



National Infrastructure  
Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer 0303 444 5000  
Services: A38DerbyJunctions@planninginspectorate.gov.uk  
e-mail:

Paul Nagra  
Highways England

Your Ref:

By email only.

Our Ref: TR010022

Date: 21 May 2019

Dear Mr Nagra

## **Planning Act 2008 (as amended) – Section 51**

### **Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions Improvement.**

#### **Advice following issue of decision to accept the application for examination**

On 21 May 2019 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

#### **Consultees identified on a precautionary basis**

Given the individual circumstances of this case, and taking a precautionary approach, the Inspectorate suggests that the Applicant may wish to include the body listed in box 6 of the checklist amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008, unless there is a specific justification why this is not necessary.

#### **Funding Statement (Doc 4.2)**

The documents in the appendices are not provided. The text that appears to be a hyperlink is not. In any case, extracts should be provided in preference to hyperlinks.

#### **Structures Engineering Drawings & Sections (Doc 2.10)**

Sheets 1, 4, 5, 9, 10 only show one elevation of proposed bridges. The Examining Authority may request further elevations in examination.

### **General Arrangement Plans (Doc 2.6)**

The key to Sheet 2 of 4 is incomplete.

### **Works Plans (Doc 2.5)**

'Streams' are included on the key but there is no corresponding notation on plan itself. It is also not always clear where linear works begin and end. The Examining Authority may request revised plans in examination.

### **Land Plans and Special Category Plans (Doc 2.2)**

The Applicant is advised to review these plans, and particularly the Special Category Plans, for consistency with the book of reference, having particular regard to whether or not land is to be used temporarily or acquired permanently.

### **Environmental Statement**

Page 51 of the Biodiversity chapter of the Environmental Statement (ES) is partially complete (the page is offset and half missing). The Applicant should provide a replacement version of page 51.

Two versions of the Outline Environmental Management Plan have been provided with the ES:

- 6.3 Environmental Statement Appendices. Appendix 2.1: Outline Environmental Management Plan (OEMP); and
- 6.12: Outline Environmental Management Plan (OEMP).

For the avoidance of doubt, the Applicant should confirm which version of the OEMP should be relied on for the purposes of the examination.

The Examining Authority may request the provision of 3D visualisations/drawings to enable a clear understanding of the visual impact of the proposed junction developments.

Further S51 advice will be issued in connection with Chapter 5 of the Environmental Statement (Air Quality).

### **Submission of updated documents**

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours Sincerely

*Robert Ranger*

**Robert Ranger**  
**Case Manager**

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