



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

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

All Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: TR010022

Date: 23 August 2019

Dear Sir/ Madam

Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6 etc

Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions project

Notice of appointment of the Examining Authority and details of the Preliminary Meeting

I write to you following my appointment by the Secretary of State as the lead member of a Panel who will be the Examining Authority (ExA) to carry out an examination of the above application. I am Stuart Cowperthwaite and the other member of the ExA is Simon Warder. A copy of the appointment notice can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010022/TR010022-000707-190816%20Notice%20of%20Appointment%20of%20Panel%20of%20Examiners%20TR010022.pdf>

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when preparing our proposals regarding how to examine this application.

Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting to discuss the Examination procedure. It contains a number of important supporting annexes.

Date of meeting: **Tuesday, 8 October 2019**

Seating available from: **9.30am**

Meeting begins: **10.00am**

Venue: **Best Western The Stuart Hotel**
119 London Road
Derby, Derbyshire
DE1 2QR

Access and parking: **Free parking. The main car park is down the right side of the main entrance to the hotel. An alternative car park is available to the left of the hotel, off Trinity Street. Each car park has a barrier. When you arrive, drive up to the barrier and it will raise automatically. Ask the hotel reception for an exit code when you leave.**

Note: Given the volume and frequency of letters that the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email wherever possible as electronic communication is more environmentally friendly and cost effective for the Inspectorate as a government agency. If you have received a postcard but are able to receive communications by email, please confirm this with the Case Team using the contact details at the top of this letter, as soon as possible.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about the way in which the application is to be examined. At this stage we are looking at the procedure and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. Further information on the planning process for Nationally Significant Infrastructure Projects is given in Advice Note 8, which is available on our website at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>.

We wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, we strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is at **Annex A**. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. That assessment is set out in **Annex B**. As a result of this assessment we wish to hear at the meeting from the Applicant, Interested Parties, Statutory Parties and local authorities where they consider changes may be needed to the draft Examination Timetable set out in **Annex C**.

Up-to-date information about the project and the Examination can be obtained from:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>.

This is the address for the project page on the National Infrastructure Planning website and is where the Planning Inspectorate will make copies of all Examination Documents available to the public. It will be useful for you to become familiar with this as the Examination process makes substantial use of electronic documents.

All Examination Documents can also be viewed electronically at the locations listed in **Annex D**.

Attendance at the Preliminary Meeting

If you wish to attend the Preliminary Meeting please contact the Case Team using the details set out at the top of this letter. Please confirm this **no later than Friday, 27 September 2019**.

It will help the management of the meeting and benefit everyone if as part of the above confirmation you also:

- tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides an introduction to the Examination process. We will use it to make Procedural Decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. It will be useful to attend the meeting if you intend to play an active part in the Examination or if you have questions about procedure.

You are not required to attend the Preliminary Meeting in order to participate in the Examination. If you are an Interested Party then you will still be able to make a Written Representation and comments on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings.

Please notify the Case Team in writing if you no longer wish to be an Interested Party and do not wish to be involved in the Examination process.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the timetable for the examination in the light of our consideration of any points which have been put to us. An audio recording and a note of the meeting will also be published on the project page on the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing.

Any other Issue Specific Hearings will be held at the discretion of the ExA and will be arranged if we feel that consideration of oral representations will help to ensure that an issue is adequately examined. The examination of the application will primarily focus on written submissions. We will consider the application documents, Written Representations about the proposal, policy and legal positions, site inspections, oral representations made at any hearings and any other matters that we consider to be relevant and important.

All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

Other Procedural Decisions made by the Examining Authority

We have made further Procedural Decisions:

- to hold an issue specific hearing in respect of the draft Development Consent Order (dDCO) on Tuesday 8 October 2019 at 1.30pm or, if later, 1 hour after the close of the Preliminary Meeting. Important information about this hearing is provided at **Annex E**.
- to request the preparation of Statements of Common Ground between the Applicant and various parties. These are set out in **Annex E**.

Your status in the Examination

You have received this letter because you fall within one of the groups described in this FAQ document:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2019/02/Status-faq.pdf>.

You are in Group A if you have made a Relevant Representation or are a host local authority, or if your reference number begins A38DJ-AFP or A38DJ-S57. You are in Group B if your reference number begins with A38DJ-SP and you have not made a Relevant Representation and are not a host authority.

Please contact the Case Team using the details at the top of this letter if, having read the FAQ document, you are still unsure about your status.

Award of costs

We draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>.

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>.

Please note that in the interest of facilitating an effective and fair Examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our [Privacy Notice](#).

We look forward to working with all parties in the examination of this application.

Yours faithfully

Stuart Cowperthwaite

Lead Member of the Panel of Examining Inspectors

Annexes

- A** Agenda for the Preliminary Meeting
- B** Initial Assessment of Principal Issues
- C** Draft Examination Timetable
- D** Availability of Examination Documents
- E** Other Procedural Decisions made by the Examining Authority

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Agenda for the Preliminary Meeting

Date: Tuesday, 8 October 2019

Seating available from: 9.30am

Meeting start time: 10.00am

Venue: Best Western The Stuart Hotel, 119 London Road, Derby, Derbyshire, DE1 2QR

| | |
|---------------|--|
| Item 1 | Open of the Preliminary Meeting, welcome and introductions |
| Item 2 | Examining Authority's (ExA's) remarks about the examination process |
| Item 3 | Initial Assessment of Principal Issues – see Annex B |
| Item 4 | Draft Examination Timetable – see Annex C |
| Item 5 | Deadlines for submission of: <ul style="list-style-type: none"> • Written Representations • Local Impact Reports • Responses to the ExA's Written Questions • Statements of Common Ground • Notifications relating to hearings |
| Item 6 | Hearings and Accompanied Site Inspection (ASI): <ul style="list-style-type: none"> • Dates of Issue Specific Hearings on the draft Development Consent Order • Date reserved for an Open Floor Hearing • Time periods reserved for other Issue Specific Hearings • Time periods reserved for Compulsory Acquisition Hearings • Date of ASI to application site and surrounding area |
| Item 7 | Procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting. |
| Item 8 | Any other matters and close of the Preliminary Meeting |

Please note: Please be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA and the meeting will conclude as soon as all relevant contributions have been made. The order of the agenda items may change or a break may be introduced if there are additional matters to be dealt with or submissions take a considerable amount of time.

Initial Assessment of Principal Issues

This is the Initial Assessment of the Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). This initial assessment has had regard to consideration by the Examining Authority (ExA) of the application documents and of Relevant Representations received in respect of the application.

This is not a comprehensive or exclusive list of all relevant matters. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Transport after the Examination has concluded.

The order of the issues listed does not imply any order of prioritisation or importance.

A number of the Principal Issues set out below have an interrelationship and overlap that will be reflected in the Examination.

1. Draft Development Consent Order (dDCO) and other consents, permits and licenses

- a) dDCO provisions required for the project to be implemented satisfactorily and other provisions necessary for the purposes of the project
- b) The reasoning provided in the Explanatory Memorandum (EM) and departures from the model provisions set out in The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009
- c) The clarity of definition and the consistency of use of terms and phrases referred to in the dDCO
- d) Whether a full, precise and complete description has been provided of the project and any necessary 'associated development'
- e) Whether the dDCO Requirements are relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable
- f) Whether the Requirements effectively secure the mitigation identified in the Environmental Statement (ES)
- g) Matters for which detailed approval needs to be obtained, the discharging authority and the roles of the local authorities and of other independent statutory and regulatory authorities
- h) The identification of all relevant statutory undertakers for which protective provisions are required and the adequacy and agreement of those provisions
- i) The need for protective provisions for the Environment Agency
- j) Other provisions in the dDCO, including for removal of consent requirements, compulsory acquisition and documents to be certified
- k) The identification of other consents, permits or licenses required before the development can become operational, progress in obtaining them, comfort/impediments and timescales for them being granted

2. Legislation and policy, the need for development and alternatives

- a) Applicable legislation and policy
- b) Human rights and equality duties
- c) Conformity or otherwise with the National Policy Statement, the development plans and other important and relevant matters
- d) The need for development
- e) The business and economic cases
- f) Local economic impacts, whether the proposal would facilitate growth by relieving congestion and help to deliver housing development to the west of Derby
- g) Scheme history
- h) Alternatives and options, including the assessment leading to the chosen option for the Little Eaton junction

3. Impact assessment and mitigation methodology and “good design”

- a) The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included in the cumulative impact assessment
- b) The extent of the areas of potential impact considered
- c) Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies
- d) The application of professional judgements and assumptions
- e) Identification and sensitivity of receptors with the potential to be affected by the proposed development, magnitude and the quantification of potential impact
- f) Nature of the likely effects (direct or indirect, temporary, short or long term) on receptors
- g) “Reasonable worst case” Rochdale Envelope parameters
- h) The significance of each residual impact after mitigation
- i) Whether the secured mitigation measures are likely to result in the identified residual impacts
- j) The Outline Environmental Management Plan, the Construction Environmental Management Plan and the Handover Environmental Management Plan
- k) Whether the mitigation identified in the Environmental Statement (ES) is adequately secured by the combination of the dDCO with other consents, permits and licenses
- l) “Good design”, including functionality, durability and aesthetics
- m) Opportunities for environmental benefits

4. Transport networks and traffic

- a) Baseline conditions and surveys
- b) Growth assumptions, modelling techniques and assumptions
- c) Cumulative impacts with other developments, impacts on the wider network
- d) Construction traffic, temporary closures and diversions, capacity during the construction process, the Traffic Management Plan and the roles of the local transport authorities
- e) Operational traffic and permanent road closures, including the closure of existing slip roads to the A38 and implications for communities to the north and west of the A38, access to existing businesses adjacent to Markeaton junction, proposed weight restrictions on Ford Lane bridge and potential impacts on Cherry Lodge children's residential care home
- f) Changes in traffic flow on routes and at junctions
- g) Public transport
- h) Railway bridge widening
- i) Road safety
- j) Traffic Regulation Measures proposed for the dDCO
- k) Potential impacts, mitigation, opportunities for enhancement, residual effects after mitigation and their significance

5. Air quality

- a) The Air Quality Directive (AQD), the UK Air Quality Strategy and Air Quality Management Areas (AQMA). The potential for an AQD-compliant zone to become non-compliant and for the potential for delays for a non-compliant zone to achieve compliance. Stafford Street and the Derby AQMAs.
- b) Baseline conditions and surveys
- c) Statutory air quality thresholds
- d) Construction dust and emissions from vehicles and plant
- e) Operational emissions and NO₂ forecasting methods
- f) PM_{2.5} assessment
- g) Locations exceeding EU limit values for NO₂
- h) Air quality pollution control, air quality monitoring and whether potential releases can be adequately regulated under the pollution control framework
- i) Potential impacts and mitigation, including for the Royal School for the Deaf
- j) Residual effects after mitigation and their significance

6. Noise and vibration

- a) Compliance with statutory requirements including the Noise Policy Statement for England, National Planning Policy Framework and Planning Practice Guidance
- b) Baseline conditions and surveys
- c) Assessment methodology, including the level of the Significant Observed Adverse Effect Level threshold and whether exceeding this for less than 10 days in 15 during construction should be considered to be insignificant
- d) How the assessment has considered vertical level differences between roads, sensitive receptors and any mitigation noise barriers
- e) Proximity to noise sensitive receptors, residential premises, Noise Important Areas, noise sensitive areas, quiet places, areas valued for their tranquillity and designated sites
- f) Construction noise, vibration and working hour limits, including for the closest receptors to construction works between Kingsway junction and Kedleston Road junction, the Royal School for the Deaf, Ford Farm Mobile Home Park, the south end of Ford Lane, Breadsall and in the vicinity of works at the floodplain compensation area
- g) The number and location of properties likely to experience significant adverse construction noise or vibration effects and the duration
- h) Operational noise and vibration, including for properties in closest proximity to the A38, Ashbourne Road (including Cherry Lodge children's residential care home), the Royal School for the Deaf and traffic re-routing on minor roads within Mackworth and New Zealand
- i) The application of the Noise Insulation Regulations and properties that may require noise insulation or temporary re-housing
- j) Noise and vibration pollution control and whether potential releases can be adequately regulated under the pollution control framework
- k) Potential impacts, mitigation, including the provision of noise barriers.
- l) Residual effects after mitigation and their significance

7. The water environment

- a) Baseline information
- b) Flood risk, whether development has been directed away from the areas at highest risk of flooding, particularly for the Little Eaton junction
- c) Drainage, Sustainable Urban Drainage Systems and compliance with national standards
- d) Markeaton Brook, Bramble Brook and Dam Brook
- e) Main rivers, groundwater, other water bodies, water quality and resources, particularly for Markeaton junction

- f) Water discharges, water quality pollution control and water quality monitoring and whether potential releases can be adequately regulated under the pollution control framework
- g) The Water Framework Directive and The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- h) Potential impacts, mitigation, opportunities for enhancement, residual effects after mitigation and their significance

8. Biodiversity and ecological conservation

- a) The Habitats Regulation Assessment and screening of European sites
- b) Statutory designated sites
- c) Non-statutory designated sites of interest
- d) Non-designated sites of interest
- e) Rationale for scoping in/out the sites in (b) to (d)
- f) Irreplaceable habitats including ancient woodland and veteran trees
- g) Other habitats including grassland, trees, woodland, standing and running water
- h) The removal, cutting or lopping of trees and hedgerows, including any subject to tree preservation orders. Locations, justification, compensation and replacement.
- i) Protected species
- j) Invasive species
- k) Noise, vibration, artificial light, air quality and water quality-related impacts
- l) Geological conservation
- m) Pre-commencement and construction phase monitoring
- n) Potential impacts, mitigation, opportunities for enhancement, residual effects after mitigation and their significance

9. Landscape and visual impacts

- a) Baseline information
- b) Consistency with the Guidelines for Landscape and Visual Assessment and the specific application of professional judgement
- c) The selection of representative viewpoints and the need for visualisations
- d) The extent of removal of existing screening vegetation alongside the A38
- e) Effects on designated landscapes and Landscape Character Areas
- f) Townscape impacts including the existing and replacement open space at Kingsway and Markeaton
- g) Sensitive receptors to visual effects, magnitude of impacts, outlook of neighbouring occupiers

- h) Artificial light
- i) Potential impacts, mitigation, opportunities for enhancement, residual effects after mitigation and their significance

10. Land use, social and economic impacts

- a) Open space and recreational land – loss, requirement and replacement
- b) Acceptability of land issues and compliance with development plans including Green Belt openness, whether inappropriate development and, if inappropriate, whether very special circumstances exist
- c) Agricultural land, soil quality and the protection of soils during construction
- d) Land instability, contaminated land, land quality pollution control and whether these can be adequately regulated by Environmental Permits
- e) Safeguarding mineral resources
- f) Non-motorised users and public rights of way, accessibility, suitability of replacements, impacts on recreation and opportunities for improvement
- g) Severance and local access, including for communities to the north and west of the A38 and for existing businesses adjacent to Markeaton junction
- h) Human health, including in relation to historic landfill materials associated with the former Rowditch tip and with respect to the wellbeing of young people at the Royal School for the Deaf and at Cherry Lodge children's residential care home
- i) Socio-economics and local impacts
- j) Potential impacts, mitigation, opportunities for enhancement, residual effects after mitigation and their significance

11. The historic environment

- a) Derwent Valley Mills World Heritage Site, Outstanding Universal Value considerations and opportunities for enhancement
- b) Darley Abbey Scheduled Ancient Monument
- c) Settings of Conservation Areas and listed buildings
- d) Non-designated heritage assets
- e) Archaeological assets discovered during construction
- f) Historic landscape character areas
- g) Whether any harm would be substantial or less than substantial and weighting against public benefits
- h) Potential impacts, mitigation, opportunities for enhancement, residual effects after mitigation and their significance

12. Other policy and factual issues

- a) The assessment of civil and military aviation and defence matters in accordance with the National Networks National Policy Statement
- b) The achievement of sustainable development including the mitigation of, and adaptation to, climate change, carbon emissions, revised government policy for zero emissions by 2050
- c) Common law nuisance and statutory nuisance
- d) Utility infrastructure
- e) Cumulative impacts from the interrelationships between effects
- f) Other important and relevant considerations
- g) Potential impacts, mitigation, opportunities for enhancement, residual effects after mitigation and their significance

13. Compulsory Acquisition and funding

- a) Accuracy of the Book of Reference (BoR), including the identification of persons to be listed within Category 3
- b) Nature, extent and scope of land, rights and other compulsory powers sought, including access for maintenance, temporary possession, powers to override easements and rights under streets
- c) The Statement of Reasons (SoR) and whether the powers sought are required for the development to which the development consent relates, whether they are legitimate, necessary and proportionate and whether reasonable alternatives such as different route alignments have been explored sufficiently
- d) Minimisation of the need for land and rights
- e) Statutory Undertakers land and equipment
- f) Open space, any surplus to requirements and the suitability of replacement land, sections 131 and 132 of Planning Act 2008
- g) Availability and adequacy of funds
- h) Potential impediments to development
- i) Whether there is a compelling case in the public interest that justifies interference with the human rights of those affected, including with respect to land that the Applicant has requested be compulsorily acquired at Ashbourne Road, Queensway, Sutton Close and Sutton Turner House(s); and any other persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights.

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

| Item | Matters | Due Dates |
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| 1. | Preliminary Meeting | Tuesday 8 October 2019 (10.00am) |
| 2. | An issue specific hearing relating to the draft Development Consent Order (dDCO) | Tuesday 8 October 2019 (1.30pm or, if later, 1 hour after the close of the Preliminary Meeting) |
| 3. | Issue by the ExA of: <ul style="list-style-type: none"> • Updated examination timetable • The ExA's First Written Questions • The ExA's record of their First Unaccompanied Site Inspection | As soon as practicable after the Preliminary Meeting |
| 4. | Deadline 1 Deadline for receipt of: <ul style="list-style-type: none"> • Written summaries of oral contributions at hearings • Post-hearing submissions requested by the ExA • The Applicant's updated draft Development Consent Order (dDCO), Explanatory Memorandum (EM), Book of Reference (BoR) and Statement of Reasons (SoR) • Comments on Relevant Representations (RRs) • Written Representations (WRs) • Local Impact Reports from local authorities • Statements of Common Ground (SoCG) requested by the ExA – see Annex E • Responses to the ExA's First Written Questions • Comments on updated application documents • Applicant's proposed itinerary for an Accompanied Site Inspection | Tuesday 5 November 2019 |

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| | <ul style="list-style-type: none"> Proposals Accompanied Site Inspection viewpoints Notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing | |
| 5. | <p>Issue by the ExA of:</p> <ul style="list-style-type: none"> Notification of the date, time and place for hearings(s) (if required) and an Accompanied Site Inspection (if required) | Tuesday 12 November 2019 |
| 6. | <p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on submissions for deadline 1. Applicant's updated dDCO, EM, BoR and SoR Any further information requested by the ExA under Rule 17 | Tuesday 19 November 2019 |
| 7. | <p>Issue by the ExA of:</p> <ul style="list-style-type: none"> Agenda(s) for hearing(s) (if required) | Tuesday 3 December 2019 |
| 8. | <p>Time reserved for hearings (if required) and an Accompanied Site Inspection (if required):</p> <ul style="list-style-type: none"> Issue Specific Hearings (if required) Compulsory Acquisition Hearing (if required) Open Floor Hearing (if required) Accompanied Site Inspection (if required) | Tuesday 10 December 2019 Wednesday 11 December 2019 Thursday 12 December 2019 |
| 9. | <p>Deadline 3</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Written summaries of oral contributions at hearings (if required) Post-hearing submissions requested by the ExA (if required) Applicant's updated dDCO, EM, BoR and SoR Any further information requested by the ExA under Rule 17 | Thursday 19 December 2020 |
| 10. | <p>Issue by the ExA of:</p> <ul style="list-style-type: none"> The ExA's Second Written Questions Notification of the date, time and place for hearings(s) | Tuesday 14 January 2020 |
| 11. | <p>Deadline 4</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on submissions for deadline 3 Responses to the ExAs Second Written Questions | Monday 3 February 2020 |

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| | <ul style="list-style-type: none"> Applicant's updated dDCO, EM, BoR and SoR Any further information requested by the ExA under Rule 17 | |
| 12. | <p>Deadline 5</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on submissions for deadline 4 Any further information requested by the ExA under Rule 17 | Monday 10 February 2020 |
| 13. | <p>Issue by the ExA of:</p> <ul style="list-style-type: none"> Agenda(s) for hearing(s) (if required) | Tuesday 11 February 2020 |
| 14. | <p>Time reserved for hearings (if required), to include:</p> <ul style="list-style-type: none"> Issue Specific Hearings (if required) Compulsory Acquisition Hearing (if required) | Tuesday 18 February 2020 Wednesday 19 February 2020 |
| 15. | <p>Deadline 6</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> The applicant's final dDCO and EM The applicant's updated BoR and SoR Written summaries of oral contributions at hearings (if required) Post-hearing submissions requested by the ExA (if required) Any further information requested by the ExA under Rule 17 | Tuesday 25 February 2020 |
| 16. | <p>Publication by the ExA of:</p> <ul style="list-style-type: none"> The ExA's schedule of changes to the draft DCO (if required) Report on Implications for European Sites (RIES) (if required) | Tuesday 3 March 2020 |
| 17. | <p>Deadline 7</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on submissions for deadline 6 Comments on the ExA's schedule of changes to the dDCO (if required) Comments on RIES (if required) Any further information requested by the ExA under Rule 17 | Tuesday 10 March 2020 |
| 18. | <p>Deadline 8</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on submissions for deadline 7 | Tuesday 17 March 2020 |

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| | <ul style="list-style-type: none"> • Responses to comments on the ExA's schedule of changes to the dDCO (if required) • Responses to comments on RIES (if required) • Any further information requested by the ExA under Rule 17 | |
| 19. | The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting. | Wednesday 8 April 2020 |

Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website as soon as practicable after the deadlines for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=docs>

Each document will be given a unique reference. These references will be used by the ExA during the Examination.

Hearing agendas

The ExA will aim to publish a detailed draft agenda for Issue Specific Hearings and Compulsory Acquisition hearings on the project website at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Agendas for Open Floor Hearings will not be published unless, in consideration of the number of participants notified to the Planning Inspectorate, the ExA decides that establishing a running order will facilitate the process on the day.

Action points arising from the hearings

The ExA will aim to publish a summary of the action points arising from a hearing as soon as practicable after the hearing.

Report on the Implications for European Sites (RIES)

The Examination must include a process that provides sufficient information to enable the Secretary of State for Transport to meet his statutory duties as the competent authority under the Habitats Regulations relating to European protected sites.

The Applicant has provided a Habitat Regulation Assessment – No Significant Effects Report (NSER) with their application. This includes matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects.

This information will inform the ExA's Report and Recommendation to the Secretary of State on this application and its' provision of stand-alone information for the Secretary of State.

In addition, the ExA may decide to issue a Report on the Implications for European Sites (RIES) during the examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. If a RIES is prepared, then comments on it will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State.

The Secretary of State may rely on any consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations.

Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

All further documents submitted in the course of the Examination will also be published at the above location.

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.

Documents can be viewed electronically, free of charge, at the following locations. Please note that you may need to bring a form of identification to use a computer at these locations.

Electronic deposit locations

| Local authority | Library/ address | Opening hours |
|-----------------|--|---|
| | Riverside Library Council House Corporation Street Derby DE1 2FS Tel: 01332 641702 Email: riverside.library@derby.gov.uk | Mon: 8:30am-5pm Tues: 8:30am-5pm Wed: 8:30am-5pm Thurs: 8:30am-5pm Fri: 8:30am-5pm Sat: 9am-1pm Sun: closed |
| | Mickleover Library Holly End Road Mickleover Derby DE3 0EA | Mon: Closed Tues: 10am-5pm Wed: Closed |

Annex D

| | | |
|-----------------------|---|---|
| | <p>Tel: 01332 718926 Email: mickleover.library@derby.gov.uk</p> | <p>Thurs:10am-7pm Fri: 10am-5pm Sat: 10am-1pm Sun: Closed</p> |
| | <p>Derby Local Studies and Family History Library Riverside Chambers Derby DE1 3AF</p> <p>Tel: 01332 642240 Email: localstudies.library@derby.gov.uk</p> | <p>Mon: 9:30am-1pm Tues: 9:30am-1pm Wed: Closed Thurs: 9:30am-7pm Fri: 9:30am-4pm Sat: 10am-1pm Sun: Closed</p> |
| Printing costs | Black and white | Colour |
| A4 | Single-sided:14p | Single-sided: 45p |

Other Procedural Decisions made by the Examining Authority (ExA)

The ExA has made the following Procedural Decisions under Section 89(3) of the Planning Act 2008:

1. Notification of an issue specific hearing

The Examining Authority (ExA) hereby notifies all interested parties of the following date, time and location of an issue specific hearing in respect of the draft Development Consent Order (dDCO):

| | |
|--------------------------------|---|
| Date of hearing: | Tuesday, 8 October 2019 |
| Seating available from: | 30 minutes before the hearing begins |
| Hearing begins: | 1.30pm or, if later, 1 hour after the close of the Preliminary Meeting |
| Venue: | Best Western The Stuart Hotel 119 London Road Derby, Derbyshire DE1 2QR |
| Access and parking: | Free parking. The main car park is down the right side of the main entrance to the hotel. An alternative car park is available to the left of the hotel, off Trinity Street. Each car park has a barrier. When you arrive, drive up to the barrier and it will raise automatically. Ask the hotel reception for an exit code when you leave. |

This hearing has been scheduled on same day of the Preliminary Meeting and at the same place, to simplify attendance arrangements for Interested Parties (IPs) and to ensure that they have an opportunity to discuss the dDCO early in the process.

Purpose of the issue specific hearing

The purpose of this issue specific hearing is for the ExA to examine the dDCO within the framework of the Principal Issues set out under item 1 of Annex A.

The ExA will not examine matters arising from the content of individual Relevant Representations (RRs) at this hearing. Technical dDCO drafting considerations relating to compulsory acquisition and the temporary possession of land will be examined, but individual Affected Persons (APs) concerns about their land and rights will not be examined. These are all matters that will be the subject of future hearings, following the submission of Written Representations (WRs).

The ExA will issue an agenda and information on the conduct and management of the hearing on **Thursday, 26 September 2019**.

Attendance at the issue specific hearing

All IPs are invited to attend the hearing.

The ExA requests that the following attendees participate in the hearing:

- the applicant
- Derby City Council
- Derbyshire County Council
- Erewash Borough Council
- The Environment Agency
- Network Rail
- Severn Trent Water
- Western Power Distribution
- Cadent Gas
- any other IPs with an interest in the drafting of the DCO; implementation or discharge of proposed articles, requirements or other provisions; seeking protective provisions or any related side agreements.

If you wish to attend this hearing, please contact the Case Team using the details set out at the top of this letter. Please confirm this **no later than Tuesday, 1 October 2019**.

It will help the management of the meeting and benefit everyone if as part of the above confirmation you also:

- tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The ExA reserves the right to rearrange the agenda for this hearing on the day. If discussion of an issue takes longer than anticipated, it may have to be completed at a later date.

2. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex B**, the ExA would be assisted by the preparation of SoCG between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex C** therefore provides a deadline for submission of SoCG. This is **Deadline 1** on **Tuesday, 5 November 2020**.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the

implications of a difference can then be expanded in the evidence. The SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted by the Applicant.

SoCGs are requested to be prepared between the Applicant and:

A. Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

- Compliance with the development plans, impacts on land use and the acceptability of proposed changes to land use
- The need for development
- Alternatives and compliance with relevant legal requirements and policy, including with respect to the Environmental Impact Assessment (EIA), flood risk and Compulsory Acquisition
- Whether the business case and economic case adequately consider local matters
- Minimisation of land take
- Impacts on local transport networks, impact and mitigation of temporary and permanent closures of roads and other rights of way
- Traffic management and communication with residents and businesses during construction
- Air quality and the potential for a zone compliant with the Air Quality Directive to become non-compliant and the potential for delays for a non-compliant zone to achieve compliance
- Dust, odour, artificial light, smoke, steam impacts and nuisance
- Noise and vibration and impacts on local residents and others, construction noise and working hours limits, noise barriers, other mitigation and the need for any specific requirements in the draft Development Consent Order (dDCO)
- Biodiversity and impacts on sites and habitats and species and mitigation
- Impacts on open space, any assessments of whether any open space is surplus to requirements and the suitability of proposed replacement
- "Good design" including functionality and aesthetics, the replacement bridge, noise barriers, site restoration, and "good design" in terms of siting and design measures relative to existing landscape and historical character and function, landscape permeability, landform and vegetation.
- Landscape and visual impact assessment and lighting
- Green Belt
- Impacts on Public Rights of Way, on pedestrians, cyclists and horse-riders, and opportunities to improve
- Temporary and permanent impacts on recreation
- Socio-economic impacts
- Community isolation, severance and accessibility, including by disabled users
- Common law nuisance and statutory nuisance, nuisance mitigation and limitations and appropriate provisions in the dDCO
- Whether the maintenance and decommissioning activities have been adequately defined in the dDCO and whether they have been appropriately assessed and mitigated

- Measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts on health
- Safety impact assessment and consistency with relevant highways safety frameworks
- Whether appropriate bodies have been consulted about national security implications and whether any issues have been adequately addressed
- The assessment of civil and military aviation and defence matters in accordance with the National Networks National Policy Statement

B. The Environment Agency, Derby City Council, Derbyshire County Council, Erewash Borough Council and Severn Trent Water to include:

- Dust, odour, artificial light, smoke and steam scope and methodology of assessment
- The water environment including main rivers, groundwater and other water bodies, any concerns on impacts on water quality/resources and the need for any specific requirements in the dDCO
- Flood risk, adequacy of the Flood Risk Assessments, the selection of mitigation sites and any concerns about the proposal on flood risk grounds
- Drainage, Sustainable Urban Drainage Systems (SuDS), compliance with national standards and the appropriate body to be given the responsibility to maintain any SuDS
- Water abstraction, discharge, pollution control and permits and whether potential releases can be adequately regulated under the pollution control framework
- Contaminated land
- Climate change, including the appropriate use of UK Climate Projections, identification of maximum credible scenarios, adaptation, impacts, radical changes beyond the latest projections
- Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted

C. Natural England, Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

- The Applicant's Habitat Regulation Assessment – No Significant Effects Report (NSER) and the included matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects
- Impacts on habitats and species, habitat replacement and opportunities for enhancement
- Assessment of noise, vibration, air and water quality impacts on designated nature conservation sites, protected landscapes, protected species or other wildlife.
- Agreement of biodiversity and ecological conservation mitigation measures, any comfort/impediments for the granting of relevant licences and their timescales

- Waterbodies
- Agricultural land
- Green infrastructure

D. Historic England, Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

- Whether heritage assets have been identified and assessed appropriately
- Derwent Valley Mills World Heritage Site
- Darley Abbey Scheduled Ancient Monument
- The approach to archaeology
- Other historic assets, including non-designated historic assets identified by local authorities and in Historic Environmental Records
- Written scheme of investigation
- Historic landscape character areas
- The need for any specific requirements in the dDCO

SoCGs A-D to include:

- The applicable legislation and policy considered by the Applicant
- The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included
- The extent of the areas of potential impact considered
- Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies
- The application of expert judgements and assumptions
- Identification and sensitivity of receptors with the potential to be affected by the proposed development, magnitude and the quantification of potential impact
- Likely effects (direct and indirect) on protected (or equivalent) biodiversity sites, habitats and species
- Nature of the likely effects (direct or indirect) on receptors
- "Reasonable worst case" Rochdale Envelope parameters
- Mitigation that is necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable
- Whether the secured mitigation measures are likely to result in the identified residual impacts
- The significance of each residual impact
- Whether the mitigation identified in the Environmental Statement (ES) is adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses
- dDCO provisions
- The Outline Environmental Management Plan, The Construction Environmental Management Plan, the Transport Management Plan and the Handover Environmental Management Plan
- Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other independent statutory and regulatory authorities
- The identification of consents, permits or licenses required before the development can become operational, their scope, any

management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted

- Whether the effectiveness of consents, permits or licenses as mitigation have been accurately identified in the impact assessment
- Whether potential releases can be adequately regulated under the pollution control framework
- Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits
- Any other relevant matters included in the Initial Assessment of Principal Issues in Annex B
- Any other relevant and important considerations
- Any other matters on which agreement might aid the smooth running of the Examination

E. Network Rail to include:

- Bridge widening comfort/impediment
- Any other matters on which agreement might aid the smooth running of the Examination

F. Statutory Undertakers to include:

- Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation
- The adequacy of the provisions in the dDCO to protect the public interest
- The Outline Environmental Management Plan
- Any other matters on which agreement might aid the smooth running of the Examination

G. The Royal School for the Deaf to include:

- The assessment and mitigation of potential impacts, including in relation to the use and reinstatement of temporary possession land, noise and vibration, air quality, safety and security, access and liaison during construction
- Any other matters on which agreement might aid the smooth running of the Examination

H. Cherry Lodge children's residential care home to include:

- The assessment and mitigation of potential impacts, including in relation to parking, noise and vibration, air quality, other changes to the local environment and potential impacts on well-being, access and operation
- Any other matters on which agreement might aid the smooth running of the Examination

I. Existing Businesses in the vicinity of Markeaton junction to

include:

- The assessment and mitigation of potential impacts, including in relation to access, safety and economic impact
- Any other matters on which agreement might aid the smooth running of the Examination

All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO. Any Interested Party seeking for an Article or Requirement to be reworded should provide in the SoCG the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties by **Deadline 1**, or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted **by the Applicant** to **Deadline 1**. The position of the relevant Interested Parties should then be confirmed in the course of the Examination.

The content of SoCGs is necessary to help inform the ExA as to the need to hold any further Issue Specific Hearings in December 2019, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.