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Paul Nagra
Highways England

Your Ref:

By email only.

Our Ref: TR010022

Date: 22 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.

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 issued initial s51 advice by letter on 21 May 2019. This letter comprises further advice to the Applicant provided under s51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider what appropriate action should be taken in response.

Environmental Statement (ES)

ES chapter 5, paragraph 5.6.2 states that the assessment of "*operational phase traffic effects uses a study area of 200m around roads likely to be affected by the Scheme*" and ES paragraph 5.6.3 sets out standard screening criteria used to determine study areas. Figures 5.2a-c and 5.3a-c set out the receptors considered in the construction phase and the opening year of operation. However, no detailed information is provided to explain how the selected receptors were derived with reference to the 200m study area and screening criteria thresholds. Please provide further detail regarding the findings of the receptor screening process set out in the ES.

The ES describes local air quality effects during the construction phase and at the year of opening. The Design Manual for Roads and Bridges (DMRB) paragraph 3.5 requires assessment for the year of opening and possibly a further year. The assessment

should be based on the 'worst year in the first 15 years from opening'. The ES does not clearly explain why the 2024 opening year would be the worst case. Please provide clarification in this respect.

Air quality effects are reported for Derby Ring Roads Air Quality Management Area (AQMA) (No. 1 Ring Roads AQMA for NO₂). The No. 2 A52 AQMA is a feature that is mentioned within the Applicant's Scoping Report and its extent is identified in ES Figure 5.4 but it is not labelled and does not appear to be referenced in the text. The exclusion of this AQMA may relate to the definition of the study area, which has been raised above. Please provide clarification explaining how effects on the A52 AQMA have been addressed.

The air quality chapter assumes that Derby City Council mitigation measures for Stafford Street are in place for the construction phase assessment but not for the operational assessment. ES paragraph 5.4.3 states that "*The measures were not incorporated into the Scheme opening year assessment for 2024 as it was understood at the time that the operational phase traffic data was being produced, that the city was likely to be compliant with the EU Directive by that time*". Please provide clarification to explain whether this assumption has been agreed with Derby City Council; why the ES assumes this to be a worst case assessment and whether an assessment of air quality effects with Derby City Council mitigation measures in place during 2024 has been undertaken.

Submission of updated documents

Please pay close attention to the advice set out in this letter and act on it accordingly. This can contribute towards a more efficient examination.

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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