

**A38 Derby Junctions
TR010022**

**5.2 Annex O: Tables Evidencing
Regard had to Consultation
Responses (in Accordance with
S49 of the Planning Act 2008)**

Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2008

Infrastructure Planning

Planning Act 2008

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

A38 Derby Junctions

Development Consent Order 202 []

5.2 Consultation Report Annex O

Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008)

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010022
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Author	A38 Derby Junctions Project Team, Highways England

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1	April 2019	DCO Application

Annex O: Tables evidencing regard had to consultation responses (in accordance with s49 of the Planning Act 2008)

The tables below provide evidence of Highways England's regard to responses to the statutory consultation in accordance with s49 of the PA 2008. Each table summarises responses received, sets out whether a change has been made in response to it, and details Highways England's response and regard had to the consultation response. It should be noted that where multiple responses containing the same comment have been received, these are addressed at the same time in tables below. A separate table is included for each individual strand of statutory consultation (s42(1)(a)*, s42(1)(b), s42(1)(d) and s47 and s48) as presented below).

*Note that all local authority s42(1)(a) Schedule 1 Consultees are contained in the s42(1)(b) consultee table.

Statutory Consultation under s42(1)(a) of the Planning Act 2008 with Prescribed Consultees Consultation - - 7 September to 18 October 2018				
Topic Area and Consultation Responses:		Prescribed Consultee(s):	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response):
General issues				
General	<i>The Peak District National Park has no objections in respect of any potential impacts of the scheme on the National Park.</i>	<i>Peak District National Park</i>	<i>N</i>	<i>This is noted.</i>
General	<i>NATS anticipates no impact from the proposed changes to the A38 and has no comments to make on the DCO.</i>	<i>NATS LTD</i>	<i>N</i>	<i>This is noted.</i>
General	<i>ONR has no adverse comments.</i>	<i>Office for Nuclear Regulation</i>	<i>N</i>	<i>This is noted.</i>

Statutory Consultation under s42(1)(a) of the Planning Act 2008 with Prescribed Consultees				
Consultation - - 7 September to 18 October 2018				
Topic Area and Consultation Responses:		Prescribed Consultee(s):	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response):
General	<i>The Coal Authority confirms that the proposed development site is located outside of the defined coalfield and has no comments or observations to make on the proposal. They confirm it will not be necessary to undertake any further consultation with them on this project.</i>	The Coal Authority	N	<i>This is noted</i>
General	<i>With regard to the A38 Junctions scheme's likely impact upon the Outstanding Universal Value of Derwent Valley World Heritage Site our advice to the Department for Digital Culture Media and Sport is that significant impact upon OUV is unlikely. On that basis notification of the scheme by the State Party to UNESCO is unlikely to be necessary i.e. it does not look to us like a case that requires a p172 notification to Paris by DCMS. We are content with the scope of the HIA as set out and in particular that it corresponds to the ICOMOS 2011 Guidance, in terms of detail our advice remains as per the attached minute from our August meeting and it appears that those matters baring upon OUV can be addressed within the proposed HIA scope. We have advised DCMS as above and updated PINS and will copy the HIA scoping report to DCMS for information but on the basis of information to date this is a case that the UK Government is unlikely to need to notify to UNESCO.</i> <i>We will be responding to the Section 42 pre-app consultation from Highways England for tomorrow's deadline.</i>	Historic England (Scoping response)	N	<i>We have prepared a Heritage Impact Assessment (HIA) which considers the Scheme impacts upon the OUV of the Derwent Valley World Heritage Site. The HIA supports the heritage impact assessment reported in the Environmental Statement (ES), whilst the HIA is included within an ES appendix. The HIA concludes that the Scheme would not have a significant effect upon the OUV of the World Heritage Site.</i>

Statutory Consultation under s42(1)(a) of the Planning Act 2008 with Prescribed Consultees				
Consultation - – 7 September to 18 October 2018				
Topic Area and Consultation Responses:		Prescribed Consultee(s):	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response):
General	<p><i>The Commission does not have the resources to respond to all consultations, but will respond to consultations where it considers they raise issues of strategic importance.</i></p> <p><i>Public authorities, as well as organisations exercising public functions, have obligations under the Public Sector Equality Duty (PSED) in the Equality Act 2010 to consider the effect of their policies and decisions on people sharing particular protected characteristics. The PSED is an on-going legal requirement and must be complied with as part of the planning process. The Commission is the regulator for the PSED and the Planning Inspectorate is also subject to it. In essence, you must consider the potential for planning proposals to have an impact on equality for different groups of people. Technical guidance provided.</i></p>	<p><i>Equality and Human Rights Commission</i></p>	<p><i>N</i></p>	<p><i>The applicant is aware of these requirements and has prepared an Equalities Impact Assessment (EqIA) as part of the DCO application. This EqIA is appended to the Environmental Statement.</i></p>

Statutory Consultation under s42(1)(a) of the Planning Act 2008 with Prescribed Consultees Consultation - – 7 September to 18 October 2018				
Topic Area and Consultation Responses:		Prescribed Consultee(s):	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response):
General	<p><i>We feel that these improvements are necessary and will improve these roads on completion, thus improving our response times and our access to Royal Derby Hospital. We do have concerns of the effect that these roadworks will have on the service we provide. Our access to Royal Derby Hospital can already be delayed by congestion due to the structure of the roads proposed for change. These works would create further congestion and slower response times and slower transportation times to the hospital. They will also have the effect of our staff having prolonged travel times and possibly the effect of late shift starts.</i></p> <p><i>There were also concerns voiced around the build-up of traffic and inevitable congestion on surrounding roads and trunk roads like the A50, A52 and Raynesway as people are trying to avoid the roadworks. This in turn would directly affect our response times and make it harder for us to access patients within the city. We have concerns around whether all these works would be planned for the same time as this would greatly increase our response times and thus pose a risk to the public's wellbeing.</i></p> <p><i>On discussion, we feel the best approach for our service would be to complete each work separately. We would like to receive some guidance around this when it has been discussed as it will directly affect both our response to patients and our access to Royal Derby Hospital, thus holding crews and ambulances up that could be released for further emergencies. The risk factors of such massive works include the risks of trench collapse and working at heights and the response for these should an incident occur. This may leave our resources spread thin and therefore pose a risk to the public.</i></p>	East Midlands Ambulance Service NHS	N	<p><i>The importance of keeping traffic moving during the construction phase is recognised and it will be a requirement for the contractor to manage the traffic through the roadworks so as to minimise the delays to the emergency services. A Traffic Management Plan (TMP) has been prepared in support of the DCO application to consider these issues in more detail. The expectation is that the TMP will be taken on and implemented by the contractor so as to minimise disruption to all road users during the construction phase.</i></p> <p><i>In order to minimise the overall construction duration it will be necessary to work on the three junctions at the same time, otherwise the construction period could be in excess of seven years.</i></p>

Statutory Consultation under s42(1)(a) of the Planning Act 2008 with Prescribed Consultees Consultation - – 7 September to 18 October 2018				
Topic Area and Consultation Responses:		Prescribed Consultee(s):	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response):
Assets and Wayleaves				
Assets and Wayleaves	<i>With reference to the protection of the railway, Network Rail has no objection in principle to the proposals. In respect of the proposed work to the railway bridge over the Midland Mainline at the Little Eaton A38 junction, we presume that you will enter into the usual dialogue and necessary Basic Asset Protection Agreements with us regarding the bridge widening design and implementation.</i>	Network Rail	N	<i>The fact Network Rail has no objection in principal is noted. Discussions will take place as an ongoing concern to ensure asset protection is agreed with Network Rail before any works take place.</i>
Assets and Wayleaves	<i>This is a response on behalf of National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG). NGET and NGG have no assets in the vicinity of the proposal.</i>	National Grid Electricity Transmission plc National Grid Gas plc	N	<i>This is noted.</i>
Safety advice relating to statutory undertaker assets	<i>HSE have no record of hazardous installations within 1km of scheme. Presence of hazardous substances stored or used as part of scheme will require Hazardous Substances Consent under Planning (Hazardous Substances) Act 1990. HSE has no comment on licensed explosives sites in the vicinity of the scheme.</i>	Health and Safety Executive	N	<i>This is noted.</i>

Statutory Consultation under s42(1)(a) of the Planning Act 2008 with Prescribed Consultees Consultation - – 7 September to 18 October 2018				
Topic Area and Consultation Responses:		Prescribed Consultee(s):	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response):
Assets and Wayleaves	<i>We will need to protect our position in relation to your proposed DCO. Specifically the secondary electricity substation site at Ashbourne Road, Derby DE22 4AA. See no reason why this building should form part of the Order, either on a permanent or temporary basis, and will object to such a proposal. In addition, we have any number of 132,000 Volt and below underground cables within the land specified that will need protecting or diverting, depending upon the scope of the final scheme. We will object to the DCO until such time as Highways England enter into an Agreement in relation to the costs and rights relating to such protection works/diversions and guarantees continued access to our equipment. Template for this provided.</i>	Western Power Distribution	N	<i>The red line around the substation on the Section 42 land interest plan was there to exclude the substation from the works area. Subsequent issues of the land plans will make it clearer that the substation will not be included in the works area. Discussions are ongoing with Western Power in relation to the diversion and protection of buried and overhead equipment impacted by the scheme. As needed suitable protective provisions will be provided for within the DCO.</i>
Environment				
Environment	<i>We have already sent a link to the Planning Inspectorate Advice Note 11, Annex C which explains the process for issuing LONI'S for NSIP's. We trust that the process is understood including the need to prepare draft licence applications.</i>	Natural England	N	<i>Liaison has been maintained with Natural England regarding the issuing of the LONI. Baseline reports and draft licence applications will be submitted to Natural England in order to progress the LONI. Draft licence applications have now been submitted to Natural England with a view to securing the LONI to accompany the DCO application submission.</i>

Statutory Consultation under s42(1)(a) of the Planning Act 2008 with Prescribed Consultees				
Consultation - – 7 September to 18 October 2018				
Topic Area and Consultation Responses:		Prescribed Consultee(s):	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response):
Environment	<p>The PEIR highlights the elements of flood risk which should be covered within the associated flood risk assessment (FRA). The report states that FRA's have previously been prepared, however these will need to be revised to ensure the most up to date information is included. We have previously reviewed the EIA Scoping Report which indicated that further work was required to address risks posed to controlled waters from existing sources of contamination, as well as the proposed works. The report suggested that the investigation and risk assessment reports would be submitted as part of the ES. Detailed Quantitative Risk Assessments have been undertaken to refine the existing assessments of risk (9.5.34 – 9.5.37 of the PEIR), and that these demonstrate that controlled waters are at risk from various contaminants of concern. In line with our previous comments, we must have an opportunity to review and provide comments on these reports. In addition, we note that some form of remedial action is likely to be necessary given the outstanding risks posed to controlled waters. HE must bear in mind that mitigation measures during construction and operational phases of a scheme may not always reduce the risks posed by historic sources of contamination. We want to see a copy of the ES once it is complete. The risks to the aquatic environment and potential mitigation measures have been adequately assessed. One section requires further investigation – 8/7/5, page 95, "Appropriate road treatments would be in place to minimise impacts from salt spray e.g. calcium magnesium acetate which is a low corrosion, and more environmentally sensitive alternative to road salt." Whilst calcium magnesium acetate avoids the issues road salt can cause, due to the materials high Biochemical Oxygen Demand it can cause bacterial growths ("sewage fungus") and oxygen depletion if it enters surface waters. The impact of the potential use of this de-icing material requires further assessment.</p>	Environment Agency	N	<p>Updated flood risk assessments (FRAs) covering each junction have been prepared and will be included in appendices to the Environmental Statement.</p> <p>Ground investigation reports and associated risk assessments are included in Environmental Statement appendices. These reports have supported the chapters within the Environmental Statement on Scheme impacts upon soils and geology, and upon the water environment.</p> <p>With regard to the comment on the use of calcium magnesium acetate, discussions with A38 maintaining agent (Highways England) indicates that the de-icing agents used on the network are sodium chloride (NaCl) and sodium chloride brine. There is no proposal to replace these de-icing agents with calcium magnesium acetate. The use of de-icing agents is standard highway maintenance practice.</p>

Statutory Consultation under s42(1)(b) of the Planning Act 2008 with Local Authorities Consultation – 7 September to 18 October 2018			
Topic Area and Consultation Responses	Local Authority	Change (Y/N):	Highways England’s Response (inc. the regard had to the consultation response)
General issues			
<p><i>Environment, Assets and Wayleaves, Construction, Footpaths and Heritage</i></p>	<p><i>Thank you for consulting Derbyshire County Council on the A38 Grade Separated Junctions Scheme: Statutory Public Consultation on Proposed Scheme Design and Preliminary Environmental Information Report (PEIR).</i></p> <p><i>No land within the Kingsway and Markeaton parts of the scheme are located within the administrative area of Derbyshire but the part of the red line boundary east of the River Derwent within the Little Eaton junction is. Their comments mainly relate to the grade separation improvements for the Little Eaton junction.</i></p> <p>Highways Impact <i>DCC fully understands the scheme objectives and notes that the proposed scheme would increase capacity of the strategic road network helping to facilitate housing and employment growth within Derby City and the surrounding area. Reference is made to the Cabinet Report from 2004 which approved the then option 3 which is now Highways England (HE) current preferred option. Although significant environmental and social impacts were noted it was felt that in transport economic terms grade separation would provide the largest benefits. DCC note the three year construction period</i></p>	<p>Derbyshire County Council</p>	<p>N</p>

**Statutory Consultation under s42(1)(b) of the Planning Act 2008 with Local Authorities
 Consultation – 7 September to 18 October 2018**

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<p><i>stating it will give rise to changes in travel patterns across Derbyshire's road network. They welcome early dialogue with HE to establish these effects and the management of them. Whilst DCC note that they have been engaged with the client team about the modelling works, they would like to see more detail in the PEIR relating to transport modelling works for changes in traffic flow as a result of construction and operational phases of the scheme. This would have assisted in the understanding of the PEIR and wider scheme impacts.</i></p> <p><i>They note sections 2.3.4 and 2.3.5 of the PEIR and request that a detailed phasing programme of construction be included in the Environmental Statement. Note is taken of Sections 2.3.6 and 2.3.8 of the PEIR and the importance of modelling works taking into account the impact that HGV movements to/from these construction compounds/soil storage will have on the road network. DCC consider it very important that extensive transport modelling works are carried out to assess the likely impacts on the highway network during construction and operation. They state that the Environmental Statement will need to take the traffic modelling outcomes</i></p>			<p><i>Construction phase traffic modelling has been carried out and reported in the Environmental Statement. The County Council is likely to be invited to be part of a traffic management liaison group during the construction stage so they will have the opportunity to be made aware of the TM arrangements and can have some influence in their design.</i></p> <p><i>Details of the traffic modelling for the Scheme are set out in the Transport Assessment Report which will be submitted with the DCO application. In addition, a Traffic Management Plan has also been prepared for submission with the DCO which includes details of construction management phasing. The traffic data generated for Scheme construction and operation has been used to assess Scheme impacts upon noise, air quality, water quality, community severance, with the result being reported in the Environmental Statement.</i></p>

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<p><i>into account as traffic flows will impact on air quality, noise, vibration and communities well beyond the red line boundaries. They add that any changes to Traffic Regulation Orders affecting roads in the vicinity of the scheme should be set out in the Environmental Statement.</i></p> <p>Network Management <i>DCC cites highway improvement schemes (footway widening) currently planned for the footway on the western side of the A61 Alfreton Road and street lighting/signage enhancements undertaken along the A61 approach to Little Eaton roundabout.</i></p> <p><i>They cite the current right of way shown as the Dam Brook trail in the consultation brochure noting worn sections of grass in the middle of the A61 where pedestrians have been crossing the A61 to access the northbound bus service. They note the diversion of this route in the consultation brochure and assume it will be constructed to a suitable standard. They feel this will generate an increase in footfall to/from Breadsall village which is an improvement on the current provision. However, as the path would come out in close proximity to the roundabout with a higher speed limit, they raise concerns about vehicle pedestrian conflict. A</i></p>			<p><i>This is noted</i></p> <p><i>This will have been discussed and agreed with the City Council ahead of the DCO application submission – DCC's suggestions will be fully considered and implemented wherever feasible</i></p>

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<p><i>controlled crossing at this site could result in queuing traffic onto the roundabout. They note the lack of reference to whether the realignment of Dam Brook will be of a sufficient width that it could accommodate pedestrians and cyclists or what the standard of construction will be. They continue that crossing the A61 Alfreton Road to access the western side of the road for recreational purposes is restricted. They wish to see the implementation of a pedestrian crossing near to the Croft Lane access onto the A61. This would need to be of a sufficient distance from the roundabout that approaching vehicles would have sufficient time to react when the crossing is activated and to reduce the potential for traffic queues onto the A61/A38 junction. To facilitate this would require the continuation of the Dam Brook Trail down the eastern side of the A61 from the proposed current end of the facility near the ARMCO barrier as a footpath construction to connect to the existing bus stop provision and into the Croft Lane existing cycle/pedestrian footpath on the western side of the A61 that they are due to commence construction on in February 2019. With regards to street lighting, DCC are seeking clarification from HE as to where the county boundary will sit following scheme construction and what impact this will have on DCC's assets.</i></p>			<p><i>A pedestrian/cyclist controlled crossing would be outside the scope of the scheme. However, it is worth noting that Highways England has secured separate funding to implement this crossing.</i></p>

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<p><i>DCC are seeking clarification on the nature of the signalised crossings in and around the approaches to Little Eaton roundabout. They appear to be toucan crossings which will provide the necessary links/connectivity to cycle routes in the area.</i></p> <p><i>DCC require clarification on the closure of Ford Lane as there is a business and property in this lane. The junction is within DCC's area but this is not mentioned in the consultation document; only that it has been agreed with Derby City Council. Ford Lane Bridge C34014 will provide the only access to the afore mentioned properties. The bridge has been assessed as 7.5t and DCC are concerned that if the business regularly wishes to use this for 40t GVW lorries this may have a structural impact on the asset. They request that all capital expenditure for this access be identified and funded by this project.</i></p> <p><i>The documentation that they have been provided with does not provide adequate detail to inform the Highway Authority of the limits of HE's adoption boundary; they require this urgently.</i></p> <p>Heritage <i>Note involvement and dialogue with</i></p>			<p><i>'Toucan' crossings are proposed here to facilitate both pedestrians and cyclists.</i></p> <p><i>The bridge assessment report is currently being reviewed and it may be necessary to implement a strengthening scheme – the bridge is included in the red line boundary to cover this eventuality.</i></p> <p><i>Discussions have been held between the City Council, the County Council and Highways England area maintenance team to define the liability boundaries.</i></p> <p><i>The assessment presented within the PEIR has been fully</i></p>

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<p><i>archaeological matters and state that there is little to criticise in PEIR chapter 6 with regard to the identification of known and potential heritage impacts and receptors. There are no known archaeological assets of regional/national importance within the development footprint although it is conceivable that ongoing studies could identify remains. They note the separate consultation that is being undertaken with regard to Derwent Valley Mills World Heritage Site (WHS) and find it conceivable that as Little Eaton junction is partly within the WHS, environmentally significant impacts will be identified. DCC take issue with the conclusion at 6.8.1 that there will be 'neutral' effects on archaeological heritage assets but note the intention to revisit these conclusions following completion of the assessment work. They find the commentary at 6.6.4 unduly restricted to direct impacts, not considering the potential of impacts of OUV through visual harm. Increasing the size and visual bulk of the A38 in this location could harm OUV through erosion of the historic floodplain landscape and a poorly designed landscape planting design, could exacerbate the problem. DCC feel that the 'slight adverse' impact at paragraph 6.8.1 is premature.</i></p> <p>Landscape</p>			<p><i>updated and reported in a cultural heritage chapter within the Environmental Statement. Surveys to investigate and understand the archaeological potential of the river floodplain have been completed with the approval of the DCC archaeologist and have contributed to the impact assessment. In addition, we have prepared a Heritage Impact Assessment (HIA) which specifically addresses the impacts of the Scheme upon the Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site (WHS) – this document is presented as an appendix to the Environmental Statement and has provided information for the heritage impact assessment. The HIA considers both tangible and intangible values and visual and non-visual aspects of the setting of assets that express attributes of OUV.</i></p>

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<p><i>DCC raise concerns that Table 7.1 [PEIR] fails to make any judgement against the County scale Landscape Character Type (LCT) or a local landscape study area. It is felt that by missing this out, the assessment will underestimate the landscape effects of the proposal and will not adequately inform the requisite mitigation. Riverside Meadows LCT is cited. The use of wards in the assessment process feel arbitrary not reflecting the scale of a community that might be affected and it is not standard practice in the LVIA guidelines. The judgements being made at 7.9.4 with respect to identifying landscape effects are too simplistic. A judgement needs to be made about the introduction of new features such as the construction of a raised structure in an otherwise flat landscape particularly given that the current road junction is as grade. For example, will the increased height of the junction and any associated planting, obstruct what is currently an attractive view either at completion in year one or in the longer term at 15 years?</i></p> <p>Air quality <i>DCC welcome the further assessment of potential construction phase air quality impacts as well as paragraph 5.3.3 [PEIR] that a detailed operational air quality assessment will</i></p>			<p><i>Published descriptions of character areas at a national level (National Character Areas (NCA)), and local level (LCT) and townscape character wards were referred to in the identification of local landscape character areas (LCA) within the study area. The landscape and visual impact assessment has been updated and is reported in full in the Environmental Statement. This includes an assessment of the Scheme impacts upon the surrounding landscape during both Scheme construction and operation. The operational assessment considers impacts at Scheme opening, and then at 15 years after Scheme opening.</i></p> <p><i>A detailed operational and construction phase air quality assessment has been prepared and is reported in the Environmental Statement, making use of traffic modelling data.</i></p>

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<p><i>be included in the Environmental Statement based on detailed traffic modelling data which will consider the whole of the affected network.</i></p> <p>Green Belt <i>DCC are concerned that the PEIR includes little reference to the assessment of the proposed Little Eaton junction scheme on the Green Belt. All of the land east of the River Derwent within Erewash Borough and Derbyshire is defined as Green Belt.</i></p> <p>Flood Risk <i>At this time the Lead Local Flood Authority have no comment to make on the PEIR but are looking forward to being given the opportunity to comment further on the flood risk impacts of the scheme upon the production of the detailed design.</i></p> <p>Public Transport <i>Note that the PEIR does not include any significant assessment of the likely impacts on public transport use in the area as a result of the construction or completion phases of the scheme. DCC note that buses currently struggle in traffic at Little Eaton and Markeaton junctions and that as a consequence of the construction and completion of the scheme bus</i></p>			<p><i>Issues associated with the Scheme being located in Green Belt will be covered in the Planning Statement which will be submitted as part of the DCO application. In addition, the Environmental Statement considers the Scheme impacts upon the openness of the Green Belt.</i></p> <p><i>Flood risk assessments (FRAs) have been prepared for each junction – these are included in the Environmental Statement, with the results feeding into the Scheme assessment on the water environment. DCC have been kept informed during the development of the assessments and the final FRAs will be shared with them ahead of the DCO application.</i></p> <p><i>The People and Communities chapter within the Environmental Statement considers the Scheme impacts upon buses and bus passengers during Scheme construction and operation.</i></p>

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<p><i>access at these junctions will improve and this will reduce delays and improve reliability of bus services in this corridor. No Derbyshire bus services pass through the Kingsway junction so DCC do not anticipate a direct benefit from their perspective.</i></p> <p><i>DCC state their experience of working with HE for the Little Eaton island a few years ago was not good with considerable delays for traffic using the route.</i></p> <p>Materials <i>As DCC and Derby City Council are the Joint Minerals and Waste Planning Authorities for the area covered by all three grade separated junctions it is important that the Environmental Statement and/or associated Planning Statement, provides an assessment of the likely impacts of the scheme against the policies of the Adopted Derby and Derbyshire Waste Local Plan (2005). DCC note that a new WLP is currently being prepared In this respect reference should be made in the Environmental Statement to the Derby and Derbyshire Local Aggregate Assessment 2017 as well as the Adopted Derby and Derbyshire Minerals Local Plan and to the emerging Derbyshire and Derby Joint Minerals Local Plan published for consultation in March 2018 and how the scheme meets the requirements of the policies</i></p>			<p><i>The contractors liaison officer will keep the bus companies informed of the Traffic management arrangements and every effort will be made to minimise delays during construction.</i></p> <p><i>The material assets and waste chapter within the Environmental Statement makes reference to the Derby and Derbyshire Local Aggregate Assessment 2017 as well as the Adopted Derby and Derbyshire Minerals Local Plan and to the emerging Derbyshire and Derby Joint Minerals Local Plan published for consultation in March 2018.</i></p> <p><i>The Environmental Statement provides details of the types and quantities of materials needed to construct the Scheme, although at this stage of Scheme development, it is not possible to state the specific origin of these materials. Impacts of construction traffic on air quality and noise are considered within Environmental Statement.</i></p>

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<p><i>in the adopted and emerging Local Plans. The need to import fill material is noted as is the importance of the need for the Environmental Statement to provide full details of the types and quantities of materials that would be sourced to provide the fill materials for the construction of the scheme and the origin of those materials which should ideally be sourced locally.</i></p> <p>People and communities <i>DCC find it disappointing that the People and Communities Section contains little reference to the assessment of likely economic benefits of the scheme. The forthcoming Environmental Statement should therefore include a more extensive and robust assessment of the likely economic and regeneration benefits of the scheme particularly in terms of quantifying these benefits in the context of likely jobs created and expenditure multipliers generated for the local economy during construction and operational stages of the scheme. The provision of the new highways scheme is considered to impact positively on the Derby Housing Market Area improving connectivity between homes and jobs. It is therefore considered important that the potential economic and regeneration impacts of the</i></p>			<p><i>Such an economic assessment is outside of the scope of the Environmental Statement - refer to the EIA Scoping Report (Highways England, 2018) and the Planning Inspectorate’s Scoping Opinion. A summary of the economic benefits of the Scheme are, however, considered in the Planning Statement which is submitted as part of the DCO application.</i></p>

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<p><i>scheme are assessed in the Environmental Statement to support the DCO application. DCC welcome the inclusion of measures to reduce noise to neighbouring residents. They wish to stress the importance of ensuring connectivity and promotion of alternative transport is maintained and where possible, improved. Any replacement to footpaths and cycle ways should be to an equal or improved quality. DCC welcome the use of green infrastructure such as green walls, hedgerows and trees for visual screening and noise reduction</i></p> <p><i>Thank you for consulting on the scoping report for this separate HIA in relation to the Derwent Valley Mills World Heritage Site. I defer to the advice of the World Heritage Site advisory team on this matter – I believe some suitable viewpoints and questions have been discussed at the planning stage. I anticipate that they would advise that the work is carried out in accordance with the guidance of ICOMOS as advisors on World Heritage to UNESCO.</i></p>			<p><i>The Scheme design includes a number of noise barriers as well as visual screens. Such features have been integrated into an overarching environmental and landscape design illustrated on a set of Environmental Masterplans which are included in the Environmental Statement.</i></p> <p><i>The Heritage Impact Assessment (HIA) prepared for the Scheme assesses the impacts of the Scheme upon the OUV of the Derwent Valley Mills World Heritage Site (WHS) in accordance with ICOMOS Guidance on Heritage Impact Assessments for Cultural World Heritage Properties.</i></p>	
<p><i>Drainage, Public Open Space, Highways, Public Health</i></p>	<p><i>Responses from Land Drainage, Parks, Highways, Heritage, Air Quality, Noise and Contamination and Structures are provided. Further engagement welcome. Land Drainage appreciate the early engagement which led to a resolution of the</i></p>	<p><i>Derby City Council</i></p>	<p><i>N</i></p>	<p><i>This is noted. Preliminary design work has been completed and has been shared with Derby City Council. Dialogue will continue between now and through the subsequent detailed</i></p>

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<p><i>Bramble Brook flood risk.</i></p> <p><i>The current junction layout plan for the Kingsway Junction appears to include both areas of land being set aside for flood compensation storage and also for surface water ponds presumably to provide some sustainable drainage solutions for the proposed new drainage system.</i></p> <p><i>Concern is expressed that there is too little provision for SuDS at the Markeaton junction which should be open water features on a scheme this size. There is also concern that there is insufficient area to provide the level of attenuation that would be required to deliver discharge rate reduction. The A38 discharges significant levels of silt and other pollutants into the Bramble and Littleover Brooks. The scheme should demonstrate a significant reduction in these discharges through use of SuDS. Notes that the A38 contributes a significant uncontrolled runoff from the carriageway and verge areas. These contribute significantly to the flood risk in the City Centre.</i></p> <p><i>As both junctions are designated as areas in flood risk in the DCC SFRA the project will need to demonstrate that it passes both the sequential and exception tests. Also in</i></p>			<p><i>design stage.</i></p> <p><i>Areas have been identified for flood storage and surface water attenuation features (including surface ponds and buried storage) to provide solutions that accord with SuDS.</i></p> <p><i>The drainage design confirms that there is sufficient attenuation provided to accord with SuDS – this is a combination of buried storage, surface ponds and open channels.</i></p> <p><i>Where feasible, attenuation has been provided for more than just the run-off from the additional impermeable area that the scheme has created so this will go some way to addressing this issue.</i></p> <p><i>Flood Risk Assessments have been carried out at all three junctions and the assessment reports demonstrate that the requirements of these tests have been met. The FRA reports form part of the Environmental Statement</i></p>

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<p><i>accordance with paragraph 160 of the NPPF the scheme should not increase flood risk elsewhere, and, where possible, should reduce flood risk overall.</i></p> <p><i>Originally the Little Eaton Junction was sited wholly outside the City boundary; however the revised plan submitted as part of the consultation shows a flood compensation area site within the City boundary. Derby City Council believe this is to provide compensation flood storage for the Derwent. The impacts on Our City Our River (OCOR) will need to be understood, and also the impacts on the World Heritage Site will need consideration.</i></p> <p><i>There are areas on the scheme where DCC highway drainage discharges to HE drainage systems, particularly at the Kingsway Junction. This occurred following de-trunking of Kingsway. The situation should be reviewed as part of the scheme and ideally the systems separated or legal rights of discharge agreed.</i></p> <p><i>Parks – cite engagement since 2014 and their comments cover the impact on areas within the city boundary of works to the A38 Kingsway and Markeaton junctions and how these will specifically affect adjacent areas of Public open</i></p>			<p><i>appendices. The outfalls have undergone an 'HAWRAT' assessment and with the included mitigation they passed the assessment. There is limited scope for improving the silt and other pollutants at existing outfalls on the A38 that are not impacted by the scheme.</i></p> <p><i>The Flood Risk Assessments carried out takes the OCOR into consideration. Also, the impacts on the World Heritage Site have been fully assessed and reported in the Environmental Statement.</i></p> <p><i>The drainage design keeps the discharge from the Trunk Road separate from discharges from the local highway network wherever feasible. Discussions have already taken place between all of the maintaining authorities to agree the maintenance boundaries.</i></p> <p><i>Dialogue is ongoing with the City's parks department in respect of the loss of Public Open Space (POS). This will cover the detailed arrangement of the replacement land It is noted that DCiC have no objection to the principle of replacement POS being provided at Queensway, which will</i></p>

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<p><i>Space at Markeaton Park and Mackworth Park and the involvement of the Parks team in the assessment of potential environmental impacts of the scheme. In the short term some trees and open space will be lost at Markeaton Park which will negatively impact the park in the short to medium term though loss of screening. However, the mitigation proposed is considered acceptable. In addition, a new area of linear public open space will be created on Queensway following demolition of the existing properties although it is not clear at the present time how much of this land will be used for a proposed pumping station and drainage attenuation for the underpass. Depending on the final design of the drainage attenuation this could reduce the quality of the new open space. The Kingsway junction arrangements are likely to impact on the open space at Mackworth Park although this impact is to be mitigated through the provision of replacement open space on land previously occupied by the existing A38 and slip roads on Brackensdale Avenue and Raleigh Street. Impact on the park is likely to be through the construction of a new roundabout that will necessitate the creation of new embankments. It is likely that this will be mitigated through appropriate landscape planting to screen the road from the park but no topographic information or levels are provided</i></p>			<p><i>be accounted for within the DCO accompanying the application. Further details of the loss of POS and proposals for replacement land are provided within the Planning Statement.</i></p>

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<p><i>at this stage to give an idea of the height of the road and proposed embankments.</i></p> <p><i>Highways - Further consultation on the modelling and detailed layout drawings, including how pedestrian and cycle routes link into the wider network, will be necessary. It would also be useful to understand proposed highway authority boundaries for future consultation responses. Cite separate responses that will be provided and welcome the ongoing consultation and discussion.</i></p> <p><i>Kingsway - Concerns regarding the short merge length and visibility for traffic merging onto the A38 southbound from the new raised local network junction at Kingsway are raised. and Further discussion on the access and egress to Kingsway Retail Park is requested.</i></p> <p><i>Safety concerns are expressed regarding the lane markings on the circulatory carriageway where side-swipe collisions would be a concern in the layout shown. Has consideration been given to marking the lanes on the circulatory carriageway with spiral markings?</i></p> <p><i>It appears from the consultation drawings that there is enough width on the bridge linking the</i></p>			<p><i>Comments have been received from cycling groups (Sustrans and the Derby Cycling Group) and these have been responded to separately in this documents</i></p> <p><i>A merge length of 75m has been designed – this is consistent with a speed limit of 50mph.</i></p> <p><i>This was a common theme at the 2015 and 2018 public consultations. It has been discussed with the City Council on several occasions and it is not in the scope of the A38 Derby Junctions improvement scheme.</i></p> <p><i>It is not usual to include such markings in a new design – they are normally considered to address a problem on an existing roundabout. This will be discussed with the City Council at detailed design stage.</i></p> <p><i>The carriageway over the bridge has been designed as a 10m 'wide' single carriageway – this should allow sufficient</i></p>

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<p><i>two roundabout junctions to enable traffic to flow, should one of the lanes be obstructed. The lane markings and short merge on the bridge could result in side swipe collisions.</i></p> <p><i>The pedestrian crossing on the A5111 Kingsway requires pedestrians to cross four lanes. They query whether this crossing be staggered or moved closer to the roundabout junction.</i></p> <p><i>The consultation drawing shows four lanes on the A5111 Kingsway between the junction into the retail park and the new roundabout junction over the A38; query what the lane widths used to facilitate four lanes of traffic at this location are.</i></p> <p><i>The pedestrian crossing across Kingsway Park Close is shown as an uncontrolled crossing and should be controlled.</i></p> <p><i>The A38 northbound diverge to the new Kingsway junction is taken down to one lane at the new roundabout junction which would result in congestion if there is an obstruction in the single lane section of the carriageway. If changes are made to the layout at this point there would be implications for the pedestrian/cycle crossing point at this location.</i></p>			<p><i>width to pass a broken down vehicle.</i></p> <p><i>The land required for the scheme has been adjusted to allow for a midway 'island' to facilitate a crossing in 2 stages.</i></p> <p><i>The number of lanes and their widths will be compatible with what has been provided on the existing A5111 to the south of the scheme.</i></p> <p><i>It is now proposed that this crossing is to be signal controlled.</i></p> <p><i>The arrangement shown is consistent with the layout elsewhere on the network for a single lane slip road with hard shoulder.</i></p>

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<p><i>They would like to better understand the detailed layout and treatment of Brackensdale Avenue and would like to review opportunities for better cycle connections to Greenwich Drive North and to the pedestrian and cycle link under the A38.</i></p> <p><i>Markeaton - Both diverges from the A38 north and south bound, particularly from the south bound A38, to the new A52 junction are shown as one lane widening into two lanes close to the junction. They query whether two lanes for a longer distance would provide benefits.</i></p> <p><i>Blocking could be an issue on the roundabout-gyratory at the corner between the A38 north (i.e. the southbound diverge slip) and A52 east exit.</i></p> <p><i>The merge onto the northbound A38 from the new A52 junction includes a hard shoulder with a pedestrian crossing over three lanes including the hard shoulder.</i></p> <p><i>Query why how the proposed compound area to the east of the A38 be accessed.</i></p> <p><i>A preference for spiral lane markings on the circulatory carriageway for the new A52 junction for safety reasons is expressed.</i></p>			<p><i>The length of the 2-lane section has been based on the anticipated queue lengths from the traffic modelling and signal designs.</i></p> <p><i>The phasing of the signals will be optimised to minimise this risk in the detailed design stage.</i></p> <p><i>This will be addressed by starting the hard shoulder after the crossing.</i></p> <p><i>The potential compound on the university land at Sturgess Field is no longer being considered.</i></p> <p><i>It is not usual to include such markings in a new design – they are normally considered to address a problem on an existing roundabout. This will be discussed with the City</i></p>

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<p><i>They query whether heavy goods vehicles will be able to make a left turn into the access for McDonalds and the petrol filling station from the A52 and note that this is a wide access for pedestrians to cross – will it be possible provide a pedestrian refuge?</i></p> <p><i>The access into Markeaton Park from the A52 is shown as a controlled arm of the proposed traffic signal junction, the access for McDonalds and the Petrol Filling Station is shown as an uncontrolled access – they will review the technical note provided and provide further feedback on this.</i></p> <p><i>Little Eaton - It is acknowledged that the Little Eaton junction is bounded by Derbyshire County Council Highway network. However, Derby City Council would suggest spiral lane markings on the circulatory carriageway for safety reasons.</i></p> <p><i>They wonder whether there an opportunity to provide a two lane diverge from A38 northbound to the Little Eaton junction.</i></p> <p><i>They would like to review the changed priorities at Ford Lane/Lambourne Drive and state that</i></p>			<p><i>Council at detailed design stage. Swept path analysis indicates that HGVs will be able to use the access as currently designed and a pedestrian refuge will be considered once the businesses have agrees to the proposed arrangements.</i></p> <p><i>The proposed access into Markeaton Park from the A52, the access for McDonalds and the Petrol Filling Station are all part of the same signalised junction.</i></p> <p><i>It is not usual to include such markings in a new design – they are normally considered to address a problem on an existing roundabout. This will be discussed with the City and County Councils at detailed design stage.</i></p> <p><i>A 2-lane taper diverge is currently proposed for the Little Eaton northbound diverge slip road. If the comment is referring to a 'ghost island' diverge, this would not be feasible as it would impact on the River Derwent bridge.</i></p> <p><i>The changed priorities were introduced at the City Council's request. The details will be discussed during the ongoing</i></p>

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<p><i>further discussions are needed regarding the proposals at Ford Lane /A6. Consideration should be given to providing a footway on Ford Lane to access the proposed public open space and the Derwent Valley cycle route.</i></p> <p><i>Heritage - Markeaton Park is a heritage asset and the stone walls that enclose the park are an important part of the enclosure of the park. Suggest that as much of the wall is retained in the original location. If any walls are to be affected by this proposal suggest that it is reused and the location where it is to be reused agreed.</i></p> <p><i>Highlight that The Heritage Lottery gave a grant for the park including the relocation of the original park gates and railings to a low wall to adjacent to Ashbourne Road. It is suggested these are kept in this location. As part of the character of this part of the park is its tree cover suggest that any loss of trees should result in appropriate tree planting in an agreed location.</i></p> <p><i>Main concern at Little Eaton junction is the flood compensation storage area which is located within the Derwent Valley Mills World Heritage Site. This is near to an area (North Avenue</i></p>			<p><i>dialogue with DCiC. This is the subject of a series of Technical Notes and ongoing dialogue with the City Council as to whether or not this junction is to be signalised. The section of Ford Lane to be closed by the scheme will remain open as a footway and cycleway.</i></p> <p><i>It has been agreed with the City Council to make best endeavours to avoid the existing park wall. Where it is affected, it will be realigned close to its existing alignment (exact location will be with the City Council's agreement) using the same stones.</i></p> <p><i>It is the intention to retain this entrance – if any temporary works impact it, it will be reinstated to its existing state and location (to DCiC's satisfaction).</i></p> <p><i>This issue is addressed in the Environmental Statement. The City Council has been involved in the development of the proposed mitigation proposals which aims to deliver a no net loss in biodiversity.</i></p> <p><i>Numerous locations for flood compensation have been subject to evaluation. The appraisal indicated that the location to the west of the River Derwent was the only option assessed that was able to adequately provide</i></p>

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<p><i>Planning Public Enquiry) where there was a proposal for housing which was refused and dismissed at public enquiry. The character of this area, and its rural nature, is very sensitive. The proposal would have a harmful impact on the Outstanding Universal Value of the DVMWHS. Strongly suggest that other locations outside of the WHS and its buffer zone are looked at if this is needed.</i></p> <p><i>Air quality, Noise and Contamination - comments relate primarily to the Kingsway and Markeaton junctions, as these are within the jurisdiction of Derby City. Post-completion, the scheme is likely to produce more consistent traffic flows and reduce the current high levels of queuing at the three junctions. However, some of these benefits will be slightly off-set by higher than average levels of predicted future local traffic growth, in addition to an increase in traffic volumes along the A38 due to vehicles diverting to what would be considered a more ‘attractive’ route. There is also likely to be a</i></p>			<p><i>floodplain compensation on a like for like basis. Given that this location is within the WHS, this option was only taken forward for inclusion within the Scheme design on the basis that the landform created by excavations could be naturalised, such that it would not have a significant effect on the WHS. The landform design has been developed with input from landscape, ecological and cultural heritage specialists with the aim that it creates a naturalistic profile that blends in with the surrounding valley profile, as well as enabling the land to be returned to agricultural use. It is the intention that following profiling and re-establishment of agricultural grassland, it would not be apparent that any works had taken place on the site. It is assessed that the floodplain compensation area would not have a significant effect upon the WHS. Full details are presented in the Environmental Statement.</i></p> <p><i>The air quality assessment included within the Environmental Statement includes a detailed assessment of air quality impacts associated with Scheme construction and operation, taking into account changes to the traffic volumes and routing along the local road network.</i></p>

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<p><i>long lead-in time involving large-scale demolition/construction and vehicle re-routing over a period of several years, which has the potential to produce significant environmental impacts in the short to medium term. There are a number of locations within Derby City that suffer high existing levels of air pollution, primarily due to road traffic volumes.</i></p> <p><i>The Council has declared two Air Quality Management Areas (AQMAs) for NO2 and Derby is also highlighted under the current National AQ Plans as being at risk of exceeding European Limits for NO2, especially around the inner ring road. Any significant changes to the road network in and around Derby have the potential to impact upon local air quality and it is therefore essential that the changes to the traffic volumes and routing along the local road network, both during construction and post-development, are considered in detail within the proposed EIA.</i></p> <p><i>One of the main points of concern for the proposed scheme from an air quality perspective, relates to the potential for the scheme to bring sensitive receptors closer to the kerb as a result of the proposed expansion of the highway footprint.</i></p>			<p><i>The air quality assessment included within the Environmental Statement includes details regarding how the Scheme affects nearby AQMAs. Noted – details of the ASRs have been made available to AECOM which have been used as part of the air quality assessment.</i></p> <p><i>The air quality assessment included within the Environmental Statement has taken into consideration changes to the road alignment and distances between traffic and sensitive receptors.</i></p>

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<p><i>The demolition of some residential dwellings is proposed as part of the scheme to facilitate the highway infrastructure (around Queensway and Ashbourne Road for example). This has the theoretical benefit of removing some of those receptors close to the highway and inherently reducing the risk of exposure.</i></p> <p><i>Whilst the full details of road realignment and dwelling demolition do not appear in the report, the potential for the A38 Derby Junctions Scheme to create new exposures to the known high concentrations of air pollutants along the A38 corridor and the associated significance to public health ought to form part of the EIA process. Strongly recommend that the EIA Scoping Report is updated to reflect this.</i></p> <p><i>Assessing the inter-relationship between the A38 scheme (both during construction and post-completion) and local air quality improvement measures needs to be an essential part of the Environmental Assessment of the A38 scheme. The EIA scoping methodology fails to identify this important issue (although there is brief acknowledgement of the CAZ in section 6.10). The EIA methodology needs to be updated to ensure that the A38 scheme fully considers local modelling to</i></p>			<p><i>Noted – those buildings demolished have been removed as sensitive receptors in the air quality assessment included within the Environmental Statement.</i></p> <p><i>The air quality assessment included within the Environmental Statement has taken into consideration changes to the road alignment in the detailed modelling and the assessment of resultant effects on nearby receptors.</i></p> <p><i>Information has been obtained by DCiC regarding traffic management proposals which has been fed into the air quality assessment included within the Environmental Statement.</i></p> <p><i>DCiC's preferred option for the local air quality measures has been taken into account in the assessment and has been incorporated into the traffic data produced for the construction phase assessment. The air quality assessment</i></p>

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<p><i>ensure that the scheme complements, rather than compromises, local air quality measures. The current proposals for scoping of the potentially affected road network using DMRB criteria, has the potential to miss CAZ-affected roads. They note that the EIA scoping assessment suggests that assessment of construction air quality impacts will only be considered based upon a study area of 200m around the construction boundary. Whilst this appears to be an appropriate scope for appraisal of localised emissions of dust etc. regarding nuisance from the construction works themselves, a far wider area of assessment will be needed to consider the effects of fleet and traffic volume changes resulting from temporary diversionary routes (NB. In relation to all vehicles, not merely from construction traffic) and how these may impact upon local compliance with EU/National Limits. Strongly recommend that the scoping assessment is amended accordingly to reflect this.</i></p> <p><i>Whilst the report notes DEFRA's national PCM Modelling, the proposed baseline modelling scope does not include any of the baseline data which has been produced as part of the local CAZ scoping and feasibility AQ modelling or the Council's Low Emission Strategy. They advise that all local traffic and AQ modelling data will</i></p>			<p><i>included within the Environmental Statement considers the impacts of the Scheme on DCiC proposals under the 2017 national air quality plans.</i></p> <p><i>The air quality assessment included within the Environmental Statement considers Scheme impacts in Stafford Street and Traffic Street. It is noted that DCiC provided key locations for receptors that are of most concern for local air quality, and thus these locations have been included in the dispersion modelling and impact assessment for the Scheme (even if such roads were not expected to be affected by the Scheme).</i></p> <p><i>The air quality assessment included within the Environmental Statement considers the Scheme air quality impacts associated with changes to traffic flows during the Scheme construction phase (including effects due to additional construction vehicles).</i></p> <p><i>Information obtained from the Council has been included within the air quality assessment presented in the Environmental Statement. The air quality chapter includes details of both monitoring data and modelling data.</i></p>

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<p><i>need to be included within the baseline AQ modelling for the A38 scheme and strongly recommend that the scoping assessment is amended accordingly to ensure that it includes a requirement for this. The EIA Scoping report suggests the use of an existing baseline of 2015. Derby City Council strongly recommend the use of a 2016 baseline in line with local CAZ feasibility modelling data, which incorporates a 2016 baseline.</i></p> <p><i>Also strongly recommend the addition of PM2.5 modelling followed by an exposure mitigation programme where necessary (for both construction and post-completion) for PM2.5 to be included within the scope of the proposed EIA.</i></p> <p><i>Geology and Soils - The Kingsway junction is located near to a large former landfill which is known to experience a relatively high level of gassing and so consideration of the potential for the scheme to affect gas migration pathways in this location should be of primary concern. The report identifies an intrusive ground investigation which has already been undertaken along the alignment of the proposed scheme. A copy for this report would be appreciated by the Environmental Protection Team at Derby City Council.</i></p>			<p><i>DCiC used a baseline year of 2016, whereas this Scheme assessment presented in the Environmental Statement has used 2015 as the baseline year. This is the case given that 2015 is the baseline year for the transport assessments prepared for the Scheme (and which generates data for air quality assessment). Project specific air quality monitoring has been carried out covering 2015 for model verification purposes, so the 2015 traffic data was used for such verification.</i></p> <p><i>The effect of the Scheme on PM_{2.5} concentrations has been assessed, with the results being presented in the Environmental Statement.</i></p> <p><i>The ground investigation reports that have been used to assess the impacts of land contamination on the Scheme are provided within appendices for the Environmental Statement.</i></p>

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<p><i>Construction Noise - given the scale of the development and the length of time expected for its construction, construction-related noise impacts are of particular concern. Advise that the area and receptors under consideration in relation to construction noise impacts are specified in more detail within the scope.</i></p> <p><i>Strongly advise that the scheme aims to avoid night-works unless absolutely essential, given the potential for greater impacts from noise at night.</i></p> <p><i>Operational Noise - The completed development itself also has the potential to significantly affect the local noise environment. Derby City Council do not agree with the thresholds for significant observed adverse effects (SOALs) described in section 12.9.35. Evidence suggests significant effects well below the proposed threshold of 63dB(LA)eq,16h (based on a daytime outdoor free field level) and therefore, when designing mitigation, a lower threshold should be used in line with World Health organisation criteria, namely</i></p>			<p><i>Construction receptors used within the noise impact assessment have been identified and provided to DCiC for comment.</i></p> <p><i>Some construction works outside of core working hours would be required – however, essential evening/ weekend/ night works would be limited to short periods associated with road tie-ins, installation of new bridge decks, gantry installation, road line markings, removal of the existing footbridge at Markeaton etc. The noise impacts of these works are considered within the noise impact assessment presented in the Environmental Statement.</i></p> <p><i>Operational noise SOAEL set at 68 dB LA10,18h (façade) to match Noise Insulation Regulations criteria, in common with other Highways England schemes. Agreed this is not detailed in DMRB, but has now been clarified within an internal Highways England technical guidance note. It should be noted that the main factor in identifying significant EIA operational traffic noise effects is the change in level due to the scheme (as per the normal DMRB methodology), regardless of the absolute noise level. The SOAEL is only used in two ways:</i></p> <ol style="list-style-type: none"> <i>1. To identify additional potentially significant EIA effects where the noise change is only minor but, as</i>

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<p>55dBL(A)eq, 16hr.</p> <p>Tables 12.9 and 12.10 identify the proposed EIA classifications for magnitude of noise impacts for both the short-term and the long-term. The classifications appear to suggest that greater increases in noise over the long-term are more acceptable than those in the shorter-term. DCC believe the opposite is true i.e. people tend to tolerate higher levels of noise that are temporary whereas greater potential for nuisance exists where increases in noise are more permanent. Recommend lower thresholds for magnitude where noise mitigation is being considered for the long-term classifications, in line with those for the short-term magnitude classifications.</p> <p>Derby City Council is currently developing a Local Noise Plan in accordance with the Environmental Noise Directive and therefore the A38 scheme will need to ensure that it is consistent with any actions on that Plan once it</p>			<p>existing levels are already high, even a small change may be considered significant; and</p> <p>2. To identify significant policy effects i.e. in terms of compliance with the National Policy Statement for National Networks.</p> <p>The justification for the use of assessment thresholds is presented in the Environmental Statement.</p> <p>The short term (ST) and long term (LT) magnitude of change criteria in the tables are as detailed in DMRB, in common with other Highways England schemes. The ST change is the main focus of identifying significant EIA effects as comparing like with like (with and without the scheme in the opening year). The LT compares the opening year with 15 years after opening, therefore it includes 'natural' traffic growth over 15 years as well as the change due to the scheme, which is why the criteria are higher for the LT change. Further details are presented in the Environmental Statement.</p> <p>The impact of the Scheme on noise important areas is assessed within the Environmental Statement.</p> <p>It is understood that the Local Noise Plan will not be available before submission of the DCO, but DCiC has confirmed that it should not conflict with the Scheme.</p> <p>The outcome of the provisional Noise Insulation Regulations</p>

**Statutory Consultation under s42(1)(b) of the Planning Act 2008 with Local Authorities
 Consultation – 7 September to 18 October 2018**

Topic Area and Consultation Responses	Local Authority	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response)
	<p><i>has been finalised. Strongly advise that the EIA considers the requirements under the Noise Insulation Regulations in detail. A summary of a PCF Stage 2 Assessment is provided in the report; would appreciate a copy of the report to be sent for review by the Environmental Protection Team at Derby City Council.</i></p>		<p><i>assessment are included in the Environmental Statement. The final assessment will be completed within the required statutory timescales of the regulations, following DCO approval and once the Scheme design is finalised.</i></p> <p><i>Highways England has not formally published the results of the PCF Stage 2 assessment. In addition, the PCF Stage 2 assessment is now out of date and is superseded by the Environmental Statement as both the Scheme design and the traffic data have been updated.</i></p>
<p><i>Support for the scheme</i></p>	<p><i>A38 Derby Junctions Scheme Statutory Consultation, Planning Act 2008 Section 42 Thank you for consulting South Derbyshire District Council in regard to the above. The matter was considered by the Council's Planning Committee at its meeting of 16th October, 2018. It was resolved that the Council express support for the scheme as it will:</i></p> <ul style="list-style-type: none"> <i>(i) Provide additional highway capacity needed to enable the development of land allocated in the South Derbyshire Local Plan for new housing; and</i> <i>(ii) Improve the reliability of journey times for traffic using the A38 thereby assisting in the attraction and retention of business investment in South Derbyshire.</i> 	<p><i>N</i></p>	<p><i>This is noted.</i></p>

**Statutory Consultation under s42(1)(b) of the Planning Act 2008 with Local Authorities
 Consultation – 7 September to 18 October 2018**

Topic Area and Consultation Responses		Local Authority	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response)
<i>No comments</i>	<i>Thank you for consulting with us on this application. We have considered the proposals and have no comments to make.</i>	<i>Barnsley Metropolitan Borough Council</i>	<i>N</i>	<i>This is noted.</i>
<i>No comments</i>	<i>The notification requests the Council to inform the Inspectorate of any information considered necessary to be provided within an Environmental statement relating to the proposed development, or to confirm that have no comments. Given the distance of the proposed works from the boundary of the Borough (approximately 13 miles), I can advise you that the Council does not wish to make any comments.</i>	<i>Broxtowe Borough Council</i>	<i>N</i>	<i>This is noted.</i>
<i>No comments on EIA assessment</i>	<i>Content with your proposals for the definition of study areas for each of the aspects of the assessments and have no specific comments to make on the proposals.</i>	<i>Amber Valley Borough Council</i>	<i>N</i>	<i>This is noted.</i>
<i>No comments on EIA assessment</i>	<i>Happy for you to proceed.</i>	<i>Erewash Borough Council</i>	<i>N</i>	<i>This is noted.</i>

**Statutory Consultation under s42(1)(b) of the Planning Act 2008 with PILs
 Consultation – 7 September to 18 October 2018**

Topic Area and Consultation Responses	Local Authority	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response)
General issues			
<p><i>Construction impact</i></p>	<p><i>Seek to work closely with Highways England in ensuring the works are delivered with the minimum amount of disruption to our staff, students and local community.</i></p> <p><i>Disruption minimisation to NMUs between University sites (safety, routes).</i></p> <p><i>Disruption minimisation to bus operations (congestion).</i></p> <p><i>Maintain access to Markeaton Park car parks.</i></p> <p><i>Proposed site compound at Sturgess Field impacts University development plans, access via Jonty Farmer, plus environmental impact.</i></p> <p><i>Red Line on Markeaton Street and possible disruption to changes at that location during construction to existing use.</i></p> <p><i>Land take at Markeaton Lodge acceptable, noting long term study at that location.</i></p> <p><i>Land referencing errors.</i></p> <p><i>Welcome opportunity for built environment students to view works to aid studies</i></p>	<p>University of Derby</p> <p>N</p>	<p><i>Dialogue with the University is ongoing and their concerns regarding access for all during the construction period is noted and it will be a requirement for the contractor to manage the traffic through the roadworks so as to minimise the delays to drivers, walkers and cyclists. This will also be set out in the TMP that will be implemented by the contractor.</i></p> <p><i>Access to the car park in Markeaton Park should be available at all times during the works.</i></p> <p><i>The proposal for a construction compound on the Sturgess Field is no longer being pursued due to the concerns raised by the University.</i></p> <p><i>Markeaton street is included in the red-line boundary purely to provide access for environmental mitigation work along the watercourse adjacent to Markeaton Street. No works are proposed on Markeaton Street.</i></p> <p><i>We don't see any reason why Derby University students shouldn't be able to use the scheme to aid their studies and we would welcome further discussions with the University on this issue.</i></p>

Statutory Consultation under s47 & s48 of the Planning Act 2008 with the local community & statutory public Consultation – 7 September to 18 October 2018			
Topic Area and Consultation Responses		Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response)
<i>Noise during operation</i>	<i>At all 3 junctions, the majority of respondents indicated they would like noise barriers to be installed in the locations suggested in the consultation brochure and timber barriers with vegetation (screen or climbing vegetation) was the preferred form.</i>	<i>Y Table 11 items 3 to 7</i>	<i>Between Kingsway and Markeaton junctions, inclusion of noise barrier adjacent to NB carriageway to protect properties along Greenwich Drive North and between Brackensdale Avenue and Windmill Hill Lane adjacent to SB carriageway. At Little Eaton junction, provision of noise barrier adjacent to SB carriageway of main line (from the back of diverge slip road nose to north junction underbridge) and adjacent to the SB diverge slip road. Also, a section adjacent to NB carriageway of main line (from railway bridge to south junction underbridge).</i>
<i>Noise during operation</i>	<i>Many residents from Allestree believe that the Scheme should provide noise screening along the A38 adjacent to properties between Kedleston Road and the River Derwent as they believe the scheme will increase the traffic on this stretch and hence increase noise impacts.</i>	<i>N</i>	<i>This section of the A38 is outside the scope of the scheme. However, noise assessment have been carried out and these have demonstrated that, as a result of the scheme, there will be no significant adverse impacts in terms of noise. It is accepted, however, that those properties that are not already protected by noise fencing could experience high levels of traffic noise at present; this concern has been passed to Highways England Area 7 Operations team for their consideration.</i>
<i>Lighting</i>	<i>At Little Eaton junction, many comments were made regarding the visual intrusion (as well as potential light pollution) due to tall lighting columns being placed on top of the high embankment.</i>	<i>Y Table 11 item 8</i>	<i>An assessment has been carried out and it has been demonstrated that the main line A38 can operate safely through Little Eaton junction if it were unlit. The lighting has therefore been removed from this section of the scheme</i>
<i>Walking and cycling</i>	<i>Cycle and pedestrian access across the along the A38 (which is viewed as a barrier) is important. Footbridges or controlled crossing are required along with segregated pathways</i>	<i>Y Table 11 item 1</i>	<i>At least the same level of cycle/pedestrian provision as already exists will be included in the scheme design with some enhancements where feasible. This will generally entail a 3m wide shared footway/cycleway. Most of the at-grade crossings will be signal controlled – all crossings of the A38 will use the new bridges at each junction. An additional signal controlled crossing of the Kingsway Park Close has been introduced as a result of the consultation.</i>

**Statutory Consultation under s42(1)(b) of the Planning Act 2008 with PILs
 Consultation – 7 September to 18 October 2018**

Topic Area and Consultation Responses		Local Authority	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response)
<i>Walking and cycling</i>	<i>Many respondents expressed concern that the existing footway/cycleway along the A61 is of a poor standard and very narrow in places. Also, the scheme should consider including the Derwent Valley Heritage Cycleway</i>	N		<i>Both of these issues are outside the scope of the scheme. However, discussions with the County Council have confirmed that the existing cycleway is to be widened by Derbyshire County Council. Also, discussions have been held with the promoters of the Derwent Valley Heritage Cycleway and the project team has helped to secure separate funding to help with their project</i>
<i>Noise and Air Quality</i>	<i>The height of the Little Eaton embankment, resulting noise and air quality impacts on residents of Breadsall is of concern</i>	N		<i>Noise and air quality impacts have been assessed and reported in the Environmental Statement [TR010022/App/6.1]. This has confirmed that there are no predicted significant adverse impacts on any of the properties in Breadsall village.</i>
<i>Construction</i>	<i>A common theme from the consultation was that, although the Scheme was generally seen as a good thing, the majority of people would like to see implemented, how would traffic be managed during the construction stage. The A38 is already very congested so any roadworks would be bound to make things worse</i>	N		<i>Strategic signing would be used on the M1 to advise long distance traffic to avoid Derby. The contractor would be required to keep 2 lanes open in each direction at busy times (perhaps 3 on the approach to temporary junctions) so as to keep traffic moving. The contractor would be required to engage the services of a public liaison officer to keep the public advised of changes to Traffic management, temporary closures etc.</i>
<i>Local Traffic Impact</i>	<i>The Ford Lane closure is of concern as it would increase the amount of traffic wanting to join the A6 from Ford Lane (that would have previously used the A38 junction). It is already difficult to get out of this junction.</i>	N		<i>Discussions are taking place with Derby City Council regarding the potential signalling of this junction.</i>
<i>Local Traffic Impact</i>	<i>Some residents noted that, as a result of closing the Ford Lane access with the A38, they will have to join the A38 at the Palm Court (A6) junction. They believe that the northbound entry on to the A48 is below standard as there is poor</i>			<i>Whilst this is outside the scope of the Scheme, the concern of the residents is noted and this has been passed to Highways England Area 7 Maintenance team for their consideration as it may be the case that vegetation has been allowed to grow unchecked and so obstruct the visibility (both upstream and downstream of the merge taper).</i>

**Statutory Consultation under s42(1)(b) of the Planning Act 2008 with PILs
 Consultation – 7 September to 18 October 2018**

Topic Area and Consultation Responses		Local Authority	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response)
	<i>visibility available in order to merge safely.</i>			
<i>Local Traffic Impact</i>	<i>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.</i>	<i>N</i>		<i>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</i>
<i>Local Traffic Impact</i>	<i>The closure of the Enfield Drive and Brackensdale Avenue junctions with the A38 may cause traffic to divert onto Prince Charles Avenue and its junction with the A52 would not be able to cope with the additional traffic so creating queuing.</i>	<i>N</i>		<i>Traffic modelling has suggested that the junction would be able to cope with the additional traffic without requiring any modification</i>
<i>Local Traffic Impact</i>	<i>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.</i>	<i>N</i>		<i>This issue has been discussed with Derby City Council as Local Highway Authority and they were not supportive of this suggestion as it would attract more traffic onto the minor residential roads</i>
<i>Green Belt</i>	<i>Loss of green belt at Little Eaton is disliked and the desire to increase planting in this area has been expressed</i>	<i>N</i>		<i>The Planning Statement [TR010022/App/7.2] describes the impacts on the green belt. It demonstrates that, as essential infrastructure, the Scheme does not conflict with the 5 purposes of the green belt policy – i.e. the Scheme is an improvement on an existing piece of infrastructure that already exists in the green belt.</i>
<i>Sustainable</i>	<i>Some respondents suggested the Scheme</i>	<i>N</i>		<i>This would not fulfil the Scheme objectives as this is a Government</i>

Statutory Consultation under s42(1)(b) of the Planning Act 2008 with PILs Consultation – 7 September to 18 October 2018				
Topic Area and Consultation Responses		Local Authority	Change (Y/N):	Highways England's Response (inc. the regard had to the consultation response)
Transport	<i>should be abandoned and the money spent on improving rail links and promoting sustainable transport options (improved walking and cycling facilities</i>			<i>policy issue. The need for the Scheme is well documented and the benefits it would provide outweigh the costs by a factor of 2.5.</i>