p>The rationale behind the SoCC methodology and how the two statutory consultations were carried out in compliance with the SoCC are detailed in <b>Chapter 3</b> of this Report.</p>
<p>Any consultation not carried out under the provisions of the Act should be clearly indicated and identified separately in the report from the statutory consultation. This does not necessarily mean that informal consultation has less weight than consultation carried out under the Act, but identifying statutory and non-statutory consultation separately will assist when it</p>	<p>Non-statutory consultation was undertaken between 2001 and 2002; and in 2015 and was associated with the options stage. This is set out in <b>Chapter 2</b> of this report.  The statutory consultation on the Scheme is associated with the pre-application phase (see <b>Chapter 3</b>).  The further consultation prior to DCO</p>

Advice	Evidence of compliance
<p>comes to determining compliance with statutory requirements.</p>	<p>submission was an amalgam of statutory and non-statutory consultation (see <b>Chapter 4</b>).</p> <p>The status of each consultation has been clearly identified in the consultation materials throughout.</p>
<p>The summary of responses, if done well, can save a significant amount of explanatory text. We advise that applicants group responses under the three strands of consultation as follows:</p> <ul style="list-style-type: none"> <li>• s42 prescribed consultees (including s43 and s44);</li> <li>• s47 community consultees; and</li> <li>• s48 responses to statutory publicity.</li> </ul> <p>This list should also make a further distinction within those categories by sorting responses according to whether they contain comments which have led to changes to matters such as siting, route, design, form or scale of the Scheme itself, or to mitigation or compensatory measures proposed, or have led to no change.</p>	<p>The summary of responses clearly distinguishes between the different categories of consultees, s42, s47 and s48 responses. Highways England has additionally clearly indicated where these responses resulted in changes to the Scheme, where mitigation measures are proposed or where no changes are proposed.</p> <p>For Statutory public consultation these can be found at <b>section 4.3</b> with regard to the responses set out in <b>Table 10</b> and where no changes made shown in <b>Table 11</b>.</p>
<p>A summary of responses by appropriate category together with a clear explanation of the reason why responses have led to no change should also be included, including where responses have been received after deadlines set by the applicant.</p>	<p>Where “no changes have been made following statutory consultation and reasons” are shown in <b>Table 11</b>.</p>

## 5.2 Conclusion

- 5.2.1 In conclusion, Highways England has fully met the statutory requirements of the pre-application process. This report describes the phased consultation process undertaken by Highways England in accordance with the PA 2008 and the SoCC issued for the statutory consultation stage.
- 5.2.2 As set out above, Highways England did consult with each of the host authorities in accordance with the requirements of the SoCC.
- 5.2.3 Non-statutory and statutory consultation served as the primary means of gaining feedback on the proposals and, where possible. The summary of these activities is set out in **Table 1** of this report. Throughout the consultation process Highways England has had regard to consultation responses and this is demonstrated in the development of the Scheme through the pre-application stage. These are set out in some detail in this report.
- 5.2.4 A summary of the changes made in response to the Statutory Consultation is summarised in **Table 10** of this report.