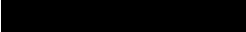


From: [Steven Buffery \(Economy Transport and Environment\)](#)
To: [A38 Derby Junctions](#)
Cc: [Bartkowiak, Bart](#)
Subject: RE: A38 Derby Junctions
Date: 07 May 2019 16:46:27
Attachments: 

Dear Bart,

Planning Act 2008 (as amended) – Chapter 2
Application by Highways England for an Order Granting Development Consent
for the A38 Derby Junctions
Adequacy of Consultation

Thank you for consulting Derbyshire County Council for its comments on the above consultation. The comments below are Derbyshire County Council's officer comments on the Adequacy of Consultation based on details set out in Highways England's Consultation Report.

In the context of the above, Derbyshire County Council considers that Highways England has complied with following Duties:

Duty to Consult: Planning Act 2008 (as amended) – Section 42
Duty to Consult the Local Community – Planning Act 2008 – Section 47
Duty to Publicise – Planning Act 2008 – Section 48

In particular, Derbyshire County Council would confirm that it has been consulted by Highways England on each of the key stages of both the non-statutory and statutory consultation processes as set out in Chapters 2 and 3 of the Consultation Report. In this context, however, the following concerns are expressed, which relate largely to the way Highways England has engaged with the County Council in seeking to resolve a range of issues that have been raised by the County Council on the proposed A38 Grade Separated Junctions Scheme through the various non-statutory and statutory consultations, relating particularly to the Little Eaton Junction Improvements.

Table 1 on Page 3 of the Consultation Report indicates that a Project Steering Group was established in late 2014 comprising of Highways England PM Team, AECOM, Derby City Council, Derbyshire County Council and Highways England, with the intention of meeting on a quarterly basis. Whilst this is correct, quarterly meetings have not been held for some considerable time, the last meeting having taken place on 14th February 2018, to discuss the early form and content of the Statement of Community Consultation.

Whilst Derbyshire County Council is supportive, in principle, of the overall scheme, there remain a number of outstanding issues with the scheme which have yet to be satisfactorily addressed by Highways England in any meaningful manner, which were set out in Derbyshire County Council's response on the Preliminary Environmental Information Report (PEIR) consultation by Highways England on 17th October 2018.

Of particular importance is the Transport Modelling Works, which have been undertaken on Highways England's behalf by AECOM. You will note from the response of 17th October Derbyshire County Council's concerns that the outputs from the Transport Modelling Works were not included in the PEIR, which would otherwise have widely assisted Derbyshire County Council and other parties to have a greater understanding

of the wider impacts of the A38 junctions scheme on the highways network and impacts on key environmental topics, particularly air quality, noise, people and communities. The impacts of the construction phase of the scheme are of particular concern to the County Council's officers and the need to ensure that such impacts are properly considered in the Transport Modelling Works. Derbyshire County Council's Officers have had a number of meetings with the Highways England's consultants to discuss the scope of the Transport Modelling Works but have not had a meeting for some time. Discussion of the final outcomes of the modelling works with Derbyshire County Council's officers, prior to the submission of the DCO application and finalisation of the supporting Environment Statement would have been extremely beneficial.

The response of 17th October also raised concerns about the proposed closure of Ford Lane and the loading capacity of Ford Lane Bridge, which would have to be replaced at Highways England's full expense. Whilst some dialogue has taken place between Derbyshire County Council's Officers and Highways England's consultant on this issue, the County Council's concerns have not yet been satisfactorily addressed and clarified by Highways England.

A similar issue has arisen with regard to the heritage impacts of the scheme. Derbyshire County Council's comments on 17th October raised concerns relating to the impacts of the scheme on landscape character and the Derwent Valley Mills World Heritage Site (DVMWHS). Derbyshire County Council's officers have provided several responses to Highways England on both the approach to Landscape and Visual Impact Assessment as well as preliminary design iterations. However, the County Council is yet to see how these comments have helped inform the design response to the scheme.

In respect of the DVMWHS, it is not clear whether Highways England has consulted separately with the DVMWHS Partnership, although it is noted from paragraph 4.2.4 of the Consultation Report that Historic England considers it unlikely that the scheme will have significant impact on the Outstanding Universal Value (OUV) of the DVMWHS. In this context, however, Derbyshire County Council's response of 17th October raised concerns with the impact of the scheme on the OUV of the World Heritage Site, particularly as a result of increasing the size and bulk of the A38 in this location and the erosion of the historic floodplain landscape, which could harm the OUV of the World Heritage Site.

In this respect, Article 6 (3) of the World Heritage Convention, to which Her Majesty's Government is a signatory, states that there should 'not be any deliberate measures that directly or indirectly damage their heritage or that of another State Party to the convention'. If the proposed highway scheme does impact negatively on the DVMWHS then Highways England will need to inform the Government so that it can decide whether to notify UNESCO at the earliest possible opportunity as per paragraph 172 of UNESCO's Operational Guidelines for the Implementation of the World Heritage Convention.

Overall, therefore, although the Consultation Report appropriately summarises the County Council's comments on the PEIR consultation as set out at 4.2.7 to 4.2.9, the report does not set out if, and how, Derbyshire County Council's concerns have been addressed by the applicant.

Finally, I would confirm that the email contact details for Derbyshire County Council are correct: Planning.Policy@derbyshire.gov.uk and that I am the main County Council contact for further correspondence.

I hope the above comments are of assistance to the Planning Inspectorate in the assessment of the Adequacy of Consultation process.

Regards

Steve Buffery

Steve Buffery | Team Leader

Policy and Monitoring

Economy, Transport and Environment | Derbyshire County Council

County Hall, Matlock, Derbyshire, DE4 3AG

01629 539808

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From: A38 Derby Junctions [mailto:A38DerbyJunctions@planninginspectorate.gov.uk]

Sent: 23 April 2019 16:49

Subject: A38 Derby Junctions

Dear Sir/Madam

**Planning Act 2008 (as amended) – Chapter 2
Application by Highways England for an Order Granting Development
Consent for the A38 Derby Junctions**

Highways England submitted the above application to the Planning Inspectorate today, on 23 April 2019.

We are now requesting a representation from your Authority on the adequacy of the applicant's pre-application consultation, and to confirm contact details

for future correspondence with your Authority regarding this project.

Adequacy of consultation

On receipt of an application, the Planning Inspectorate has 28 days to decide whether or not to accept the application¹. In accordance with section 37 of PA2008, the developer must submit a consultation report with the application. This consultation report should set out the developer's pre-application consultation processes, a summary of the relevant responses to its consultation and how it has taken account of responses received in developing the application. Developers must have regard to relevant guidance on the pre-application process issued by the Secretary of State². The Planning Inspectorate is inviting you as a host or neighbouring local authority³, to submit an 'adequacy of consultation representation' which the Planning Inspectorate must have regard to in deciding, **please see the attached letter**.

¹ PA2008 s37(3)(c)

² PA2008 s50(3)

³ PA2008 s55(4) and (5) – a "local authority consultee"

Regards

Bart Bartkowiak

Case Officer
National Infrastructure Planning
The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol BS1
6PN
Direct Line: 0303 444 5223
Helpline: 0303 444 5000
Email: bart.bartkowiak@planninginspectorate.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk/> (National
Infrastructure Planning)
Web: www.gov.uk/government/organisations/planning-inspectorate (The
Planning Inspectorate)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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Paul Nagra
 Project Manager for A38 Junctions Scheme
 Highways England
 Regional Investment Programme
 Floor 5
 2 Colmore Square
 38 Colmore Circus
 Birmingham B4 6BN

Mike Ashworth
 Strategic Director

Economy, Transport and Environment
 County Hall
 Matlock
 Derbyshire
 DE4 3AG

Telephone: 01629 5
 Ask for: Steve Buffery
 Email: steven.buffery@derbyshire.gov.uk
 Our ref: PM/SB/Strategic Applications/A38
 Grade Separated Junctions Scheme
 Your ref: TR010022/S42 (1) (b) September
 2018
 Date: 17 October 2018

Dear Mr Nagra

**A38 Grade Separated Junctions Scheme
 Planning Act 2008 Section 42: Duty to Consult On Proposed Application**

Preliminary Environmental Information Report

Response on Behalf of Derbyshire County Council

Thank you for consulting Derbyshire County Council on the A38 Grade Separated Junctions Scheme Proposed Scheme Design and Preliminary Environmental Information Report (PEIR). The comments below are Derbyshire County Council's officer technical comments on the Proposed Scheme Design and PEIR.

It is noted from Section 1 and Figures 1.2a and 1.2b of the PEIR that the A38 Derby Junctions Scheme comprises the proposed grade separation of Kingsway junction, Markeaton junction and Little Eaton junction, which are the three remaining at-grade junctions on the A38 between the M6 Toll and the M1. Figures 1.2a and 1.2b of the PEIR identify land within the red line boundary of the Scheme proposed to be subject to the forthcoming Development Consent Order (DCO) application. No land within the Kingsway and Markeaton parts of the Scheme are located within the administrative area of Derbyshire. However, that part of the red line boundary east of the River Derwent within the Little Eaton junction part of the scheme is located within the administrative area of Derbyshire. The comments set out below, therefore, primarily relate to that area of the Scheme for the Little Eaton junction grade separation improvements.

Derbyshire County Council has been working collaboratively with Derby City Council, Amber Valley Borough Council and South Derbyshire District Council, which form the Derby Housing Market Area (HMA) since around 2010 to assemble the evidence base to inform the preparation of their Local Plan Reviews, particularly to determine the housing and employment land requirements of the

Derby HMA as a whole and for the individual local authority areas. This evidence base has also included the commissioning of extensive transport modelling works to assess the likely impacts on the highway network of the housing and employment growth proposed in the HMA and within the local authority emerging local plans. In this context, DCC fully understands the key objective of the scheme set out at paragraph 1.1.2 of the PEIR, which indicates that Derby and its immediate surrounding area are expected to accommodate significant housing and employment growth and that as a result, traffic demands on the A38 through Derby are forecast to grow quicker than the national average. Consequently, existing delays at all three at-grade roundabout junctions on the A38 are anticipated to worsen due to increased levels of traffic; and that the proposed scheme would increase capacity of the strategic road network and help to facilitate housing and employment growth within Derby City and the surrounding area.

Highways Impact Issues

In 2003, the (then) Highways Agency consulted the County Council about its earlier proposals for grade separation of the Little Eaton junction (Abbey Hill). It is noted that the Minister's preferred option referred to in the PEIR for the A38/A61 Little Eaton junction announced December 2017 is, in essence, Option 3 of the previous consultation in 2003, albeit to a reduced design speed of 50 mph, no longer including an alternative access to the mobile home park and proposed closure of Ford Lane to the A38.

The scheme proposals in 2003 were considered at a meeting of the County Council's Cabinet held on 27th January 2004. The Cabinet report (copy attached) was approved and recommended Option 3 as the County Council's preferred option, effectively Highway England's currently preferred scheme option for taking forward through the forthcoming DCO process. The conclusions of the report accepted that all three options were likely to have significant environmental and social impacts on the surrounding area and its immediate setting. However, it was considered that these impacts needed to be considered within the context of the existing impacts of the A38 and the benefits that a grade separated junction would provide in relieving congestion and improving safety. In transport economic terms, it was considered that grade separation provided the largest benefits because it would be likely to improve journey times on the A38. Overall, it was considered that Option 3 had the greatest impact on landscape due to the amount and quality of land take. However, compared to Options 1 and 2, Option 3 provided the most sensible alignment and had the least direct social impact avoiding the mobile home park, Fourways, the Little Chef and Derby Garden Centre.

From the text in Section 2.3.3 of the PEIR, it is understood that construction of the grade separation works to all three Derby junctions would be carried out concurrently and could extend possibly, over a duration of three years. This will inevitably give rise to changes in travel patterns across a wide area of Derbyshire's road network. Early dialogue with Highways England to both establish what these effects would be, together with a strategy for their management, would therefore be appreciated by the County Council.

In this context, a key component of the Environment Statement which will support the DCO application, will be an analysis of the likely impacts of the proposed scheme on the highways networks relating to changes in traffic flows on the network both within Derby City and within the wider area of Derbyshire. It is disappointing, therefore, that the PEIR provides little reference to or detail of the transport modelling works which are currently being undertaken by AECOM on behalf of Highways England to assess the changes in traffic flows on the road network likely as a consequence of the construction and operational phases of the scheme. However, Derbyshire County Council's officers have been engaged in on-going discussions with officers from Highways England, AECOM and Derby City Council about the scope and content of the transport modelling works. As a result of those discussions, Derbyshire County Council is aware that initial transport modelling works were completed by AECOM in 2016 and have recently been updated to take into account growth proposals contained in the emerging Amber Valley Borough Local Plan and new traffic forecast data. A number of traffic management scenarios have also been modelled for the construction phase of the scheme. It was Derbyshire County Council's understanding that the transport modelling works would be completed in time to inform the preparation of the PEIR but it appears that this has not been the case. If details of the transport modelling works had been included, this would have greatly assisted in the understanding of the PEIR and the wider impacts of the scheme on the highways network and impacts on key environmental topics, particularly air quality, noise, people and communities etc.

From information set out in Section 2.3.4 of the PEIR, it is noted that the construction phase of the scheme as a whole is likely to last for at least 3 years and that the construction programme assumes that works would occur at all three junctions simultaneously, although the programme would be split into a number of separate phases to coordinate works at each junction in a manner that would, where possible, enable effective materials re-use and minimise disruption. In 2.3.5 it is further noted that a construction strategy is being investigated and developed further with contractor input, which includes the investigation of junction construction sequencing in a manner that minimises road user disruption and construction programme duration, for which further details will be provided in the Environment Statement.

During that time, the construction works are likely to have a significant impact on the surrounding (non-A38) road network within Derbyshire as a consequence of motorists seeking to take alternative routes to avoid the likely delays on the A38 through the scheme to reach their intended destinations. In this context, the proposed phasing of construction works will be an important consideration for the transport modelling works to take into account in understanding the potential impact on traffic flows and route reassignment during the construction phase of the scheme. It is considered important, therefore, that a detailed phasing programme of construction should be included within the Environment Statement.

Similarly, Sections 2.3.6 to 2.3.8 of the PEIR indicate that a number of sites may be required and used during the construction phase for construction compounds

and soil storage, particularly two sites within the vicinity of the Little Eaton scheme – a former landfill site north of the existing roundabout bounded by the North Midland railway line and B6179 Alfreton Road as a possible main construction compound; and land east of the junction as a possible soil storage area. It is important that the transport modelling works take these sites into account during the construction phase to understand the potential impact on the highways network of heavy goods vehicles accessing these sites.

In conclusion, therefore, DCC considers it very important that extensive transport modelling works are carried out to assess the likely impacts on the highway network during the construction phase of the scheme as well as for the operational phase of the scheme.

In its comments on the Scoping Report for the Environment Statement dated 13 April 2018, DCC considered that to provide for meaningful consultation with stakeholders on the PEIR, it was important that the PEIR contained details of the outputs and outcomes of the completed transport modelling works. Clearly, there will inevitably be wider impacts of the Scheme that extend well beyond the red line boundary identified in Figures 1.2a and b of the PEIR relating to traffic flows and how they impact on air quality, noise and vibration and people and communities etc., which will be key environment topics covered in the full Environment Statement. These sections of the final Environment Statement will need to be drafted to take into account the outcomes of the transport modelling works.

It is possible that there may need to be changes to existing Traffic Regulation Orders affecting roads in the vicinity of the scheme. Any proposed or likely changes to these Orders should be set out in the Environment Statement.

Network Management Issues

Derbyshire County Council, as Highway Authority, would like to stress that this has been the first formal opportunity for the County Council to provide comments on the scheme since a preliminary discussion meeting at AECOM's Chesterfield Office, in July 2018.

Derbyshire County Council has a highway improvement scheme through its Capital Programme of Works that is currently planned for construction in February 2019 for around 9 weeks duration. Derbyshire County Council is intending to carry out a scheme of widening for the footway on the western side of the A61 Alfreton Road (from its junction with the Pektron Roundabout at the south to the junction with the Little Eaton Roundabout to the north). The footway is to be widened to provide a suitable and accessible shared use path for both pedestrians and cyclists that provides a safe and desired connection to the existing cycling provision on the surrounding network, namely connecting to the existing route adjacent to the A38 South and beyond.

Prior to this scheme, Derbyshire County Council has also undertaken improvements to the Street Lighting via the LED Replacement Programme and the

replacement of the various directional signing along this section of the A61 onto the approach to Little Eaton Roundabout.

One of the issues which has been raised in the past is the current right of way which comes out of Breadsall village (*Little Eaton Junction Consultation Brochure Drawing*) shown as the Dam Brook trail which runs from the village towards the A38 and then follows the current alignment of the A61 around and comes out at the side of the A61 just after the end of the ARMCO barrier. There are worn sections of grass in the middle of the A61 where pedestrians have been standing in the past to cross over the A61. It would appear that the route is used by people wishing to access the northbound bus service at the nearby stop provision on the A61.

One of the possible ideas under consideration was to divert the right of way (Dam Brook) from the back of the village at a perpendicular angle straight to the A61 edge (shortest route), however the design layout of the scheme set out in the Consultation Brochure is showing it being diverted around the back of the surface water management ponds and coming out at a similar location at the A61 to where the current informal crossing type arrangement exists. Irrespective of which route the path takes from Breadsall village, it will likely be constructed to a suitable standard i.e. top trek type material with defined edging. It is likely that should the right of way be of a good standard it will encourage an increase in footfall to and from Breadsall village as it will be an improvement on the current provision. An issue in respect of the current proposed arrangement set out in the Consultation Brochure is that the path would come out in close proximity to the roundabout and as the road is of a higher speed limit, vehicles exiting the roundabout/A38 would enter the A61 and be in potential immediate conflict with pedestrians and other vulnerable road user groups crossing at this point, in addition to which at peak times if a controlled crossing was on red for vehicles we could have potential for queuing back onto the roundabout.

The proposals do not make reference to whether the realignment of the Dam Brook will be of a sufficient width that it could accommodate both pedestrians and cyclists. Nor does it make reference as to what standard of construction it will be. At this point on the A61, it is evident that the ability to then cross the A61 Alfreton Road to access the western side of the road for recreational purposes (walking, cycling) travel purposes (north bound bus stop and its services) or to pursue a route into Little Eaton village to the South, is restricted.

Derbyshire County Council as the Highway Authority recognises the difficulty in people being able to safely cross the A61 and the Authority has received many communications from residents and the Parish Council of Breadsall village with regard to this matter. Officers have met with Highways England in respect of the scheme for the A38 and in particular the area around the Little Eaton roundabout. Derbyshire County Council has made representation through the consultation process for this scheme that it would wish to see the implementation of a pedestrian crossing near to the Croft Lane access onto the A61. This would be of a sufficient distance from the roundabout and that approaching vehicles would have sufficient

time and distance to react when the crossing point is activated, and reduce the potential for vehicles to be queuing back onto the A61/A38 junction. To facilitate a scheme of this nature would require the need for the construction/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. This would allow for a safe and suitable crossing point that connects both the north and south bound bus stop provision on the A61 and the new shared pedestrian/cycle path on the western side of the A61 that Derbyshire County Council are to commence construction on in February 2019.

The installation of a pedestrian crossing would address the number of enquiries that the County Council has received for consideration to be given for the introduction of a formal crossing arrangement for the A61 Alfreton Road as the perception is that people do not have a safe and suitable facility to cross the busy, high speed dual carriageway of the A61. This improvement to the Dam Brook trail and the highway improvement scheme to the western footway, the shared footpath scheme for the A61 Alfreton Road is likely to encourage/promote an increase in demand for people wanting to cross the A61.

Derbyshire County Council has recently received correspondence from the MP for Breadsall, the Right Hon Pauline Latham MP who is requesting the provision of a dedicated pedestrian crossing facility for the A61 Alfreton Road, Little Eaton as she has received requests from her constituents for such provision.

From a Street Lighting perspective the Authority would seek some clarification from Highways England as to where the County Boundary will sit following the construction of this scheme and if it is to be amended / altered will there be, as a consequence, any changes to the County Council's asset (street light columns and illuminated equipment) ownership as a result?

In reference to (*Little Eaton Junction Consultation Brochure Drawing*) the signalised crossings specified in and around the approaches to Little Eaton roundabout, it would appear, although the drawing does not specify, they are toucan crossings that will provide the necessary network links/connectivity to the cycle route provisions within the surrounding area. Clarification should be provided on this matter.

Due to a new slip road the Ford Lane junction onto the A38 is to be stopped up, making Ford Lane a dead end road. There is reference to a business (Talbot Turf) that is at the end of this dead end along with a single property also being served. The junction onto the A38 is within Derbyshire County Council's area but there is no mention of this within the consultation document only that it is to be agreed with Derby City Council. Derbyshire County Council requires further clarity and information to inform this specific aspect of the proposed project.

Ford Lane Bridge, C34014, will provide the only access to these two properties across the River Derwent. The bridge has been assessed at 7.5t and Derbyshire

County Council is concerned that if this business wanted to regularly use the access for 40t GVW Lorries this may have a structural impact upon this asset. Replacement of this structure would be expensive, due to an overall span of 44.9m and would be difficult to maintain any access during the work, currently the A38 would provide the second access. If this structure is to be impacted by the proposed works then the Highway Authority would strongly request that all capital expenditure be identified and funded by this project. Again Derbyshire County Council requires further clarity and information to inform this specific aspect of the proposed project.

The documentation provided does not provide adequate detail to inform the Highway Authority of the limits of Highway England's adoption boundary. This information needs to be provided as a matter of urgency as to ensure that no additional asset stock or liabilities fall upon Derbyshire County Council, on completion of this project.

Heritage Comments

The PEIR contains the results of currently ongoing assessment work and studies relating to heritage assets. Derbyshire County Council's archaeologist has previously given comments on the Environment Statement Scoping Report on cultural heritage issues and has been involved in dialogue with the applicant's archaeological consultant in relation to archaeological surveys on the site.

As per these previous comments, there is little to criticise in PEIR Chapter 6 with regard to the identification of known and potential heritage impacts and receptors. The applicant has made full use of the available information sources including Derbyshire Historic Environment Record, and has applied appropriate professional judgement to assess potential for previously unknown assets in different areas. Consultation has taken place to develop an appropriate suite of archaeological evaluation techniques which are currently taking place in relevant parts of the site to develop a baseline in relation to below-ground archaeological assets. There are no known archaeological assets of regional/national importance within the development footprint, although it is conceivable that the ongoing studies could identify remains at these higher levels of importance, for example, if well-preserved remains are present on one of the postulated Roman road alignments. Loss of archaeological remains at this level would produce a significant effect in EIA terms.

With regard to the Derwent Valley Mills World Heritage Site, the applicant is in the process of carrying out a separate heritage impact assessment to establish impacts to the Outstanding Universal Value (OUV) of this internationally important heritage asset. A separate consultation is being carried out in relation to scoping of this study, and the County Council's archaeologist will provide separate comments on this. Because the Little Eaton junction is partly within the World Heritage Site it is conceivable that environmentally significant impacts to the World Heritage Site will be identified, particularly when the high level of weighting attached to this asset is considered.

Issue is taken, therefore, with the conclusions at 6.8.1 that there will be 'neutral' effects on archaeological heritage assets, for example to potential archaeological and palaeo-environmental deposits along the River Derwent floodplain. As discussed above, the process of identifying and characterising such assets and the levels of proposed impacts to their significance is currently taking place, but total loss of a regionally important archaeological asset (for example) would generate a moderate adverse impact which would be EIA significant. With archaeological assets it is unclear how a 'neutral' effect could be assessed, because the ability to record an asset is not admissible as a mitigatory factor under national planning policy (NPPF para 199). Loss of archaeological assets would therefore be assessed as adverse, even where a record can be made. It is noted, however, of the intention (paragraph 6.8.2) to revisit these conclusions following the completion of assessment work.

In relation to the Derwent Valley Mills World Heritage Site, the commentary at 6.6.4 appears unduly restricted to direct impacts and does not consider the potential of impacts to OUV through visual harm, particularly in relation to the rural/urban relationship in the landscape which forms a key component of OUV: "The operation of the proposed scheme would have limited impacts on the DVMWHS (A41) due to the existence of the existing A38 and the provision of an appropriate landscape planting design." Increasing the size and visual bulk of the A38 in this location could harm OUV through erosion of the historic floodplain landscape, and a 'landscape planting design' if poorly executed could exacerbate the problem rather than mitigating it. The 'slight adverse' impact assessed at paragraph 6.8.1 is therefore premature; it should perhaps be acknowledged at this stage that an understanding of impacts is currently being formulated.

It terms of assessing impacts on the World heritage Site, when a planning application on raised ground nearby at Darley Abbey went to appeal in 2016, the appeal was dismissed by the Inspector over concerns on impacts to the OUV of the World Heritage Site. A series of photographic views were submitted as part of the County Council's appeal submission. As the landscape is quite open at that point of the scheme along the World Heritage Site, Officers consider that it would be helpful to have a similar photographic survey, with a mock-up of the proposed bridges, to show the impacts of the two new bridges planned for the Little Eaton roundabout, on the relict rural landscape setting of the World Heritage Site. Anything that can reduce those impacts needs to be considered, if impacts are identified.

Landscape Comments

Section 7.3 of the PEIR acknowledges the limitations of the Landscape and Visual Impact Assessment (LVIA) at this stage, stating at 7.3.2 that "*the preliminary assessment may be subject to change as the design of the proposed scheme is developed and refined through the EIA and consultation processes, and as further research and investigative surveys are undertaken to fully understand its potential effects*". This is to be expected given that the LVIA is currently ongoing and it would be difficult to make any firm judgements at this stage.

That said, despite the PEIR correctly identifying the baseline landscape conditions at Section 5 of the document, including reference to the national and county landscape character studies, it is of concern that in Table 7.1: *Summary of Value, Susceptibility and Sensitivity of Landscape Receptors to the Proposed Scheme*, the PEIR fails to make any judgements against the County scale Landscape Character Type (LCT) or a local landscape study area. By only referring to the National Character Area, a large geographic area, the concern is that the assessment will underestimate the landscape effects of the proposal and will not adequately inform the requisite mitigation that might be required to address any identified adverse effects. This is particularly concerning given that locally the Little Eaton junction scheme will have a significant impact on the Riverside Meadows LCT; a low lying, pastoral floodplain associated with the river with a distinct lack of built development. The use of wards in the assessment process feels like a very arbitrary area and does not necessarily reflect the scale of a community that might be affected by the proposed scheme and is not standard practice in the LVIA guidelines. Again, any judgement against an entire ward is only likely to underestimate the scale of any adverse effects associated with the proposal when there might be some very specific receptors that might be affected by the scheme. Any judgement on landscape effects not only needs to be made against the proposed road junction scheme but also in the context of other compensatory measures that will be required to offset other environmental impacts. This is particularly relevant to ecological mitigation, which might also introduce other uncharacteristic or incongruous features into the landscape.

The judgements being made at 7.9.4 with respect to identifying landscape effects are too simplistic and primarily relate to the loss of characteristic landscape elements such as farmland and trees. In addition 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 at grade. How would the scheme aim to overcome and mitigate the very noticeable variation to the existing established character of the landscape? In assessing visual impacts as outlined in paragraph 7.9.7 the assessment needs to consider other components and changes to a view other than just the ability to see the new elevated junction. 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 1 or in the longer term at year 15?

Air Quality

In terms of impacts on air quality generated by the proposed scheme, it is noted from Section 5.3.2 that at this stage, details of construction traffic, construction schedule, construction methodology and plant requirements are not yet determined. These factors will have a significant impact on the assessment of air quality in the final Environment Statement. It is noted from Section 5.3.2, therefore, that for the preliminary assessment in the PEIR, a qualitative construction air quality assessment has been carried out based on application of best practicable means to minimise air quality issues. It is welcomed, however, that it is indicated

that a further assessment of potential construction phase air quality impacts will be undertaken in the Environment Statement.

As set out in the County Council's comments on the Scoping Report for the scheme, the details and outputs from the ongoing transport modelling works will be an important consideration in the assessment of air quality impacts within the Environment Statement, particularly during the operational phase of the scheme. It is welcomed and supported, therefore, that paragraph 5.3.3 of the PEIR indicates that a detailed operational air quality assessment will be included in the Environment Statement which will be based on detailed traffic modelling data and which will consider the whole of the affected network.

Green Belt Issues

As with Derbyshire County Council's comments on the Environment Statement Scoping Report, it is of concern that the PEIR includes very 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 in the Adopted Erewash Borough Core Strategy 2013. Policy 3: Green Belt of the Local Plan states that:

Policy 3: Green Belt

The principle of the Nottingham-Derby Green Belt will be retained. Within Erewash, when considering proposals for development within the Green Belt, regard will be given to:

- a) the statutory purposes of the Green Belt;*
- b) maintaining the strategic openness of the Green Belt between the towns of Ilkeston and Long Eaton and the Derby urban area;*
- c) ensuring the continued separation of neighbouring towns and rural settlements within Erewash Borough;*
- d) safeguarding valued countryside; and*
- e) preserving the setting and special character of Erewash towns and rural settlements.*

Paragraph 146 of the (Revised) NPPF indicates that certain forms of development are not inappropriate within the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Local transport infrastructure which can demonstrate a requirement for a Green Belt location is identified as one of the uses that are not inappropriate in the Green Belt.

In the context of the above, it is of concern that the PEIR does not provide any indication that an assessment will be provided in the Environment Statement (or Planning Statement) of the likely impacts of the Little Eaton junction part of the scheme on the openness of the Green Belt and the main purposes for including land within the Green Belt in this location, which forms an important part of the

Nottingham – Derby Green Belt. Only passing reference is made to the fact the scheme is located within the Green Belt at Section 7.7.8 of the PEIR in the context of the wider consideration of impacts on landscape and visual impact issues and people and communities.

Flood Risk

As Lead Local Flood Authority (LLFA) covering that part of the scheme at the Little Eaton junction falling within Derbyshire, consultation has been undertaken with Officers in the County Council's Flood Team. At this current phase of the planning process the LLFA have no comment to make on the PEIR but will be 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 phase that will be supporting the forthcoming DCO application.

Public Transport Issues

Section 13: People and Communities of the PEIR considers the potential impacts of the scheme on motorised vehicle users and non-motorised users. However, the PEIR does not include any significant assessment of the likely impacts on public transport usage in the area as a result of the construction or completion phases of the scheme. The only reference to public transport is made in Section 12.8.9, which indicates that whilst there would be potential adverse impacts on bus users during the construction phase due to reduced speed limits and traffic management leading to increased congestion, proposed scheme operation is anticipated to have a potential significant beneficial effect for users of local buses due to improved journey times and journey reliability.

DCC's officers consider that the following impacts are likely to result as a consequence of the completion and construction of the scheme.

Little Eaton Scheme

Bus services going south into Derby from Little Eaton currently struggle to get out of Alfreton Road onto the existing A38 roundabout due to the volume of traffic. This grade separated proposal will make it easier for these services to get onto the new island and then to head south into the City. Similarly, buses going northbound either to Little Eaton or onto the A38 towards Kilburn should also benefit from improved traffic flow over the current roundabout arrangement.

Markeaton Island Proposal

Bus services on the A52 heading towards Derby city centre from Ashbourne and outbound from the city towards Mackworth can currently be stuck in considerable traffic queues as vehicles go round the current roundabout and through the associated traffic signals. Separating the North /South through traffic from the more local journeys heading into and out of Derby from this direction should be likely to reduce delays and improve the reliability of bus services on this corridor.

Kingsway Island

No bus services from Derbyshire currently travel through this junction so there is no real benefit from the County Council's perspective.

General Comments – Construction Phase

As with any project of this scale on a major road it is important that the construction process is managed sensitively to limit the delays to traffic due to this work. The experience of the work that HE undertook on Little Eaton island a few years ago when it implemented the current layout was not good with considerable delays being experienced by bus services (and other traffic) which were using this route.

Materials

The Materials section of the PEIR includes details of the proposed approach to minerals and waste considerations in the Environment Statement. Derbyshire County Council and Derby City Council are the Joint Minerals and Waste Planning Authorities for the area covered by all three of the grade separation junctions.

In the context of the above, it is important that the Environment 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). It should be noted in this context that the two authorities are currently preparing a new Waste Local Plan for the area which will ultimately replace the adopted Plan of 2005.

Reference should be made in the Environment Statement to the Derby and Derbyshire Local Aggregate Assessment (LAA) 2017. Reference should be made to the Adopted Derby and Derbyshire Minerals Local Plan and to the emerging Derbyshire and Derby Joint Minerals Local Plan, which was published for consultation in March 2018 and how the scheme meets the requirements of the policies in the adopted and emerging Local Plans.

It is particularly welcomed and supported that paragraph 10.6.5 of the PEIR indicates that the proposed scheme is currently being progressed to optimise the requirements for cut and fill and where possible this will be minimised to reduce the import and export of materials and waste; and that material generated at the Kingsway and Markeaton junctions is likely to be reused at Little Eaton junction. However, it is noted that the total cut volume is estimated to be approximately 130,000 cubic metres whilst the estimated fill requirement totals 474,000 cubic metres and so a net import of fill material would be required to construct the proposed scheme. It is important, therefore, that the Environment Statement provides 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 within Derbyshire where at all possible in order to reduce travel distances. The need to import such large volumes of material by HGVs is also likely to have implications for the wider road

network during the construction phase, which will need to be taken onto account in the ongoing transport modelling works referred to above.

People and Communities: Economic Development and Regeneration Issues

It is disappointing that the People and Communities Section contains little or no reference to the assessment of the likely economic benefits of the Scheme. This concern was highlighted in the County Council's comments on the Environment Statement Scoping Report. For example, an assessment could be provided on whether the construction phase of the scheme, in particular, could generate a positive impact for the area in terms of the creation of construction employment and associated expenditure in the local economy through supply chains; and during the operational phase of the Scheme, whether it is anticipated that there would be local economic benefits as a result of the improvement in accessibility between jobs and the labour market. It is considered that the forthcoming Environment 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 in both the construction and operational phases of the Scheme.

The Adopted City of Derby Local Plan Part 1 Core Strategy, Adopted South Derbyshire Local Plan Part 1 and emerging Amber Valley Local Plan have identified a range of proposed housing and employment allocations in the Derby HMA, particularly large strategic housing and employment allocations. The provision of the new highways scheme is considered likely to impact positively on the Derby HMA area as a result of improved connectivity across the HMA between planned new homes and jobs, potentially making new housing schemes and employment sites more attractive to both prospective residents and businesses as a place to live and invest. It is considered important, therefore, that the potential economic development and regeneration impacts of the Scheme as highlighted above should be assessed in the Environment Statement to support the DCO application.

Public Health

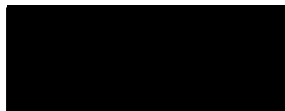
In terms of comments related to public health:

1. Derbyshire County Council welcomes the inclusion of measures to reduce noise to neighbouring residents.
2. The document appears to indicate that all cycling and walking routes will be maintained. However, the County Council would want 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.
3. In terms of visual screening and noise reduction, the County Council would welcome the use of green infrastructure such as green walls and hedgerows

or trees to support reductions in noise, visual appearance and support reductions in air pollution.

I hope the comments above are of assistance in the preparation of the forthcoming Environment Statement.

Yours sincerely



MA

Mike Ashworth
Strategic Director of Economy, Transport and Environment