



Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions Scheme
The Examining Authority's first written questions and requests for information
Issued on Friday 11 October 2019.

The following table sets out the Examining Authority's written questions and requests for information to assist with the assessment of the application.

Responses should be received by the Examining Authority (ExA) by Tuesday 5 November 2019.

Questions are set out using a framework derived from the Initial Assessment of Principal Issues provided as Annex B to the letter of 23 August 2019. A schedule of abbreviations is provided at the end of this document.

The Planning Inspectorate's document references in these questions [in square brackets] can be found on our website by following this link: <http://infrastructure.planninginspectorate.gov.uk/document/TR010022-000671>

Column 2 of the table indicates **the parties to which questions are directed**. The ExA would be grateful if all parties named could answer all questions directed to them, providing either a substantive response, or indicating the reason that the question is not relevant to them. This does not prevent an answer being provided to a question by another Interested Party should the question be relevant to their interests. Responsibility lies with each party to ensure that responses have been given to all questions directed to them.

Where questions can be **fully** answered within another submission then a reference to the relevant paragraph(s) of the submission will be enough.

When you are answering a question, please start your answer by quoting the question number.

If you are answering no more than 3 questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you could use a table based on that used below. An editable version of this table, in Microsoft Word, is available on request from the Planning Inspectorate. Please email your request to: A38derbyjunctions@pins.gsi.gov.uk.

No	Question to	Reference	Question
1.	The Draft Development Consent Order (dDCO) and other consents, permits and licenses		
	General matters		
1.1.	Applicant	ExA's issues and questions for Issue Specific Hearing 1 https://infrastructure.planninginspectorate.gov.uk/document/TR010022-000747	Please provide a written response to the ExA's written issues and questions that were tabled at the Issue Specific Hearing 1 dealing with matters relating to the draft Development Consent Order that was held on 8 October 2019.
1.2.	Applicant	No materially new or materially worse adverse environmental effects	Several references are made to provisions to ensure " <i>no materially new or materially worse adverse environmental effects in comparison with those reported in the ES</i> ". a) In each case, how and when would such an assessment be made, who would make it, who would be consulted, whose agreement would be required and who would approve it? b) Can the tailpieces to this phrase in Requirements 15(2), 16(2) be removed? c) Should the similar wording in dDCO [APP-016] Requirement 3, in OEMP [APP-249] paragraph 3.2.14 and in OEMP provisions PW-G4 and MW-G12 be made consistent with the above phrase?
	Part 1 - Preliminary		
1.3.	Environment Agency (EA)	Article 3 – Disapplication of legislative provisions Relevant Representation (RR) by the EA [RR-05]	Please provide an update on the EA's position and on the progress in having its' concerns addressed by the Applicant.
	Schedule 1 – Authorised Development		

No	Question to	Reference	Question
1.4.	Applicant	Works No. descriptions	<p>Please review and correct the descriptions of the Works Plans, including:</p> <ul style="list-style-type: none"> • Works Nos. 9(e) and (f) descriptions do not appear to reflect the lengths of these on the Works Plan? • Works Nos. 10(d) and (e) - should reference be made to Work No. 17 rather than Work No. 11? • Work No. 21 - points (a) to (l) are not identified on the Works Plan, which is inconsistent with the other works listed under Schedule 1? • Work No. 23 - bullet points lettering does not appear to correspond with the Works Plan? • Work No. 25 - appears to incorrectly refer to Little Eaton Roundabout as Work No. 21(a)? • Work No. 26 (c) and (d) - is the annotation correct?
Schedule 2 - Requirements			
1.5.	Derbyshire County Council (DCC) Derby City Council (DCiC) Erewash Borough Council (EBC) EA Natural England (NE)	Requirements 1-21 Provisions for consultation and agreement	a) Please identify where it would be helpful, for example to bring clarity or to help avoid any later misunderstandings, for specific provisions to be included in any Requirements for consultation or agreement to be required with relevant bodies. b) In each case, please clarify why the provisions should be included.
Schedule 3 - Classification of Roads, etc.			

No	Question to	Reference	Question
1.6.	DCiC DCC	Classification of roads, etc.. dDCO [APP-016] Schedule 3 Parts 1-7 dDCO [APP-016] Part 3 Article 14	Do DCiC or DCC have any comments in addition to those provided in their RRs on the provisions to be secured in the dDCO in their area for: <ul style="list-style-type: none"> • trunk roads; • classified roads; • unclassified roads; • speed limits; • traffic regulation measures; • revocation and variations of existing traffic regulation orders; or • public rights of way?
Schedule 4 – Permanent Stopping Up of Highways, etc.			
1.7.	DCiC DCC	Highways to be stopped up dDCO [APP-016] Schedule 4 Parts 1-2 dDCO [APP-016] Part 3 Article 16	Do DCiC or DCC have any comments in addition to those provided in their RRs on the provisions in their area for: <ul style="list-style-type: none"> • highways to be stopped up for which no substitute is to be provided; or • highways to be stopped up for which a substitute is to be provided and new highways which are otherwise to be provided?
1.8.	Affected Persons DCiC DCC	Private means of access to be stopped up dDCO [APP-016] Schedule 4 Parts 3-4 dDCO [APP-016] Part 3 Article 16	Do relevant Affected Persons, DCiC or DCC or have any comments in addition to those provided in their RRs on the provisions in the dDCO for: <ul style="list-style-type: none"> • private means of access to be stopped up for which no substitute is to be provided; or • private means of access to be stopped up for which a substitute is to be provided and new private means of access which are otherwise to be provided?
Schedule 5 – Land in Which New Rights, etc. May be Acquired			
1.9.	Applicant	Book of Reference (BoR) [APP-	a) Please confirm that this Schedule has been cross-checked with and is consistent with Schedule 1, and with the BoR, SoR, Land Plans

No	Question to	Reference	Question
		022] Statement of Reasons (SoR) [APP-020] Land Plans [APP-006] Works Plans [APP-009]	and Works Plans. b) Please provide any updates at Examination deadlines.
Schedule 7 – Land for Which Temporary Possession Might be Taken			
1.10.	Applicant	Book of Reference (BoR) [APP-022] Statement of Reasons (SoR) [APP-020] Land Plans [APP-006] Works Plans [APP-009]	a) Please confirm that this Schedule has been cross-checked with and is consistent with Schedule 1, and with the BoR, SoR, Land Plans and Works Plans. b) Please provide any updates at Examination deadlines.
Schedule 9 – Protective Provisions			
1.11.	Applicant EA	Part 3 – for the protection of the Environment Agency Relevant Representation (RR) by the EA [RR-05]	Please respond to the EA’s comment that the current version of their protective provisions has not been included.
Other consents, permits and licenses			
1.12.	Applicant EA NE Severn Trent Water DCiC DCC	Consents, licenses and agreements Consents and Agreements Position Statement [APP-019] Appendix A	a) Should any other consents, licenses or agreements be added to Appendix A? b) Please provide an up to date position in respect of obtaining the necessary consents, licenses and agreements. c) Is there any reason to believe that any relevant necessary consents, licenses and agreements will not subsequently be granted? d) Where appropriate, can letters of no impediment be provided by

No	Question to	Reference	Question
	EBC		the EA and Natural England? e) Please could further updates be provided at each Examination deadline?
1.13.	Applicant EA NE Severn Trent Water DCiC DCC EBC	Pollution control permits and licenses ES Chapter 5 – Air Quality [APP-043] ES Chapter 9 – Noise and Vibration [APP-047] ES Chapter 11 – Material Assets and Waste [APP-049] ES Chapter 13 – Drainage and Water [APP-051] NPSNN paragraphs 4.48 and 4.55-6	a) With reference to the NPSNN, are the relevant pollution control authorities satisfied that potential releases can be adequately regulated under the pollution control framework? b) Is it considered that the effects of existing sources of pollution in and around the project are not such that the cumulative effects of pollution when the Proposed Development is added would make that development unacceptable? c) Is there any good reason to believe that any relevant necessary operational pollution control permits, or licences or other consents will not subsequently be granted?
2.	Legislation and policy, the need for development and alternatives		
	Legislation and policy		
2.1.	Applicant	Net zero greenhouse gases	The Government has recently announced a target of achieving net zero greenhouse gases by 2050. How does this target affect the Proposed Development?
2.2.	Derbyshire County Council (DCC) Derby City Council (DCiC) Erewash	Environmental Statement (ES) Chapter 1 [APP-039]	ES paragraph 1.3.17 sets out the Applicant’s list of relevant adopted plans. a) Does this constitute the full list of development plans relevant to the Proposed Development? b) Are there any policies in emerging development plans which may be relevant? If so, please supply copies.

No	Question to	Reference	Question
	Borough Council (EBC)		c) Are there any non-statutory local policies which may be relevant? If so, please supply copies.
2.3.	Applicant	Consultation Report [APP-023] paragraph 4.1.148	Respondent 43 believes that Highways England should seek advice from sight experts in the future to allow everyone opportunity to review drawings. Please respond having regard to Highways England's Human Rights and Equality duties.
The need for development			
2.4.	Applicant	Planning Statement [APP-252]	Table 2 - One of the objectives is to assist in bringing forward development and regeneration opportunities in the surrounding area and immediately adjacent to the Proposed Development. a) Have any specific development or regeneration opportunities been identified? b) Have the benefits to the local economy of the Proposed Development been quantified? If so, could that information be provided?
Alternatives and options			
2.5.	Applicant	Transport Assessment Report [APP-253] paragraph 1.6.1	Please justify why " <i>the only solutions were clearly perceived to be road-based options</i> ".
2.6.	Applicant Breadsall Parish Council	ES Chapter 3 [APP041] ES Appendices 3.2 [APP-163], 3.3 [APP-164] and 3.4 [APP-165] RR (Relevant Representation) by Breadsall Parish Council [RR-001]	Breadsall Parish Council has expressed concerns regarding the process used to select the preferred option for Little Eaton junction. Amongst other things it considers that the Applicant's conclusions on the 2004 consultation exercise were " <i>hugely distorted</i> " and precluded the subsequent consideration of other options. a) Applicant - Please respond to the concerns of Breadsall Parish Council. b) Breadsall Parish Council – ES Chapter 3 and Appendices 3.2, 3.3 and 3.4 set out the assessments of the original and subsequently

No	Question to	Reference	Question
			suggested options for the Little Eaton junction. To what extent does this information satisfy your concerns? Please provide evidence to support any outstanding concerns.
3.	Impact assessment and mitigation methodology and "good design"		
	Impact assessment and mitigation methodology		
3.1.	Applicant	Construction, preliminary works and main works Outline Environmental Management Plan (OEMP) [APP-249] paragraphs 1.2.11-1.2.14 Draft Development Consent Order (dDCO) [APP016] BoR [APP-022] paragraph 1.1.2	Please clarify the relationship between activities: a) Considered as " <i>preliminary works</i> " and " <i>main works</i> " in the OEMP? b) Coming under and excluded from the definition of " <i>commence</i> " in the dDCO? c) Coming under the meaning of " <i>construction</i> " in the dDCO, in the ES and in other application documents?
3.2.	Applicant	OEMP and Traffic Management Plan (TMP) OEMP [APP-159] [APP-249] TMP [APP-161] [APP-254] Highways England Response to s51 Advice [AS-013]	Two versions of both the OEMP and TMP were included with the application documents. The Applicant has advised that document 6.12 [APP-249] should be relied upon as the OEMP. a) Should document 7.4 [APP-254] be relied on as the TMP for the purposes of the Examination? b) Can documents [APP-159] and [APP-161] be discounted?
3.3.	Applicant	Rochdale Envelope ES Chapter 4 – Environmental Impact Assessment (EIA) Methodology [APP-042]	Please summarise: a) Where a Rochdale Envelope approach has been adopted in the ES and how? b) The maximum and minimum parameters used?

No	Question to	Reference	Question
		Advice Note 9 ¹	c) How the parameters are secured by the dDCO?
3.4.	DCiC DCC EBC EA NE	Cumulative impact assessment ES Chapter 15 – Assessment of Cumulative Effects paragraphs 15.5.2-5	a) Are there any comments regarding the other planned developments selected for the cumulative impact assessment? b) Are there any comments on the allowances made for their timing, location and magnitude of impact?
3.5.	Applicant	Cumulative impact assessment ES Chapter 15 – Assessment of Cumulative Effects	a) Are any other major strategic construction road schemes anticipated to be concurrent with the Proposed Development? b) If there are any, how have the cumulative impacts been assessed?
3.6.	Applicant	Significant effects ES Chapter 16 – Residual Effects [APP-054] Table 16.1	Some of the effects identified in this summary include the term “ <i>significant</i> ” and some do not. For the avoidance of doubt, please clarify whether all effects identified in Table 16.1 are “ <i>significant</i> ” in EIA terms and whether they are all consistent with the use of “ <i>significant</i> ” in respect of effects, impacts or benefits in the National Networks National Policy Statement (NPSNN)?
3.7.	Applicant	Length of construction programme ES Chapter 2 – The Scheme [APP-040]	a) What confidence is there that the length of the construction programme will not be exceeded? b) What are the principal risks of delay and what contingencies have been included? c) What allowances for variations in the construction programme have been included in the assessments? Please provide references. d) What is the potential for a longer construction programme to occur and for that to give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES?
3.8.	Applicant	Maintenance activities	a) Please could the Applicant:

¹ Advice note 9: Rochdale Envelope, The Planning Inspectorate, July 2018

No	Question to	Reference	Question
	DCiC DCC EBC	ES Chapter 2 – The Scheme [APP-040] Section 2.7; paragraph 2.7.3	<ul style="list-style-type: none"> clarify the worst-case parameters for the assessment of the proposed maintenance activities during operation, including removal, replacement or reconstruction works during the operation of the Proposed Development; and demonstrate, with references, how these have been assessed in the ES? <p>b) Would the Local Authorities find it useful for the Maintenance and Repair Strategy Statement to be submitted to the Examination?</p>
3.9.	Applicant	Operation	<p>a) Please summarise the mitigation measures to be provided during the operation of the Proposed Development and provide references to where they are addressed in the ES.</p> <p>b) Please summarise the monitoring and other measures required to:</p> <ul style="list-style-type: none"> ensure that mitigation measures will remain effective during the lifetime of the Proposed Development; and to ensure that there are no materially new or materially worse adverse environmental effects in comparison with those reported in the ES? <p>c) How are these measures secured through the dDCO?</p>
3.10.	DCiC DCC EBC EA NE	Impact assessment and mitigation strategy NPSNN paragraphs 4.3-4, 4.6, 4.9-10, 4.15, 4.18-20, 5.2	<p>Do you have any comments on the Applicant’s overall approach to assessment and mitigation, including in respect to:</p> <p>a) Consideration given to the potential environmental, safety, social and economic benefits and adverse impacts at national, regional and local levels?</p> <p>b) The detail in the local transport model for the assessment of impacts, whether the modelling is proportionate to the scale and consideration of the impact of uncertainty on project impacts?</p> <p>c) Whether the mitigation measures and provisions in and secured by the dDCO are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, necessary to make the development acceptable in planning terms, directly</p>

No	Question to	Reference	Question
			<p>related to the proposed development, fairly and reasonably related in scale and kind to the development and reasonable in all other respects?</p> <p>d) The consideration given to the specifics of the Proposed Development?</p> <p>e) The assessment of significant effects, including cumulative effects with other projects, at all stages of the project?</p> <p>f) How any details of the project that are yet to be finalised are addressed?</p> <p>g) The Applicant's engagement with you in developing the mitigation proposals?</p>
	<p>Management and mitigation plans, strategies and written schemes</p> <p>Construction Environmental Management Plan</p> <p>Handover Environmental Management Plan</p> <p>Traffic Management Plan</p> <p>Construction Workforce Travel Plan</p> <p>Site Access Plan</p> <p>Site Travel Plan</p> <p>Emergency Preparedness and Response Plan</p> <p>Landscape and Ecology Management Plan</p> <p>Arboricultural Mitigation Strategy</p> <p>Outline Biosecurity Management Plan</p> <p>Heritage Management Plan</p> <p>Archaeological Mitigation Strategy</p> <p>Written Scheme of Investigation</p> <p>Site Specific Written Scheme of Investigation</p> <p>Other documents, including summary reports, written schemes, assessments, strategies, programmes, drawings or</p>		<p>Noise and Vibration Management Plan</p> <p>Noise Insulation and Temporary Rehousing Policy Asbestos Management Plan</p> <p>Soils Management Plan</p> <p>Soils Management Strategy</p> <p>Materials Management Plan</p> <p>Site Waste Management Plan</p> <p>Asbestos Management Plan</p> <p>Remediation Strategy</p> <p>Pollution Incident Control Plan</p> <p>Water Management Plan</p> <p>Flood Risk Management Plan</p> <p>Groundwater Management Plan</p>

No	Question to	Reference	Question
	details referenced by the dDCO [APP-016] or referenced by the OEMP [APP-249].		
3.11.	Applicant	Management and mitigation plans, strategies and written schemes	<ul style="list-style-type: none"> a) Please identify the relationships between the different management and mitigation plans, strategies and written schemes. b) Please summarise the arrangements for consultation, agreement and authorisation of every version of these plans, strategies and written schemes post-DCO consent throughout the life of the Proposed Development. c) In each case, please set out the roles of any organisations involved. d) Please clarify how the arrangements are secured in the dDCO.
3.12.	DCiC DCC EBC EA NE	Management and mitigation plans, strategies and written schemes	<ul style="list-style-type: none"> a) Do you have any comments as to the degree of independent professional scrutiny that would be applied to signing off the Undertaker's mitigation proposals post-DCO consent, should that be granted? If so, why and how could this be remedied? b) Are there any concerns as to whether the management and mitigation plans, strategies and written schemes referenced by the dDCO and OEMP would ensure that there are no materially new or materially worse adverse environmental effects in comparison with those reported in the ES? c) Should any other plans, strategies or written schemes be identified? If so, why? d) Should any further draft plans, strategies or written schemes be submitted to the Examination? If so, why? e) Please identify the plans, strategies or written schemes on which you would like to be consulted. f) Please identify the plans, strategies or written schemes on which you feel that your agreement is required before it can be authorised.
	"Good design"		
3.13.	Applicant	NPSNN	NPSNN paras 4.33-4.35 seek good design, require the contribution of

No	Question to	Reference	Question
		<p>ES Chapter 2 [APP-040] dDCO [APP-016] Works Plans [APP-009], Engineering Section Drawings [APP-014] National Planning Policy Framework Section 12</p>	<p>the Proposed Development to the quality of the area to be considered and for it to be demonstrated how the design evolved. Whilst the detailed design of the Proposed Development would be subject to dDCO Requirement 12, works and engineering drawings give indications of the general form, layout and siting of various components of the Proposed Development.</p> <ol style="list-style-type: none"> a) How have the requirements for good design been incorporated into the Proposed Development? b) How much reliance can be placed on the form, appearance and detailed siting of the components shown in the Engineering Section Drawings? c) What consideration has been given to the form, appearance and detailed siting of the components shown in the Engineering Section Drawings? d) How have those elements of the Proposed Development design evolved? e) What consideration has been given to the form, appearance and detailed siting of the noise barriers? f) What consideration has been given to the design of the replacement footbridge to the north of the Markeaton footbridge and to the qualities of the existing footbridge, ramps and landscaping? g) How have the varying characters of the settings of the Kingsway Markeaton and Little Eaton junctions been considered? h) Why is it necessary to have 5 gantry signs at the Markeaton junction? i) How has the proximity of the Markeaton gantries to residential areas informed their siting and design? j) The gantries, bridge abutments and railings appear to be standard and utilitarian in appearance. What consideration has been given to their form and layout? k) Has consideration been given to opportunities to improve the

No	Question to	Reference	Question
			character of the areas around the Proposed Development?
4.	Transport networks and traffic		
	Baseline conditions and surveys		
4.1.	Applicant DCiC	DCiC traffic measures for Stafford Street ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.9 and 9.5.1	The Applicant has considered that DCiC’s clean air zone traffic management measures for Stafford Street will be in place during the construction of the Proposed Development, but not during operation. a) Please could DCiC provide an update on the intended timing of the removal of these measures in relation to the Proposed Development? b) Please could the Applicant clarify any potential implications for transport networks and traffic during construction and operation?
4.2.	Applicant DCiC	Changes to local traffic management RR by DCiC [RR-003]	DCiC suggests potential changes to local traffic management in the Kedleston Road corridor and at Five Lamps junction in response to the Proposed Development. a) Please could DCiC advise on the status of those proposals and the anticipated timing of their implementation? b) Is DCiC able to provide any further clarification to the Applicant for their transport networks and traffic assessment? c) Please could the Applicant comment on the potential implications of the changes suggested by DCiC during construction and operation?
4.3.	Applicant	Cumulative impact assessment ES Chapter 15 – Assessment of Cumulative Effects paragraphs 15.10.2	a) Please confirm the current status of the two potential designated fund projects at Markeaton junction/park that have been scoped out and the process and timetable for them being determined or secured. b) If those projects do go ahead, what are the potential implications for transport networks and traffic during the preliminary works, construction and operation?

No	Question to	Reference	Question
4.4.	DCiC DCC EBC	Study areas and road sections ES Chapter 12 – People and Communities [APP-050] paragraph 12.6.3 and Table 12.14 ES Figures 12.1A-D [APP-142, 143, 144 and 145]	a) Are the Local Authorities content with the study area used in relation to transport networks and traffic, including for the assessment of driver stress? b) Are the road sections identified in ES Table 12.14 appropriate and representative for the driver stress assessment?
4.5.	DCiC DCC EBC	Baseline conditions and surveys	Do the Local Authorities have any more comments regarding the Applicant's consideration of baseline conditions and surveys?
Overall assessment methodology, growth assumptions and modelling techniques			
4.6.	Applicant	Driver stress sensitivity ES Chapter 12 – People and Communities [APP-050] table 12.19; paragraph 12.3.7.	Table 12.19 introduced a low sensitivity of receptor in relation to driver stress. a) Please justify why driver stress sensitivity (as opposed to sensitivity to changes in views) is low. b) What consideration is given to passengers in the assessment of impacts on motorised users? c) How does sensitivity contribute to the assessment of residual effect?
4.7.	Applicant	Driver stress significance of effect ES Chapter 12 – People and Communities [APP-050] tables 12.5 and 12.6	a) Please clarify the definitions of "very major increase or reduction", "major increase or reduction", "moderate increase or reduction" and "minor increase or reduction" used in the descriptions in table 12.6. b) How do those definitions typically relate to changes in driver stress level between the "High", "Moderate" and "Low" bands set out in table 12.5?
4.8.	DCiC	Driver stress assessment and the use professional	The Applicant refers to the application of professional judgement for

No	Question to	Reference	Question
	DCC EBC	judgement ES Chapter 12 – People and Communities [APP-050] paragraphs 12.3.16, 12.10.21, 12.10.32 and 12.10.34	the assessment of driver stress significance of effect. Do the Local Authorities have any comments on this approach and on the judgements made?
4.9.	Applicant	Growth assumptions Transport Assessment Report [APP-253] table 4.2; paragraphs 3.1.5 and 5.3.1	The same number of total trips appear to have been used for both the “Do-Minimum” and “Do-Something” scenarios. However, it is stated that the Proposed Development would attract traffic onto the A38, both from local routes and from competing routes further afield. Please comment on the potential for additional trips to be attracted to the route in the “Do-Something” scenario compared with the “Do-Minimum” scenario and the implications for the assessment.
4.10.	Applicant	Growth assumptions Transport Assessment Report [APP-253] paragraphs 4.3.5-11. NPSNN Annex A	NPSNN considers low demand, central traffic and high demand forecasts, over which there is a large range of predicted changes in congestion. What range of forecasts have been considered by the Applicant and what is the justification for the chosen level?
4.11.	Applicant	Changes to other parts of the Strategic Road Network Transport Assessment Report [APP-253] paragraphs 3.1.6 and 4.3.4	Reference is made to the extension of the detailed traffic model to cover other parts of Great Britain so that it can represent potential transfers into the A38 corridor from competing strategic routes. A list has been provided of planned changes to the highway network that have been included in the model, which seem to relate to the area covered by detailed traffic model rather than the extension to it. Have planned changes to the highway network in the extended area been included in the traffic model? If not, why not?
4.12.	Applicant	Access arrangements for the Derby Royal Hospital Outline TMP [APP-254]	a) It is stated that discussions over a solution to access arrangements for the Derby Royal Hospital are ongoing. Can the Applicant clarify how a suitable access arrangement to the hospital will be provided during the construction and operation of the Proposed

No	Question to	Reference	Question
		paragraph 7.4.1	<p>Development?</p> <p>b) Please provide evidence that the arrangements have been agreed with the Derby Royal Hospital.</p> <p>c) Please clarify the extent to which the solutions applied to secure access to the hospital have been accounted for in relevant assessments to the ES.</p> <p>d) How are the arrangements during construction and operation, and any agreements made, secured through the dDCO?</p>
4.13.	Applicant	<p>Maintenance of access ES Chapter 2 – The Scheme [APP-040] ES Chapter 12 – People and Communities [APP-050] Outline TMP [APP-254] RR by Tim Hancock Associates on behalf of Euro Garages Limited [RR-013] RR by McDonald's Restaurants Limited [RR-016] RR by Hinson Parry & Company on behalf of Royal School for the Deaf Derby [RR-019]</p>	<p>a) Please summarise how access and egress during construction and operation would be provided near the Kingsway junction, including to businesses on Kingsway Park Close.</p> <p>b) Please summarise how access and egress during construction and operation would be provided near the Markeaton junction, including to:</p> <ul style="list-style-type: none"> • residential properties on Ashbourne Road and Sutton Close; • the Royal School for the Deaf Derby; • the filling station and fast food site; and • Markeaton Park. <p>c) Please summarise how access and egress during construction and operation would be provided near the Little Eaton junction, including to:</p> <ul style="list-style-type: none"> • residential properties and businesses accessed from the section of Ford Lane that connects directly to the existing roundabout; • Starbucks; • the turf production site; and • Severn Trent Water's facilities near the River Derwent. <p>d) Please respond to the related concerns identified in RRs.</p> <p>e) Please provide evidence that the arrangements have been agreed with the property owners or others who may be affected.</p>

No	Question to	Reference	Question
			f) How are the arrangements during construction and operation, and any agreements made, secured through the dDCO?
4.14.	Applicant	Assessment of impacts on the local road network RR by DCiC [RR-003]	DCiC has stated that " <i>The Transport Assessment does not consider in detail any wider impacts on the local road network as a consequence of the scheme, other than the slip road closures ...</i> ". It has also asked " <i>Highways England to consider how it might manage changes on the local network as a result of the scheme</i> ". Please could the Applicant respond and, in so doing clarify for both construction and operation: <ul style="list-style-type: none"> • what assessment of impacts on the local road network have been undertaken; • what proposals have been made to manage changes to the local network: and • in each case, provide references to where details can be found?
4.15.	DCiC DCC EBC	Local plans, other transport modes and other networks NPSNN paragraphs 5.203, 5.205-6, 5.211-2, 5.215-7	Do the Local Authorities consider that: <ol style="list-style-type: none"> a) Impacts on local transport networks and policies set out in local plans, including local policies on demand management, have been addressed sufficiently? b) Enough account has been taken of local models? c) Reasonable opportunities have been taken to support other transport modes? d) There has been a proportionate assessment of the transport impacts on other networks?
4.16.	DCiC DCC EBC	Overall assessment methodology	Do the Local Authorities have any more comments regarding the Applicant's overall assessment methodology, growth assumptions or modelling techniques?
Construction traffic and temporary closures and diversions			

No	Question to	Reference	Question
4.17.	Applicant DCiC DCC EBC	Travel patterns Transport Assessment Report [APP-253] Section 9 Consultation Report [APP-023] paragraph 4.2.7	a) Please could the Applicant summarise how travel patterns have been modelled during construction? b) What feedback from Local Authorities have been incorporated? c) Please could the Local Authorities comment?
4.18.	Applicant DCiC DCC EBC	Driver stress assessment ES Chapter 12 – People and Communities [APP-050] paragraphs 12.3.15-18 and 12.10.18-21; Tables 12.5 and 12.16	a) Has the scale provided in Table 12.5 been used to quantify changes in driver stress during construction? If so, how? If not, why not? b) How have the results of the construction traffic model been used to quantify impacts on motorised users? c) Please provide detailed justification of the assessment of “ <i>temporary minor adverse effect</i> ” during construction in paragraph 12.10.21 and demonstrate how it is evidence-based. d) How does the assessment derive from the application of the methodology, including the significance criteria set out in Table 12.6? e) An overall assessment of significance is provided. Should the significance be identified at different locations, as is typically the case with the assessments in other Chapters of the ES? f) Please could the Local Authorities comment on the Applicant’s approach?
4.19.	Applicant	Driver stress assessment ES Chapter 12 – People and Communities [APP-050] table 12.19.	Please justify the assessments of residual effects of “ <i>minor adverse</i> ” and how this relates to the significances set out in Table 12.6.
4.20.	Applicant	ES Chapter 2 – The Scheme [APP-040] Illustration 2.2	Details are provided of construction phase traffic flows for HGVs and light construction vehicles. This illustrates that construction vehicle flows would be at a maximum towards the end of the first year of construction works, mainly associated with material haulage. Please clarify how this aligns to the “ <i>worst case</i> ” scenarios assessed in

No	Question to	Reference	Question
			the ES.
4.21.	Applicant DCiC DCC EBC	ES Chapter 12 – People and Communities [APP-050] Paragraph 12.9.2	The potential is noted for HGV movements outside the 07:00-19:00 working hours in “ <i>exceptional circumstances</i> ”. a) Please clarify what would constitute “ <i>exceptional circumstances</i> ” and what would be the anticipated frequency? b) How have any potential impacts been assessed? c) Noting that the timings differ to those set out in dDCO Requirement 3(2)(d) and OEMP provision MW-G12, how are these movements permitted by the dDCO and OEMP? d) Should these movements require Local Authority approval in advance? e) Please could the Local Authorities comment?
4.22.	Applicant DCiC DCC EBC	Overnight closures Transport Assessment Report [APP-253] Table 9.1	It is stated that overnight closures of the A38 would be permitted subject to diversion routes being agreed. a) Please could the Applicant: <ul style="list-style-type: none"> • justify the need for such closures; • identify the likely diversion routes; • summarise the predicted impacts; and • clarify the mechanism for diversion routes being agreed and how this is secured through the dDCO? b) Please could the Local Authorities comment?
4.23.	Applicant	TMP RR by DCiC [RR-003]	Please respond to the matters raised by DCiC, including in respect to: <ul style="list-style-type: none"> • the bullet point list of items on which more information should be provided in the TMP; • the impacts on local networks of measures to maintain traffic flow on the A38 during construction; and • the potential for “<i>significant disruption</i>” that will be “<i>extremely disruptive</i>” at the Markeaton junction and whether there is

No	Question to	Reference	Question
			another option.
4.24.	Applicant	Council resources and support RR by DCiC [RR-003]	<p>a) Please respond to the resource issues raised by DCiC and their requests for support, including in respect to:</p> <ul style="list-style-type: none"> • the Council’s ability to meet the demand for communication and liaison with local stakeholders; • the need for accommodation works to the local road network and the support on these to be provided to the Council; and • the Council’s need for support for a technical officer. <p>b) What comfort can be provided that any mitigation measures relying on other Councils would be delivered?</p>
4.25.	Applicant DCiC DCC EBC	Detailed TMP Outline TMP [APP-254] paragraphs 1.1.7 and 1.3.2 OEMP [APP-249] Table 2.1, Ref MW-TRA2	<p>An outline TMP was provided with the application but the content is noted as being “<i>conjectural</i>”. ES states that a detailed TMP would be prepared and implemented by the construction contractor, based on the outline TMP and would define those measures to be used by the contractor to reduce the impacts from construction traffic.</p> <p>The Applicant has identified the contractor that they intend to appoint.</p> <p>a) Please can the Applicant advise:</p> <ul style="list-style-type: none"> • whether it is possible for the contractor to now input to the TMP, perhaps under arrangements for early contractor involvement; • when a draft of the detailed TMP will be made available to the Examination; and • whether the detailed TMP should be required to be <u>agreed</u> with the Local Highways Authorities and should this requirement be secured in the dDCO? <p>b) Do the Local Authorities have any comments on:</p> <ul style="list-style-type: none"> • the outline TMP; • measures that should be included in the detailed TMP; • the timing of the issue of a detailed TMP; and on

No	Question to	Reference	Question
			<ul style="list-style-type: none"> the need for the detailed TMP to be agreed with them?
4.26.	Applicant	Reasonable worst-case scenario Outline TMP [APP-254] section 3.2	Given that the TMP is to be updated by the contractor, what comfort can be provided that the proposed traffic management measures assessed in the ES represent a reasonable worst case?
4.27.	Applicant DCiC	Significance of effects ES Chapter 16 – Summary of Residual Effects RR by DCiC [RR-003]	DCiC states that “ <i>The construction of the A38(T) Derby Junctions Scheme will be a challenging period for the City, with major employers, city centre retailers, and the hospital all expressing concerns about accessibility and congestion having negative impacts.</i> ” However, other than for noise and vibration, no significant effects appear to have been identified on key stakeholders, or on motorists using the A38 or local roads during construction. a) Please could DCiC provide more detail on its’ concerns and does it have any proposals for how they can be addressed? b) Please could the Applicant comment?
4.28.	Applicant	Response to Interested Parties issues and concerns RR by Carter Jonas LLP on behalf of Haven Care Group Ltd [RR-015] RR by Alan Bradwell [RR-021]	Please respond to the transport network and traffic issues during the construction of the Proposed Development raised in other RRs, including with respect to: <ul style="list-style-type: none"> congestion; delays due to construction being on the line of the existing road; and alternative construction proposals at the Markeaton junction using additional land.
4.29.	DCiC DCC EBC	Construction traffic and temporary closures and diversions assessment, impacts and mitigation NPSNN paragraphs 5.215-7	Do the Local Authorities have any more comments regarding the Applicant’s assessment of construction traffic and temporary closures and diversions, including: <ul style="list-style-type: none"> a) The nature of likely effects on receptors? b) Relevant mitigation measures secured by the dDCO and OEMP?

No	Question to	Reference	Question
			<ul style="list-style-type: none"> c) Whether any potential to worsen accessibility would be mitigated so far as reasonably possible? d) The sufficiency of consideration given to mitigation by way of the design, lay-out or construction methods for the Proposed Development? e) Whether the mitigation measures are proportionate, reasonable and focussed on promoting sustainable development? f) Whether the mitigation measures are enforceable, precise, sufficiently secured and likely to result in the identified residual impacts? g) The identification of all significant impacts? h) Road safety during construction?
Operational traffic and permanent road closures			
4.30.	Applicant DCiC DCC EBC	Driver stress assessment ES Chapter 12 – People and Communities [APP-050] paragraphs 12.3.15-18 and 12.10.22-32; Tables 12.5 and 12.16	<ul style="list-style-type: none"> a) Have the average journey speeds provided in Table 12.5 been used to quantify changes in driver stress during operation? If not, why not? b) Table 12.5 shows that driver stress level derives from a combination of peak hourly flow and average journey speed. Tables 12.16 and 12.17 suggest driver stress levels based solely on peak hourly flow. Please justify how driver stress levels can be identified in the absence of average journey speeds. c) Please provide average journey speeds for each road in Tables 12.16 and 12.17. d) How does the assessment of “<i>minor adverse effect</i>” relate to the significances set out in Table 12.6? e) An overall assessment of significance is provided. Should the significance be identified at different locations, as is normal with the assessment in other Chapters of the ES? f) Please comment on the significance of effect at B5111 Kingsway WB where peak flows are predicted to increase from 338 to 1183

No	Question to	Reference	Question
			per hour. g) Please could the Local Authorities comment?
4.31.	Applicant	Driver stress assessment ES Chapter 12 – People and Communities [APP-050] table 12.19; paragraph 12.3.8	Please justify the assessments of residual effects of “ <i>minor adverse</i> ”, “ <i>minor beneficial</i> ” and “ <i>moderate beneficial</i> ” and articulate how they relate to the magnitude criteria set out in table 12.5 and to the significance criteria set out in Table 12.6.
4.32.	Applicant	Kingsway Park Close ES Chapter 12 – People and Communities [APP-050] table 12.18	Please summarise the need for any improvements required to the existing length of Kingsway Park Close due to the high predicted increase in traffic.
4.33.	Applicant	Wider area impacts Transport Assessment Report [APP-253] Figure 4.6	Increases in traffic are predicted in the wider area, outside the study area. Please summarise the impacts of the Proposed Development on the wider area.
4.34.	Applicant DCiC DCC EBC	Junction layouts Consultation Report [APP-023] paragraph 4.2.11-12	a) Please could the Applicant summarise how the junction layouts have incorporated feedback from Local Authorities? b) Please could the Local Authorities comment?
4.35.	Applicant	Kingsway junction capacity Transport Assessment Report [APP-253] Table 4.3	The proposed Kingsway junctions would appear to perform well within capacity in 2039. Does this suggest that there might be an alternative layout that would perform satisfactorily but have less impacts, including on the need for Compulsory Acquisition and Temporary Possession?
4.36.	Applicant DCiC DCC EBC	Increased journey times on the Mansfield Road route Transport Assessment Report [APP-253] Tables 4.5 and 4.6	Increased journey times are predicted on the Mansfield Road route. a) Please clarify the causes. b) Please comment on the impacts and on the need for mitigation.

No	Question to	Reference	Question
4.37.	Applicant DCiC DCC EBC Breadsall Parish Council	A38 speed limits ES Chapter 2 – The Scheme [APP-040] ES Chapter 12 – People and Communities [APP-050] paragraph 12.9.6 RR by Breadsall Parish Council [RR-001]	<p>a) Please could the Applicant summarise the balance of beneficial and adverse impacts considered in decisions about the adoption of 40 mph, 50mph or 70mph speed limits on different sections of the A38?</p> <p>b) Why would there be a 70mph limit through the Little Eaton junction when safety considerations appear to point towards 50mph?</p> <p>c) What difference would a 50mph limit through the Little Eaton junction make to road safety, journey times and noise levels at Ford Farm Mobile Home Park and in Breadsall?</p> <p>d) What difference would a 40mph limit through the Markeaton junction make to journey times and noise levels at the Royal School for the Deaf Derby and at residential properties near the junction?</p> <p>e) Please could the Councils comment?</p>
4.38.	Applicant DCiC	Traffic Regulation Measures and Stopping Up RR by DCiC [RR-003] dDCO [APP-016] Schedule 3	<p>a) DCiC has provided a list of issues but notes that these are not exhaustive. Please could it set out any further concerns?</p> <p>b) Please could DCiC clarify whether it is referring to Schedule 3 of the dDCO rather than Schedule 13, and to which Part(s)?</p> <p>c) Please could the Applicant respond to the issues raised by DCiC?</p> <p>d) Please could the Applicant make any necessary changes to the dDCO?</p>
4.39.	Applicant	A6 / Ford Lane Transport Assessment Report [APP-253] paragraph 8.4.6 ES Chapter 2 – The Scheme [APP-040] paragraph 2.5.35 dDCO [APP-016] Schedule 1 Works Plans [APP-009] RR by DCiC [RR-003]	<p>It is stated that the A6 / Ford Lane would be over capacity and may require mitigation. Work No 34 involves the reconfiguration of this junction. ES Chapter 2 refers to “a <i>minor reconfiguration and signalisation</i>” of this junction.</p> <p>Please could the Applicant:</p> <p>a) Clarify the proposal for signalisation in the dDCO?</p> <p>b) Advise whether signalisation has been assumed for the purposes of the traffic model?</p> <p>c) Respond to DCiC’s questioning of the assessment and of any</p>

No	Question to	Reference	Question
			<p>decision to signalise the junction?</p> <p>d) Summarise the implications of not signalising the junction?</p>
4.40.	Applicant DCiC DCC EBC	<p>Closure of the existing Ford Lane access to the A38</p> <p>ES Chapter 2 – The Scheme [APP-040] paragraphs 12.8.3 and 12.9.6</p> <p>ES Chapter 12 – People and Communities [APP-050]</p>	<p>a) Please could the Applicant summarise the alternative options considered for the closure of the existing Ford Lane access to the A38 and the balance of impacts considered for each option?</p> <p>b) What other options are there to discourage the use of Ford Lane as a short cut from the A6 to the A61?</p> <p>c) What is the case against Ford Lane connecting to the A38 slip road and are there any precedents for this?</p> <p>d) Please could the Local Authorities comment?</p>
4.41.	Applicant DCiC	<p>Changes to local traffic management</p> <p>RR by DCiC [RR-003]</p>	<p>a) Is DCiC able to provide any further clarification of the potential changes to local traffic management in the Kedleston Road corridor and at Five Lamps junction to the Applicant for their transport network and traffic assessments?</p> <p>b) Please could the Applicant comment on the potential implications of the changes suggested by DCiC?</p>
4.42.	DCiC	<p>Traffic flow changes</p> <p>RR by DCiC [RR-003]</p>	<p>DCiC has highlighted “<i>significant major traffic flow changes</i>” at several junctions.</p> <p>a) Please could the Council clarify whether it considers that the Applicant has underestimated the significance of impacts at those junctions?</p> <p>b) Does the Council consider that there is a case for more mitigation measures? If so, what?</p>
4.43.	Applicant	<p>Response to Interested Parties issues and concerns</p> <p>RR by Breadsall Parish Council [RR-001]</p> <p>RR by DCC [RR-004]</p>	<p>Please respond to the transport network and traffic issues during the operation of the Proposed Development raised in other RRs, including with respect to:</p> <ul style="list-style-type: none"> • the alignment of the A38 and speed limits at Little Eaton; • the closure of Ford Lane;

No	Question to	Reference	Question
		RR by Carter Jonas LLP on behalf of Haven Care Group Ltd [RR-015] RR by McDonald's Restaurants Limited [RR-016] RR by Alan Bradwell [RR-021] RR by Simon Morris [RR-026] RR by Ken Pendle [RR-028] RR by Jordanne Romanos [RR-030]	<ul style="list-style-type: none"> • car parking; • the Alignment of the A38 Southbound Merge slip road at the Markeaton junction; • congestion • health and safety risks to road users; • the capacity and installation of traffic lights at the Ashbourne road junction to the fast food site at Markeaton junction; • delivery issues; • the suggestion of a separate 3-lane dual carriageway for the A38 and a separate A5111 Derby Ring Road; • a reduction in the number of access junctions between the A38 and Derby roads; • the gradient up Windmill Hill and issues for lorries; • alternative junction layouts at Little Eaton; • improved journey times from the A50 to the M1; and • alternative suggestions for Markeaton Island and to prevent local and long-distance traffic "<i>clashing</i>".
4.44.	DCiC DCC EBC	Operational traffic and permanent road closures assessment, impacts and mitigation	Do the Local Authorities have any more comments regarding the Applicant's assessment of operational traffic and permanent road closures, including: <ol style="list-style-type: none"> a) The nature of likely effects on receptors? b) Relevant mitigation measures in the dDCO? c) Whether any potential to worsen accessibility would be mitigated so far as reasonably possible? d) The sufficiency of consideration given to mitigation by way of the design, lay-out or operation of the Proposed Development? e) Whether the mitigation measures are proportionate, reasonable and focussed on promoting sustainable development?

No	Question to	Reference	Question
			<p>f) Whether the mitigation measures are enforceable, precise, sufficiently secured and likely to result in the identified residual impacts?</p> <p>g) The identification of all significant impacts?</p>
Public transport			
4.45.	Applicant DCC DCiC EBC	ES Chapter 12 [APP-050]	<p>The effect of the Proposed Development on bus services is reviewed at ES paragraphs 12.7.17-12.7.22, 12.10.74 and 12.10.76.</p> <p>a) DCC, DCiC, EBC - Are you content that this review fully and accurately reflects the effects of the Proposed Development?</p> <p>b) Applicant - Have the proposals been discussed with bus operators and local transport groups? If not, is there an intention to do so? If they have been discussed, what was the response?</p>
4.46.	DCiC	Impacts during operation Transport Assessment Report [APP-253] Section 7.2	Is DCiC content with the changes proposed to bus stop locations and the route into Markeaton Park during operation?
4.47.	DCiC DCC EBC	Public transport assessment, impacts and mitigation ES Chapter 12 – People and Communities [APP-050] paragraphs 12.7.17-22	Do the Local Authorities have any more comments regarding the Applicant's baseline, assessment and mitigation proposals with respect to public transport?
5. Air quality			
Baseline conditions and overall assessment methodology			
5.1.	Applicant	Details of exceedances of air quality screening criteria at affected road links.	The Applicant was issued with s51 advice on 22 May 2019 requesting further information regarding the screening process for inclusion of receptors/road links on the affected road network for further consideration in the assessment. In its response [AS-013] the

No	Question to	Reference	Question
			<p>Applicant provided updated figures [AS-006] to illustrate affected road links. However, detailed information demonstrating how the air quality screening criteria are exceeded were not supplied.</p> <p>Please provide specific details of how the affected road links exceed the DMRB screening criteria during both construction and operation or signpost to where this may be found in the application documents.</p>
5.2.	Applicant DCiC	DCiC traffic measures for Stafford Street ES Chapter 5 – Air Quality [APP-043] paragraphs 5.2.20, 5.5.9, 5.10.44	Please could the Applicant clarify any implications for the air quality assessment of any updates provided by DCiC of the timing of the removal of their clean air zone traffic management measures for Stafford Street?
5.3.	Applicant DCiC	Changes to local traffic management RR by DCiC [RR-003]	<p>a) Is DCiC able to provide any further clarification of the potential changes to local traffic management in the Kedleston Road corridor and at Five Lamps junction to the Applicant for their air quality assessment?</p> <p>b) Please could the Applicant comment on the potential implications of the changes suggested by DCiC for the air quality assessment?</p>
5.4.	DCiC DCC EBC	Study area, receptors and baseline data ES Chapter 5 – Air Quality [APP-043] sections 5.6 and 5.7 ES Appendix 5.2 – Air Quality Methodologies [APP-171] table 2	<p>Are the Local Authorities content with the Applicant’s assessment with respect to:</p> <p>a) The study area, including consideration of the effects of fleet and traffic volume changes resulting from temporary diversionary routes?</p> <p>b) The baseline data, including the use of the 2015 or the 2016 baseline?</p> <p>c) The receptors selected for the assessment and whether they are considered representative?</p>
5.5.	DCiC DCC EBC	Carbon monoxide, 1,3-butadiene, benzene, lead and sulphur dioxide	a) Are the Local Authorities content with the Applicant’s conclusion that there is no risk of carbon monoxide, 1,3-butadiene, benzene, lead or sulphur dioxide concentrations exceeding the relevant

No	Question to	Reference	Question
		ES Chapter 5 – Air Quality [APP-043] paragraph 5.3.4	national objectives? b) Are there any local factors that might lead to an exceedance?
5.6.	DCiC DCC EBC	PM _{2.5} assessment ES Chapter 5 – Air Quality [APP-043] paragraph 5.35 and Table 5.5.	The Applicant states that “ <i>The PM_{2.5} results are not discussed in this chapter as concentrations are well below the objective and limit value under all scenarios</i> ” and that “ <i>The change in overall exposure to PM_{2.5} would be the same as for PM₁₀. The Scheme is shown to reduce overall exposure to PM₁₀ (and PM_{2.5}). Therefore, no additional mitigation measures are required to reduce exposure to PM_{2.5}.</i> ” a) Are the Local Authorities content with the Applicant’s assessment of PM _{2.5} , including in relation to the European Union (EU) Ambient Air Quality Directive? b) Are any additional mitigation measures required for PM _{2.5} ?
5.7.	Applicant	Consideration of receptor sensitivity ES Chapter 5 – Air Quality [APP-043] paragraphs 5.3.6 and 5.3.14; table 5.11	Please clarify how receptor sensitivities combine with magnitude of change in Nitrogen Dioxide (NO ₂) or PM ₁₀ to allow the impact on receptors to be identified?
5.8.	Applicant	Definition of significant effect ES Chapter 5 – Air Quality [APP-043] table 5.3	Please clarify the origin of this table and justify its’ basis for the assessment.
5.9.	Applicant	Emission rates and background concentrations after 2024 ES Chapter 5 – Air Quality [APP-043] paragraph 5.5.8	Please justify the assertion that emission rates and background concentrations would be lower after 2024 and would result in lower predicted concentrations.
5.10.	Applicant DCiC DCC EBC	Biodiversity impact assessment ES Chapter 5 – Air Quality [APP-043] paragraph 5.8.14	a) Are the Local Authorities and NE satisfied with the Applicant’s assessment that no international or nationally designated sites would be affected by the Proposed Development in respect to air quality? b) With reference to the NPSNN, please could the Applicant clarify and

No	Question to	Reference	Question
	NE	and table 5.10 NPSNN paragraphs 5.11	summarise potential air quality impacts on other nature conservation sites?
5.11.	Applicant	CO ₂ emissions ES Chapter 5 – Air Quality [APP-043] paragraphs 5.10.61-64 ES Appendix 5.2 – Air Quality Methodologies [APP-171] ES Appendix 5.3 – Air Quality Results [APP-172]	The methodology for assessing CO ₂ impacts is not included in Appendix 5.2 and CO ₂ air quality results are not included in Appendix 5.3. Please could the Applicant summarise the methodology used and clarify how CO ₂ emissions due to the Proposed Development have been calculated?
5.12.	Applicant	Cumulative impact assessment ES Chapter 15 – Assessment of Cumulative Effects paragraphs 15.10.2	If the two potential designated fund projects at Markeaton junction/park projects do go ahead, what is the potential for significant cumulative impacts with the Proposed Development in relation to air quality?
5.13.	DCiC DCC EBC EA	Baseline conditions and overall assessment methodology	Do the Local Authorities or EA have any more comments regarding the Applicant's consideration of baseline conditions or its' overall assessment methodology?
Construction dust and emissions			
5.14.	Applicant	Emissions from construction machinery ES Chapter 5 – Air Quality [APP-043]	a) Please confirm the basis for the assertion in paragraph 5.3.16 that <i>“Significant air quality effects are not anticipated to be associated with emissions from construction machinery and have thus been scoped out of the assessment”</i> . b) What measures have been considered and what controls are in place to ensure this outcome?
5.15.	Applicant	Diversions routes during construction	Please respond to DCiC's comments regarding the potential for diversions routes during construction to give rise to significant

No	Question to	Reference	Question
		RR by DCiC [RR-003]	congestion and the potential implications for the assessment of air quality effects.
5.16.	Applicant	Magnitude of dust impacts ES Chapter 5 – Air Quality [APP-043] paragraphs 5.10.4-5	<ul style="list-style-type: none"> a) Please clarify the meaning and definition of “<i>slight adverse</i>” impact. b) How has this assessment been arrived at? c) What bands of different sensitivities of receptors have been considered? d) Have magnitudes of dust deposition been quantified? If not, how has the magnitude of dust been identified? e) How has the identified impact considered combinations of different sensitivities and different magnitudes of dust deposition? f) How much would dust impacts be expected to vary within the 200m zone identified? g) Which receptors are closest to the works and what would the impact be on them?
5.17.	Applicant	NO ₂ analysis method ES Chapter 5 – Air Quality [APP-043] paragraph 5.10.9 and 5.10.30	<p>Two different analysis methods have been used.</p> <p>Given the variation between the results, please can the Applicant clarify how both methods can be relied on by the SoS and the ExA?</p>
5.18.	Applicant	Definitions of magnitude of changes in NO ₂ and PM ₁₀ and assessment of significance of effects during construction ES Chapter 5 – Air Quality [APP-043] paragraphs 5.10.06-42	<ul style="list-style-type: none"> a) Please clarify the definitions of large, medium, small and imperceptible magnitude of change in NO₂ and PM₁₀ concentrations and how those are derived from best practice guidance. b) Please clarify whether each assessment of significance of effect considers both the magnitude of change of concentration and receptor sensitivity. c) Does the methodology allow for a significant effect to be identified if objectives and limit values are not exceeded? For example, if a large change in concentration is predicted for a sensitive receptor over a prolonged period?

No	Question to	Reference	Question
5.19.	Applicant	Construction scenarios ES Chapter 5 – Air Quality [APP-043] paragraphs 5.8.8-9	ES Chapter 5 concentrates on construction scenarios 0, 2 and 4. What is the potential for large or medium magnitude changes in NO ₂ or PM ₁₀ during the preliminary works or during construction scenarios 1, 3, 5, 6 or 7?
5.20.	Applicant	Receptors receiving large or medium magnitude changes in NO ₂ or PM ₁₀ ES Chapter 5 – Air Quality [APP-043] section 5.10	Please provide a summary table to identify each receptor receiving either a large or medium magnitude increase or decrease in NO ₂ or PM ₁₀ concentrations during the preliminary works or construction. In each case, please include comments on the main cause of the change, the duration and the sensitivity of the receptor.
5.21.	DCiC DCC EBC EA	Construction dust and emissions assessment and mitigation	Do the Local Authorities or EA have any more comments regarding the Applicant's assessment of construction dust and emissions, including the identification of: a) The nature of likely effects on receptors? b) Relevant mitigation measures secured by the dDCO and OEMP? c) Whether the mitigation measures are enforceable, precise, reasonable, sufficiently secured and likely to result in the identified residual impacts? d) All significant impacts?
Operational vehicle emissions			
5.22.	Applicant	A52 Air Quality Management Area (AQMA) in Spondon Applicant's letter dated 1 July 2019 [AS-013]	a) The Applicant stated that " <i>The traffic assessment prepared for the ES showed that traffic flows on the A52 in Spondon are expected to change by up to approximately 200 AADT in the opening year due to the Scheme, this is well below the DMRB screening criteria of 1000 AADT and so was not included in the Affected Road Network. The A52 AQMA in Spondon was not assessed as air quality effects will be insignificant.</i> " b) Please provide confirmation that this is the case for all the screening criteria identified in DMRB HA207 paragraph 3.12 for the assessed construction and operational scenarios.

No	Question to	Reference	Question
5.23.	Applicant	Receptors receiving large or medium magnitude changes in NO ₂ or PM ₁₀ ES Chapter 5 – Air Quality [APP-043] section 5.10	Please provide a summary table to identify each receptor receiving either a large or medium magnitude increase or decrease in NO ₂ or PM ₁₀ concentrations during operation. In each case, please include comments on the main cause of the change, the duration and the sensitivity of the receptor.
5.24.	DCiC DCC EBC EA	Operational vehicle emissions assessment, impacts and mitigation	Do the Local Authorities or EA have any more comments regarding the Applicant's assessment of operational vehicle emissions, including the identification of: a) The nature of likely effects on receptors? b) Relevant mitigation measures secured by the dDCO? c) Whether the mitigation measures are enforceable, precise, reasonable, sufficiently secured and likely to result in the identified residual impacts? d) All significant impacts?
Statutory compliance, monitoring, pollution control and other matters			
5.25.	DCiC DCC EBC	Exceedances of EU limit values for NO ₂ , reporting of non-compliance and timescales to achieve compliance ES Chapter 5 – Air Quality [APP-043] paragraphs 5.7.3-8 NPSNN paragraph 5.13	a) Do the Local Authorities agree with the areas identified by the Applicant as exceeding EU limit values for NO ₂ ? b) If they do not agree, why not and how do they consider that the areas identified should be amended? c) Which of these areas have been reported to the European Commission as being non-compliant? d) What are the most recent timescales reported to the European Commission for the non-compliant areas to become compliant?
5.26.	Applicant DCiC DCC EBC	Increases in NO ₂ concentrations in non-compliant areas ES Chapter 5 – Air Quality [APP-043] section 5.10	a) Following discussion and agreement with the Local Authorities about non-compliant areas, please could the Applicant clarify where and when any increases in NO ₂ concentrations from the Proposed Development are predicted at any area that is non-compliant with the Air Quality Directive, together with the magnitude of the

No	Question to	Reference	Question
		NPSNN paragraph 5.13	increase in each case? b) Please could the Applicant and the Local Authorities comment, in detail and with justification, whether they consider that the Proposed Development would affect the ability of any non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision?
5.27.	Applicant DCiC DCC EBC	Compliant areas becoming non-compliant ES Chapter 5 – Air Quality [APP-043] section 5.10 NPSNN paragraph 5.13	Would the Proposed Development result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant?
5.28.	Applicant DCiC	NO ₂ compliance at Stafford Street RR by DCiC [RR-003]	a) Please could the Applicant respond to DCiC’s comments about the Council’s ability to achieve and maintain NO ₂ compliance at Stafford Street and set out how it intends to work with the council to this end? b) Does DCiC see any merit in specific requirements or measures being identified and secured through the DCO or OEMP in relation to NO ₂ compliance at Stafford Street? If so, what form might those take?
5.29.	Applicant DCiC DCC EBC	NO ₂ analysis method and increases at Stafford Street ES Chapter 5 – Air Quality [APP-043] paragraphs 5.10.9, 25, 30 and 44 NPSNN paragraph 5.13	a) Two different analysis methods have been used. Are both methods acceptable for the purposes of Air Quality Directive? b) Increases in NO ₂ during construction are predicted at Stafford Street. Could those be reduced or avoided through alternative construction traffic measures?
5.30.	Applicant DCiC DCC	Mitigation measures ES Chapter 5 – Air Quality [APP-043] section 5.9	a) Please could the Applicant summarise the consideration given to mitigation measures such as changes to the route, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse

No	Question to	Reference	Question
	EBC	NPSNN paragraph 5.15	emissions, and speed control? b) Please could the Local Authorities comment?
5.31.	Applicant DCiC DCC EBC	Dust monitoring during preliminary works and main construction works ES Chapter 5 – Air Quality [APP-043] paragraphs 5.9.4-6 OEMP [APP-249] tables 3.2a and 3.2b	The Applicant refers to dust monitoring for locations with higher dust risks. The OEMP provides for the consideration of dust monitoring during the main construction works, but not during the preliminary works, which include activities such as establishment of working areas and compounds and delivery of construction materials, plant and equipment. a) Please could the Applicant justify that no dust monitoring should be considered during the preliminary works? b) Should dust monitoring be a firm requirement rather than something to be considered? c) Please could the Local Authorities comment?
5.32.	Applicant DCiC DCC EBC	NO ₂ monitoring OEMP [APP-249] tables 3.2a and 3.2b	The OEMP does not mention any potential for NO ₂ monitoring during the preliminary works, construction or operation. However, the assessment identifies cases where NO ₂ levels are close to EU limit values and instances of large increases in NO ₂ concentrations a) Please could the Applicant justify that no NO ₂ monitoring should be considered? b) Should NO ₂ monitoring be something to be considered or a firm requirement? c) Please could the Local Authorities comment?
5.33.	Applicant	RR by Royal School for the Deaf Derby [RR-019] RR by Cherry Lodge children’s residential care home [RR-019] ES Chapter 5 – Air Quality [APP-043] paragraphs	a) Please provide an update on any recent discussions with the Royal School for the Deaf Derby and Cherry Lodge children’s residential care home? b) Please respond to their Relevant Representations with respect to air quality, whether this is expressed explicitly in their comments or included under a broader heading such as changes in the local environment.

No	Question to	Reference	Question
		5.10.23, 24, 26, 34, 35, 37 and table 5.6	<p>c) Please clarify the proposed mitigation or compensation measures at each location.</p> <p>d) Could the impacts be reduced or avoided through alternative construction traffic measures?</p> <p>e) What alternatives have been considered, including changes to road alignments for the A38, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions, and speed control?</p>
5.34.	Applicant	Responses to Relevant Representations RR by Public Health England [RR-008] Caron Fellows [RR-023]	Please respond to the Relevant Representations from Public Health England and Caron Fellows with respect to air quality.
5.35.	DCiC DCC EBC EA	Statutory compliance, monitoring, pollution control and other matters	<p>Do the Local Authorities or EA have any more comments regarding:</p> <ul style="list-style-type: none"> • consideration of and compliance with local policies and plans; or • the Applicant's assessment and mitigation proposals with respect to statutory compliance, monitoring, pollution control or other matters?
6.	Noise and vibration		
	Baseline conditions, surveys and the overall assessment methodology		
6.1.	Applicant DCiC	Changes to local traffic management RR by DCiC [RR-003]	<p>a) Is DCiC able to provide any further clarification of the potential changes to local traffic management in the Kedleston Road corridor and at Five Lamps junction to the Applicant for their noise and vibration assessment?</p> <p>b) Please could the Applicant comment on the potential implications of the changes suggested by DCiC?</p>

No	Question to	Reference	Question
6.2.	Applicant DCiC	DCiC traffic measures for Stafford Street ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.9 and 9.5.1	Please could the Applicant clarify any implications for the noise and vibration assessment of any updates provided by DCiC of the timing of the removal of their clean air zone traffic management measures for Stafford Street?
6.3.	DCiC EBC	Study area, receptors and baseline data ES Chapter 9 – Noise and Vibration [APP-047] sections 9.6 and 9.7; paragraphs 9.7.17-27 ES Figures 9.1A [APP-128] and 9.1B [APP-129]	Are DCiC and EBC satisfied with the Applicant’s proposals with respect to: a) The study area? b) The receptors selected for the assessment, whether they are specified in enough detail and whether they are considered representative? c) The baseline noise surveys?
6.4.	DCiC EBC	Lowest Observed Adverse Effect Level (LOAEL) Significant Observed Adverse Effect Level (SOAEL) and ES Chapter 9 – Noise and Vibration [APP-047] tables 9.2-7; paragraphs 9.3.17 and 9.3.49-50	Are DCiC and EBC content with: a) The LOAEL and SOAEL used for construction noise and vibration and for traffic noise? b) The noise and vibration levels used to identify magnitudes of impact? c) The use of a traffic noise level of 58dB, LA10,18h as a proxy for the consideration of traffic vibration?
6.5.	Applicant	Baseline noise levels ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.7.26	a) Noise models are predicting levels higher than measured levels, in one case by 13dB. This suggests that the magnitude of change predicted may be less than experienced, i.e. could assessment against a higher baseline result in a smaller predicted magnitude of change? Please justify that the assessment has considered a reasonable worst-case scenario. b) Continuous monitoring data was obtained in June 2015, so is now over four years old. Have there been any significant changes to baseline conditions since then that might lead to concerns about

No	Question to	Reference	Question
			whether the baseline data is still representative?
6.6.	Applicant	Noise sources with distinctive characteristics NPSNN 5.189	Please summarise the consideration given to any noise sources with distinctive tonal, impulsive or low frequency characteristics, including during construction.
6.7.	Applicant	Vertical level differences ES Chapter 9 – Noise and Vibration [APP-047] section 9.3	How has the assessment has considered vertical level differences between roads, sensitive receptors and any mitigation noise barriers, including with respect to: <ul style="list-style-type: none"> residential properties in the vicinity of the junction between Greenwich Drive North and Enfield Road; the relationship between the Little Eaton embankment and residential properties in the vicinity of Ford Farm Mobile Home Park, Breadsall and Little Eaton; and the proposed heights of noise barriers.
6.8.	Applicant	Re-housing ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.10.6, 9.10.53	Residential buildings that may qualify for noise insulation works have been identified. The potential for temporary re-housing has also been identified. <ol style="list-style-type: none"> How would the Applicant confirm that BS5228 trigger levels had been exceeded and that noise insulation or re-housing would be required? How many properties might qualify for re-housing? What is the process for identifying that re-housing would be required and for implementation? How would any compensation be identified? How is this all secured through the dDCO?
6.9.	Applicant	Cumulative impact assessment ES Chapter 15 – Assessment of Cumulative Effects paragraphs 15.10.2	If the two potential designated fund projects at Markeaton junction/park projects do go ahead, what is the potential for significant cumulative impacts with the Proposed Development in relation to noise and vibration?

No	Question to	Reference	Question
6.10.	DCiC DCC EBC	Baseline conditions and surveys	Do the Local Authorities have any more comments regarding the Applicant's consideration of baseline conditions, surveys or the overall assessment methodology?
Construction noise, vibration and working hours			
6.11.	Applicant	Receptors within 10m of the carriageway ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.10	Are there any implications of the use of a reference distance of 10m from the nearside carriageway for the assessment of noise and vibration at any sensitive receptors within that distance, where noise and vibration levels are presumably higher than at 10m?
6.12.	Applicant	Construction scenarios ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.10	The Applicant states that scenario years 0, 2 and 4 were chosen to represent the likely worst case for traffic noise impacts during construction. ES Chapter 9 concentrates on construction scenarios 0, 2 and 4. What is the potential for construction noise or vibration in excess of LOAEL or SOAEL during the preliminary works or during construction scenarios 1, 3, 5, 6 or 7?
6.13.	DCiC EBC	The use of professional judgement ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.23 and 9.3.52	The Applicant refers to the application of professional judgement for the assessment of construction effects and traffic noise effects above SOAEL. Do the Local Authorities have any comments on the judgements made?
6.14.	Applicant DCiC EBC	Definition of significant effect ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.23 and 9.10.5; table 9.2	The ES considers that exceeding SOAEL for less than 10 days in 15 is not significant. The figures in ES table 9.2 are equivalent to table E1 of BS5228 Part 1, which considers a significant effect, subject to the number of receptors affected and the duration and character of the impact, if the figures are exceeded. The 10 days in 15 appears to come from table E4, which relates to trigger levels for noise insulation and appears to be a different test using different trigger levels. a) Please could the Applicant clarify its' reasoning why exceeding

No	Question to	Reference	Question
			<p>SOAEL for less than 10 days in 15 is not significant?</p> <p>b) Please could the Applicant advise the number of days that noise levels at properties considered not to be significantly affected are predicted to exceed SOAEL?</p> <p>c) Should any exceedances of SOAEL be considered significant?</p> <p>d) Please could DCiC and EBC comment?</p>
6.15.	Applicant	<p>Number of properties significantly affected</p> <p>ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.10.5 and 9.10-13</p>	<p>Please clarify the number of properties at each location where significant adverse construction noise and vibration effects are predicted and, in each case, the duration.</p>
6.16.	Applicant	<p>ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.9.3</p>	<p>Potential construction noise mitigation measures have not been included in the assessment in order to represent a worst case. The Examining Authority (ExA) welcomes the use of a worst-case assessment approach but questions what certainty the OEMP provides in mitigating noise effects below SOAEL. For example, what certainty is there that localised hoardings would be used to reduce noise impacts?</p>
6.17.	Applicant	<p>Piling methods and sizes of drum rollers</p> <p>ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.10.9 and 9.3.14</p>	<p>The ES states that “<i>vibration impacts due to rotary bored piling at the new bridges and retaining walls are not considered to result in significant adverse vibration effects.</i>” The integrity of the vibration assessment therefore relies on rotary bored piling being used.</p> <p>a) Please confirm if the use of rotary bored piling at the new bridges and retaining walls is secured in the dDCO or OEMP?</p> <p>b) Please confirm whether there is potential for alternative piling methods to be used at the new bridges and retaining walls given that the “<i>exact construction methods</i>” would be determined during the detailed design stage?</p> <p>c) Similarly, the assessment relies on certain sizes of drum roller. Do</p>

No	Question to	Reference	Question
			those sizes need to be secured in the dDCO or OEMP?
6.18.	Applicant	Kingsway Hospital, the Royal School for the Deaf Derby and Cherry Lodge children's residential care home	<p>a) Please summarise the allowances made for the sensitivities to noise or vibration at receptors other than typical residential receptors, including at Kingsway Hospital, the Royal School for the Deaf Derby and Cherry Lodge children's residential care home?</p> <p>b) What allowances have been made for people with special needs or hearing impairments?</p> <p>c) What allowances have been made for medical treatment or teaching areas?</p> <p>d) What allowances have been made for any equipment that might be sensitive to vibration?</p>
6.19.	Applicant DCiC EBC	Night-time and weekend working ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.8.5 OEMP [APP-249] tables 3.2a and 3.2b	<p>a) Please could the Applicant summarise all night-time and weekend working activities considered in the assessment, and, in each case, justify why they cannot be carried out during the core working hours?</p> <p>b) Should any work to be carried out outside the core hours require prior agreement with DCiC or EBC, rather than just those that are not listed in the OEMP?</p> <p>c) Should any night-time road closures require prior agreement with DCiC or EBC?</p> <p>d) Should mitigation measures or monitoring be specified for night-time or weekend working?</p> <p>e) Should the activities identified for outside core working hours that would be undertaken during the main construction works rather than during the preliminary works be removed from table 3.2a?</p>
6.20.	Applicant	Best Practicable Means and a	a) Please summarise any issues with setting noise and vibration limits

No	Question to	Reference	Question
	DCiC EBC	management plan rather than specific limits and s61 ² consent ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.4.2	and with requiring s61 applications for prior consent? b) Please comment on the effectiveness of the specific measures identified as BPM by the Applicant and a management plan for: <ul style="list-style-type: none"> preventing limits being exceeded; for limiting impacts to those identified in the ES; and for encouraging the contractor to minimise noise and vibration? c) Please comment on whether the identification of noise and vibration limits in the OEMP, together with appropriate mechanisms for dealing with any exceedances, could contribute to: <ul style="list-style-type: none"> preventing limits being exceeded; limiting impacts to those identified in the ES; and encouraging the contractor to minimise noise and vibration? d) Please could the Local Authorities specify the s61 measures, including any conditions, that would otherwise have been required?
6.21.	Applicant DCiC EBC	Temporary noise barriers ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.9.3, 9.9.6 and 9.12.1	a) Should the dDCO secure requirements for temporary site hoardings or noise barriers or the bringing forward of the installation of permanent noise barriers at locations where significant adverse construction noise effects are predicted? b) Is there any potential for the 4m high noise barrier adjacent to the Royal School for the Deaf Derby to be installed before the demolition of the houses on Queensway, or for additional temporary mitigation to be provided during demolition?
6.22.	Applicant DCiC EBC	Community liaison ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.9.5	a) Are DCiC and EBC content with the proposals for communications with communities, liaison and measures to inform of potentially disruptive construction activities and proposals for dealing with any complaints? b) For clarity, should the measures identified in Chapter 9 be added to

² Section 61 Prior consent for work on construction sites, Control of Pollution Act 1974

No	Question to	Reference	Question
			<p>the OEMP?</p> <p>c) Should a community communication and management plan be required?</p>
6.23.	Applicant	<p>ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.10.6</p> <p>NPSNN paragraph 5.195</p>	<p>The ES highlights that noise effects may be reduced in certain locations below SOAEL once a contractor is appointed and specific mitigation details are confirmed.</p> <p>a) Please confirm how the dDCO and OEMP ensure that the requirements of NPSNN to “<i>avoid significant adverse impacts on health and quality of life from noise</i>” in those locations are satisfied by this commitment?</p> <p>b) What level of certainty is there that such mitigation will be provided?</p>
6.24.	DCiC DCC EBC	<p>Cumulative impact assessment</p> <p>ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.7.30</p>	<p>The Applicant considers that other developments are not expected to affect the construction noise assessment.</p> <p>a) Please could the Applicant clarify how it has considered construction traffic from the other developments in its’ assessment?</p> <p>b) Please could the Local Authorities comment?</p>
6.25.	DCiC DCC EBC	<p>Construction noise and working hours assessment, impacts and mitigation</p>	<p>Do the Local Authorities have any more comments regarding the Applicant’s consideration of construction noise and working hours, including:</p> <p>a) The nature of likely effects on receptors?</p> <p>b) Relevant mitigation measures secured in the dDCO and OEMP?</p> <p>c) Whether the mitigation measures are enforceable, precise, reasonable, sufficiently secured and likely to result in the identified residual impacts?</p> <p>d) All significant impacts?</p>
Operational noise and vibration			
6.26.	Applicant	Road surfacing	a) What comfort can be provided that low noise resurfacing of the A38

No	Question to	Reference	Question
		ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.5, 9.7.16 and 9.9.12	<p>will have taken place before 2024?</p> <p>b) Very low noise surfacing has potential to further reduce noise impacts and has been employed on other national infrastructure highway schemes such as the A14 Cambridge to Huntingdon bypass. What consideration has been given to use of very low noise surfacing rather than low noise surfacing for the Proposed Development and other sections of the A38?</p> <p>c) What comfort can be provided that Highways England will have resurfaced all the roads for which they are responsible with new low noise surfacing throughout the noise study area by 2039?</p>
6.27.	Applicant	Manual adjustment of speed bands ES Chapter 9 – Noise and Vibration [APP-047]	Has there been any manual adjustment of speed bands? If so, please justify.
6.28.	Applicant	Traffic noise annoyance ES Chapter 9 – Noise and Vibration [APP-047] table 9.18	<p>a) Please clarify the relevance of changes in traffic noise annoyance to the identification of significant effects.</p> <p>b) How much increase in annoyance would be significant?</p>
6.29.	Applicant	Reflective or absorptive noise barriers ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.9.13 ES Figures 9.1A [APP-128] and 9.1B [APP-129]	<p>Operational noise mitigation measures include localised noise barriers, comprising both reflective and absorptive barriers.</p> <p>a) Please identify the height of all existing and proposed noise barriers and whether they are reflective or absorptive.</p> <p>b) What would be the difference in noise levels in the vicinity of Markeaton Junction if absorptive rather than the proposed reflective barriers were used?</p> <p>c) Why are reflective barriers proposed in certain locations rather than absorptive barriers?</p> <p>d) What would be the effect of using absorptive barriers in all locations in terms of significance of effect and scheme costs?</p>
6.30.	DCiC	Operational noise and	Do the Local Authorities have any more comments regarding the

No	Question to	Reference	Question
	DCC EBC	vibration assessment, impacts and mitigation	Applicant's assessment of operational noise and vibration, including the identification of: a) The nature of likely effects on receptors? b) Relevant mitigation measures secured in the dDCO? c) Whether the mitigation measures are enforceable, precise, reasonable, sufficiently secured and likely to result in the identified residual impacts? d) All significant impacts?
Statutory compliance, monitoring, pollution control and other matters			
6.31.	Applicant DCiC EBC	Derby Local Transport Plan, LTP3 2011-2026	The Derby Local Transport Plan identifies locations in Derby on the A38 and A52 where noise exceeds acceptable standards set by European legislation. It notes that the Highway Authority for roads generating unacceptable noise levels is responsible for mitigating the effects of the noise. DCiC is identified as being responsible for the A52 and the Highways Agency as being responsible for the A38. a) Please could the Applicant summarise the impacts of the Proposed Development where noise exceeds acceptable standards set by European legislation? b) How would any increase in noise levels be consistent with DCiC's and with the Applicant's responsibilities? c) Please comment on compliance with the Local Transport Plan. d) Please comment on compliance with European legislation requirements to meet acceptable standards for noise.
6.32.	Applicant DCiC EBC	Noise Important Areas ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.4.4 NPSNN paragraph 5.200	a) Please could DCiC provide an update on its' draft plan to address the Noise Important Areas, the timescales for that being finalised and whether it envisages any conflicts with the Applicant's assessment? b) Has the Proposed Development taken opportunities to address the noise issues associated with the Important Areas, including noise

No	Question to	Reference	Question
			mitigation in relation to Noise Important Area 8245?
6.33.	Applicant	ES Chapter 9 – Noise and Vibration [APP-047] table 9.22 and paragraphs 9.10.62-79	<p>a) Please confirm whether the predicted future SOAEL exposure comprises new exposure or continuity of existing exposure?</p> <p>b) Please clarify the weighting given in the assessment to the total count of properties above SOAEL, to the number of properties experiencing SOAEL that don't currently do so, and to the increases in noise or vibration.</p>
6.34.	DCiC EBC	ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.11.1-2 OEMP [APP-249] tables 3a and 3b	<p>The Applicant proposes that Noise and vibration surveys are identified as being undertaken by the contractor "<i>as is necessary</i>" to ensure compliance with noise and vibration commitments in the CEMP as detailed in the OEMP. The monitoring of yet unspecified mitigation measures is proposed during operation.</p> <p>Should more specific monitoring be secured, for example at locations of potential significant impact and where noise and vibration limits might be exceeded?</p>
6.35.	Applicant DCiC DCC EBC	Mitigation measures ES Chapter 9 – Noise and Vibration [APP-047] section 9.9 NPSNN paragraphs 5.194 and 5.198	<p>a) Please could the Applicant summarise the consideration given to containment of noise generated; adequate distance between source and noise-sensitive receptors; specifying acceptable noise limits or times of use; optimisation of scheme layout to minimise noise emissions; and the use of landscaping, bunds or noise barriers to reduce noise transmission?</p> <p>b) Please could the Applicant summarise the need for the mitigation of impacts elsewhere on the road networks that have been identified as arising from the Proposed Development, according to Government policy?</p> <p>c) Please could the Local Authorities comment on the proposed mitigation measures?</p>
6.36.	Applicant DCiC	Mitigation measures NPSNN paragraph 5.196	Would the mitigation measure secured by the dDCO and OEMP ensure that the noise and vibration levels from the project do not exceed those described in the assessment?

No	Question to	Reference	Question
	EBC		
6.37.	Applicant	Noise and vibration management plan dDCO [APP-016] Requirement 3	Please clarify whether the current wording of dDCO Requirement 3 will allow DCiC and EBC to comment on and/or approve the noise and vibration management plan referenced in the OEMP?
6.38.	Applicant	Route alignment RR by Breadsall Parish Council [RR-001] RR by Simon Morris [RR-026]	Breadsall Parish Council and Simon Morris have raised concerns over the decision to choose the preferred route alignment (Option 3) by the Applicant. They suggest that should Option 3 be pursued it could be based on a tighter radius for the A38 with a 50mph limit, like the limit at the other two junctions. It is argued that this would keep the carriageway further away from Breadsall and mitigate its effects. The Parish Council and Simon Morris have also commented on the specification of the 2.5m high noise barrier. Please could the Applicant respond?
6.39.	Applicant	Responses to Relevant Representations RR by Royal School for the Deaf Derby [RR-019] RR by Cherry Lodge children's residential care home [RR-015]	The Royal School for the Deaf Derby has expressed concern regarding acoustic mitigation and the impact of the proposals on its financial sustainability. It suggests that loss of housing, which acts as a noise barrier, separating it from the current A38 alignment has potential to create significant noise impacts. The school proposes that a 4m high noise barrier/security fence is constructed as close as possible to the start of construction. It seeks reassurance that noise levels will not deteriorate on campus during or after the works and should it do so, adequate mitigation or compensation is agreed wherever possible in advance. Concerns are also expressed regarding the proximity of the Proposed Development and adverse impacts on sensitive resident children at Cherry Lodge children's residential care home. Please could the Applicant: a) Respond to these Relevant Representations? b) Provide an update on any recent discussions?

No	Question to	Reference	Question
			<p>c) Clarify the proposed mitigation or compensation measures at each location?</p> <p>d) Advise whether the impacts could be reduced or avoided through alternative construction traffic measures?</p> <p>e) Advise what alternatives have been considered, including changes to road alignments for the A38, changes to the proximity of vehicles to local receptors in the existing route, physical means including noise barriers?</p>
6.40.	Applicant	<p>Responses to Relevant Representations</p> <p>RR by Alan Bradwell [RR-021]</p> <p>RR by Caron Fellows [RR-023]</p> <p>RR by Robert Frank Hancox [RR-024]</p> <p>RR by Mark Silo [RR-031]</p>	<p>Please respond to the Relevant Representations expressing concerns about increased noise and vibration, including in residential areas.</p>
6.41.	DCiC DCC EBC	<p>Statutory compliance, monitoring, pollution control and other matters</p> <p>NPSNN paragraphs 5.193 and 5.195</p>	<p>Do the Local Authorities have any more comments with respect to:</p> <ul style="list-style-type: none"> • consideration of and compliance with local policies and plans; • the Proposed Development being undertaken in accordance with statutory requirements for noise; • regard being given to the relevant sections of the Noise Policy Statement for England, National Planning Policy Framework and the Government's associated planning guidance on noise; • whether the Proposed Development sufficiently avoids, mitigates and minimises adverse impacts on health and quality of life and contribute to their improvement; or • any other aspects of the Applicant's assessment and mitigation proposals with respect to statutory compliance, monitoring, pollution control or other matters?

No	Question to	Reference	Question
7.	The water environment		
	Baseline information		
7.1.	Applicant	ES Chapter 13 [APP-051] ES Appendix 13.4 [APP-234] RR by DCiC [RR-003]	To allow comparison of drainage calculations of existing and proposed discharge rates, please provide the drainage calculations used for the drainage strategy along with titles and pipe and node references on any drawings as appropriate.
	Flood risk and drainage		
7.2.	Applicant	ES Chapter 13 [APP-051] ES Appendix 13.1 [APP-228] ES Appendix 13.2A [APP229]	Please clarify how risks associated with sediment settlement at Kingsway Junction will be managed during the operation of the Proposed Development ensuring there is no impact on flood storage capacity?
7.3.	Applicant DCiC	ES Chapter 13 [APP-051] ES Appendix 13.2A [APP229]	The Kingsway Flood Risk Assessment (FRA) uses hydraulic modelling from the Derby Integrated Catchment Model. How suitable is this model in light of revised climate change projections from the EA?
7.4.	Applicant	ES Chapter 13 [APP-051] ES Appendix 13.4 [APP-234] RR by DCiC [RR-003]	DCiC has raised concerns regarding flood routing and the proposed drainage collection system (kerb drainage and gullies). Among other things it is designed for a 1 in 5 year event and concern has been expressed regarding excess flows. Please clarify the extent to which these matters have been accounted for in the proposals and describe the effort they have made to agree this approach with DCiC.
7.5.	Applicant	ES Chapter 13 [APP-051] ES Appendix 13.2A [APP229] ES Appendix 13.2B [APP-230] ES Appendix 13.4 [APP-234] RR by DCiC [RR-003]	DCiC has raised concerns in relation to the proposed discharge of water to watercourses which they consider could increase flood risk to Derby. DCiC has requested that discharge rates from the Proposed Development be restricted to " <i>greenfield run off rates</i> ". a) Please clarify what effort has been made to achieve these outcomes in the drainage design and if it not possible to achieve them please set out why.

No	Question to	Reference	Question
			b) Please address the concerns raised regarding increased flood risk to Derby and describe what measures are in place to ensure this does not occur.
7.6.	Applicant	ES Chapter 13 [APP-051] ES Appendix 13.2A [APP-229] RR by DCiC [RR-003]	DCiC has raised concerns regarding the findings of the FRA at Kingsway junction reflecting recent data from BGS. Please clarify the extent to which these matters are addressed in the assessment of flood risk and whether the assessment and, potentially the proposed drainage design, requires further consideration having regards to this information.
7.7.	Applicant	ES Chapter 13 [APP-051] ES Appendix 13.2B [APP-230] RR by DCiC [RR-003]	DCiC's RR advises that it would have expected to see reference to fluvial flood risk at Markeaton junction and interpretation of the EAs fluvial flood modelling. It is concerned regarding the results of the modelling that has been used by the Applicant including the apparent absence of hydraulic modelling. Please respond to the points raised by DCiC.
7.8.	Applicant	ES Chapter 13 [APP-051] ES Appendix 13.2B [APP-230] RR by DCiC [RR-003]	DCiC's RR states that it is unclear from the ES whether the surface water flooding of the Markeaton junction area has been fully considered with respect to the 1 in 100 plus climate change event. a) Please clarify how you have taken into account the new climate change allowances in your assessment of potential 1 in 100 year climate event surface flooding at Markeaton junction and the other junction areas. b) Please comment on whether the new UKCP Local (2.2km) climate change projections and allowances would have any implications for the design of the Proposed Development.
7.9.	Applicant	ES Chapter 13 [APP-051]	The probability of flood risk has been considered (in ES Table 13.2 for example). However, it is not clear if the probability of impacts on groundwater, surface water or hydromorphology occurring have been fully considered in detail or reasons given to justify why this has not been summarised in the ES.

No	Question to	Reference	Question
			Please clarify these matters.
7.10.	DCC	RR by DCC [RR-004]	The RR states " <i>Some issues have been raised on flood risk requiring further clarification from the Applicant.</i> " Has there been subsequent discussion with the Applicant? Please expand on any outstanding concerns.
7.11.	EA, Applicant	ES Chapter 13 [APP-051] ES Chapter 6 [APP-044]	The proposed flood compensation area for the Little Eaton junctions falls within the Derwent Valley Mills World Heritage Site. Are you content that this is the only suitable location? Please expand on other locations considered and why they were found to be unsuitable.
7.12.	Applicant Royal School for the Deaf Derby	ES Chapter 13 [APP-051] BoR [AS-002] RR by Royal School for the Deaf Derby [RR-019]	The Royal School for the Deaf Derby's RR states that they have concerns that the pond at plot reference 4/7d in the BoR which they own may " <i>surcharge</i> " with the additional flow of water from the highways and create a maintenance liability for the Royal School for the Deaf Derby. a) Please clarify what maintenance issues you anticipate arising in relation to any potential surcharge to the pond at plot reference 4/7d from the anticipated additional flow of water resulting from the Proposed Development. b) Clarify who will have responsibility for any maintenance at this plot reference.
Water quality pollution control			
7.13.	Applicant	ES Chapter 13 [APP-051] RR by the EA [RR-005]	The EA's RR states that it is satisfied that there is effective water pollution prevention control in place to minimise the risk of potential runoff of sediment/silt into the watercourse from operations on the riverbanks. However, it has recommended a " <i>watching brief during operations, whereby water quality parameters (specifically temperature, dissolved oxygen and pH levels) are monitored using a YSI multimeter before, during and after the works</i> ". Silt curtains are

No	Question to	Reference	Question
			<p>also suggested as an additional safety measure to this kind of operation, when focusing on minimising mobilisation of fine sediment and avoiding smothering eggs/asphyxiation of fish.</p> <p>Please respond to the EA's recommended actions on the monitoring of water quality parameters and the additional safety measure of silt curtains to minimise fine sediment build up.</p>
7.14.	Applicant	ES Chapter 13 [APP-051] RR by DCiC [RR-003]	<p>DCiC's RR raises an issue regarding silt loading at Markeaton Brook. The Mill Ponds and Markeaton Lake are, according to DCiC, very susceptible to changes in water quality and all outfalls entering them should have some form of water treatment particularly to avoid silt loading.</p> <p>Please describe what measures are in place to address silt loading from outfalls at Mill Ponds and Markeaton Lake.</p>
7.15.	Applicant EA	ES Chapter 13 [APP-051],	Please provide an up to date position in respect of obtaining the necessary environmental permits from the EA.
The Water Framework Directive and The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017			
7.16.	EA	ES Chapter 13 [APP-051] ES Appendices 13.3A [APP-232] and 13.3B [APP-233]	<p>a) Please confirm whether the Water Framework Directive compliance assessments address all relevant waterbodies for the Proposed Development.</p> <p>b) Are the assessments satisfactory to demonstrate compliance with the Water Framework Directive objectives for those waterbodies?</p>
Opportunities for enhancement			
7.17.	Applicant DCiC DCC EA	Sustainable Drainage Systems (SuDS) ES Chapter 13 [APP-051]	NPSNN paragraph 5.115 states that " <i>Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities can be taken to lower flood risk by improving flow routes, flood storage capacity and using SuDS.</i> "

No	Question to	Reference	Question
			Does the Proposed Development take the opportunities identified in the NPSNN? Is there anything else that could be reasonably achieved?
8. Biodiversity and ecological conservation			
Methodology and baseline information			
8.1.	DCiC EBC DCC EA NE	ES Chapter 8 [APP-046] paragraphs 8.3.29 and 8.7.2, tables 8.9 and 8.10 ES Appendix 8.17: Designated and non-designated sites [APP-214]	a) Do you agree with the selection of the sites which have been scoped out of further assessment in this report? If not, why not? b) Are there any sites not listed in the report which should be taken in account? c) Do you agree that the remote sites of minor highway improvement works should be scoped out of further assessment?
8.2.	DCiC EBC DCC EA NE	ES Chapter 8 [APP-046], ES Appendices 8.3-8.15 [APP- 180-212]	Do the Councils/NE have any comments regarding the approach to the surveys undertaken for the ES?
8.3.	Applicant DCiC EBC DCC EA NE	ES Chapter 8 [APP-046]	ES Table 8.3 (Regional) refers to the " <i>appropriate Natural Area profile</i> ". However, there is no reference to this in ES Sections 8.2 (legislative and policy framework) or 8.3 (assessment methodology). a) Please provide details of the Natural Area profile. The table also refers to the Highways Biodiversity Action Plan. However, ES paragraph 8.2.2 (10 th bullet) confirms that this document dates from 2002 and is out of date. b) Should the reference be to the Highways England biodiversity plan? c) Please confirm whether the table references to the most up to date relevant information.

No	Question to	Reference	Question
8.4.	Applicant DCiC EBC DCC EA NE	ES Chapter 8 [APP-046]	<p>ES paragraph 8.3.23 advises that the assessment considers impact avoidance measures, standard mitigation measures and additional specific mitigation measures and only provides an assessment of residential impacts. Paragraph 5.2 of the Chartered Institute of Ecology and Environmental Management guidelines advises that it is good practice to make clear the potential significant effects with and without mitigation, amongst other things, to demonstrate the importance of securing measures through the planning process.</p> <p>The Examination will need to consider whether the proposed mitigation measures can be secured, as well as their effectiveness.</p> <p>Please comment on the approach to assessment in ES paragraph 8.3.23 in the light of these considerations.</p>
8.5.	Applicant DCiC EBC DCC EA NE	ES Chapter 8 [APP-046]	<p>ES Table 8.4 Significance of ecological effects:</p> <p>Applicant - ES paragraph 8.3.20 advises that "<i>the ecological significance of an effect is not dependent on the importance of the feature in question</i>". That is consistent with paragraph 5.27 of the Chartered Institute of Ecology and Environmental Management guidelines.</p> <p>a) How is this taken into account in the table?</p> <p>b) How does the table take into account the varying potential characterisations of ecological impacts (ES paragraph 8.3.15) which may occur at each level of significance/importance?</p> <p>c) DCiC, EBC, DCC, EA, NE - Please comment on the approach to determining the significance of ecological effects used in the ES.</p>
8.6.	Applicant, DCiC EBC DCC EA	ES Chapter 8 [APP-046]	<p>Amongst other things, ES paragraph 8.3.24 advises that aspirational enhancement measures have not been included in the ES assessment, that the No Net Loss (NNL) biodiversity assessment is reported separately and that opportunities to achieve NNL within the Scheme boundary are being sought within the Applicants internal guidelines. However, ES paragraph 8.3.25 states that that chapter details whether</p>

No	Question to	Reference	Question
	NE		<p>the Scheme has met the objective of achieving NNL in biodiversity.</p> <p>a) Applicant - Please clarify the approach to NNL used in the submissions which are the subject of this Examination.</p> <p>b) DCiC, EBC, DCC, EA, NE – Please comment on the Applicant’s approach to NNL in biodiversity.</p>
8.7.	DCiC EBC DCC EA NE	ES Chapter 8 [APP-046]	<p>ES Table 8.5</p> <p>a) Have the mitigation measures set out in Section 8.9 been agreed?</p> <p>b) Does the Scheme make adequate provision for Green Infrastructure?</p>
8.8.	Applicant	ES Chapter 8 [APP-046]	ES paragraphs 8.8.2. Should changes to air quality (dust, vehicles) be identified as a potential impact during the construction phase?
Habitats Regulation Assessment and the screening of European Sites			
8.9.	NE	Habitat Regulations Assessment - No Significant Effects Report [APP-179]	<p>The Applicant has concluded in its Habitat Regulations Assessment - No Significant Effects Report (paragraph 3.7.3 and Appendix D) that there are no likely significant effects on the qualifying features of any European Sites and that a Habitats Regulations Assessment / Appropriate Assessment is not required. NE was satisfied that the then scheme would not have likely significant effects.</p> <p>Are you still satisfied that the scheme as submitted would not have likely significant effects?</p>
Statutory designated sites			
8.10.	DCiC EBC DCC EA	ES Chapter 8 [APP-046]	<p>ES paragraph 8.10.10 finds that standard pollution prevention control and best practice measures would ensure that the disturbance from construction activities would have a neutral effect.</p> <p>Do you agree with this finding?</p>

No	Question to	Reference	Question
	NE		
Non-statutory designated sites of interest			
8.11.	Applicant EBC DCC NE	ES Chapter 8 [APP-046]	ES paragraph 8.10.15 advises that approximately 30% of the Alfreton Road LWS would be permanently lost, but that the effect would be neutral due to the " <i>relatively small</i> " area affected. It is also stated that the area of most biodiversity interest this not affected by the " <i>construction works</i> ". a) Applicant – Does the reference to the area of the "construction work" include the area permanently lost or the area temporarily affected during the construction phase? b) EBC, DCC, NE Do you agree that the effect of the Scheme on the LWS would be neutral?
8.12.	DCiC EBC DCC EA NE	ES Chapter 8 [APP-046]	ES paragraph 8.10.21 finds that standard pollution prevention control and best practice measures would ensure that the disturbance from construction activities would have a neutral effect. Do you agree with this finding?
Non-designated sites of interest			
8.13.	Applicant Friends of Little Eaton Canal	ES Chapter 8 [APP-046] RR by Friends of Little Eaton Canal [RR-014]; OEMP [APP-249]	Concern has been expressed regarding the impact of the Scheme on the biodiversity of the site of the Little Eaton construction compound. c) Applicant – Please comment on this concern. d) Friends of Little Eaton Canal - <ul style="list-style-type: none"> • To what extent does the information provided in the ES and the OEMP address your concern? • What evidence is available to support any outstanding concern?
8.14.	DCiC	ES Chapter 8, [APP-046]	ES paragraph 8.10.28 finds that standard pollution prevention control and best practice measures would ensure that the disturbance from

No	Question to	Reference	Question
	EBC DCC EA NE		construction activities would have a neutral effect. Do you agree with this finding?
Veteran trees			
8.15.	Derbyshire Wildlife Trust	ES Chapter 8 [APP-046], Table 8.12	Do you agree that Tree references DWT3 and DWT20 do not qualify as Veteran Trees?
Other habitats including grassland, trees, woodland, standing and running water			
8.16.	Applicant	ES Chapter 8 [APP-046] RR by the EA [RR-005]	ES Table 8.15 Standing Water – Please clarify whether new ponds to be created as part of the Dam Brook realignment would be online or free-standing. Is there potential for offline ponds to be created to benefit different species?
8.17.	Applicant DCiC DCC EBC	ES Chapter 8 [APP-046]	ES paragraph 8.9.9 (habitat creation and biodiversity opportunities associated with watercourses features). Schedule 9 Part 3 gives the EA control over these works. Should the Councils be consulted?
8.18.	Applicant	ES Chapter 8 [APP-046]	ES paragraph 8.9.9 (wildlife corridors and ecosystem functions) advises that the Scheme aims to enable the movement of wildlife across the Scheme into the wider landscape. The examples of areas left vacant by the Scheme which are to be landscaped are separated from one another. Please clarify in greater detail how viable wildlife corridors and connectivity would be achieved.
8.19.	Applicant	ES Chapter 8 [APP046] ES Appendix 7.2 [APP-177]	For TPO No. 160, please justify the extent of loss of trees within G361 - categorised as high quality (A1,2) as referenced by Appendices B and

No	Question to	Reference	Question
			F of the Arboricultural Impact Assessment.
Protected species and other notable fauna			
8.20.	Applicant	ES Chapter 8 [APP-046] OEMP [APP-249]	ES paragraph 8.9.10 Fish – The mitigation measures described in paragraph 8.9.10 do not appear to be fully reflected in the OEMP. Please comment.
8.21.	DCiC EBC DCC EA NE	ES Chapter 8 [APP-046]	ES paragraph 8.9.10 Bats – Are you content that enough information has been provided to properly assess the effect of the lighting proposals on bat roosting, foraging and commuting?
Invasive species			
8.22.	DCiC EBC DCC EA NE	ES Chapter 8 [APP-046] paragraph 8.9.9 OEMP [APP-249] Appendix 2.1 Outline Biosecurity and Management Plan	Are you content that the measures set out in the Outline Biosecurity and Management Plan are robust and have the potential generate a positive effect?
8.23.	Applicant	ES Chapter 8 [APP-046] RR by the EA [RR-005]	The EA's RR (section 3) makes several points regarding the effect of construction works on fisheries. The relate mainly to timing and temperature. Please comment on whether the points raised by the EA would affect the timing of construction works?
Opportunities for enhancement			
8.24.	DCiC EBC	ES Chapter 8 [APP-046]	NPSNN paragraph 5.23 requires the Applicant to show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. Are satisfied with

No	Question to	Reference	Question
	DCC EA NE		the approach taken in the Proposed Development to the enhancement of biodiversity and geological conservation interests.
9.	Landscape and visual impacts		
	Note: Pending the receipt of the further information requested below, the assessment of landscape and visual impacts is subject to further consideration.		
	Baseline information		
9.1.	Applicant	ES Chapter 7 [APP-045] ES Figures 7.1a [APP-085] and 7.1b [APP-086]	The SoS Scoping Opinion sought justification for not extending the study area beyond 1km where the Zone of Theoretical Visibility extends beyond that distance or where there is capacity to experience significant effects. The Zone of Theoretical Visibility would appear to extend beyond this distance in a number of locations - including the Derwent Valley Mills WHS see Figs 7.1a, 7.1b. Please clarify in more detail the justification for not including within the study area the parts of Zone of Theoretical Visibility which extend beyond 1km.
9.2.	Applicant	ES Chapter 7 [APP-045]	The SoS Scoping Opinion advised that the need for verified visual images should be agreed with consultees. ES paragraph 7.4.1 makes reference to representative viewpoints, but otherwise section 7.4 lacks confirmation of whether that was done. Clarify how the visual images used for the assessment were consulted on and confirm whether these have been agreed and verified with the relevant consultees.
9.3.	Applicant	ES Chapter 7 [APP-045]	Tables 7.10 to 7.19 (Assessment of susceptibility and sensitivity of landscape character) and ES Appendix 7.1 (Visual Effects Schedule). Please clarify how the measures of susceptibility and value have been derived when the sensitivity criteria in Table 7.2 do not distinguish

No	Question to	Reference	Question
			<p>between them. Specifically, in each case, the susceptibility measure is predicated on the presence of the existing A38 and the proximity of the Proposed Development resulting in assessments of low and medium value.</p> <p>Is the proximity of the Proposed Development a valid criterion to measure the baseline value of the Landscape Character Area?</p>
9.4.	Applicant	ES Chapter 7 [APP-045]	<p>There appears to be inconsistency of terms used for magnitude of landscape impacts in Table 7.3 and Tables 7.20-7.29/7.31-7.40.</p> <p>How do "Major" and "Minor" in Table 7.3 equate to "Large" and "Slight" in Tables 7.20-7.29/7.31-7.40?</p>
	Assessment methodology		
9.5.	Applicant	ES Chapter 7 [APP-045]	<p>ES Table 7.2 Landscape and visual sensitivity - does not distinguish between measures of susceptibility to change and value. Guidelines for Landscape and Visual Assessment 3rd Edition advises that these are considered separately before being combined to assess landscape sensitivity (paragraphs 3.26 and Figs 3.5, 5.1 and 6.1) in order to provide transparency and because there can be close complex relationships between the two measures (para 5.46).</p> <p>Please comment.</p>
9.6.	Viewpoints and visualisations		
9.7.	DCiC EBC DCC	ES Chapter 7 [APP-045]	<p>ES paragraph 7.5.3 provides some justification of the choice of representative viewpoints.</p> <p>Are you content that the selected representative viewpoints capture the full effects of the Proposed Development?</p>
9.8.	Applicant	Viewpoints (VP) ES Chapter 7 [APP-045] Figure 7.5 [APP-091]	<p>In order to properly understand the landscape and visual effects of the Proposed Development, verified visual montages at the following locations are requested:</p> <p>a) VP2</p>

No	Question to	Reference	Question
		Works Plans [APP-009]	b) VP17 c) VP22 d) VP24 e) A38 on the railway bridge looking toward the Little Eaton junction f) Greenwich Drive North adjacent and looking towards the Work 10a gantry
9.9.	Applicant	Figure 7.5 [APP-091]	Several the photographs in Figure 7.5 appear to be distorted. Please supply photographs which comply with Guidelines for Landscape and Visual Assessment standards.
Landscapes and Landscape Character Areas			
9.10.	Applicant DCC	ES Chapter 7 [APP-045] RR by DCC [RR-004]	DCC has suggested that the Little Eaton embankment should be replaced by an elegant viaduct. a) DCC - please expand on the justification for this suggestion b) Applicant – please comment on the merits and implications of this suggestion.
9.11.	Applicant DCC	ES Chapter 7 [APP-045] RR by DCC [RR-004] Works Plans [APP-009]	DCC has suggested that the flood storage area would be unsympathetic to the landscape of the WHS. a) DCC - please expand on the justification for this suggestion. b) Applicant – please expand on the options for the design of this facility and the rationale for the chosen design.
9.12.	Applicant	ES Chapter 7 [APP-045] Works Plans [APP-009]	Please comment on how the embankment gradients and profiles integrate into the landscape. How would the design of the embankments be affected if the carriageway moved to the extremes of the proposed limits of deviation.
9.13.	Applicant Breadsall Parish Council	ES Chapter 7 [APP-045] RR by Breadsall Parish Council [RR-001]	Breadsall Parish Council has suggested that the tree belt on the east side of the Little Eaton junction should be made wider and use evergreen species

No	Question to	Reference	Question
			<p>a) Breadsall Parish Council - please expand on the justification for this suggestion.</p> <p>b) Applicant – please comment on the merits and implications of this suggestion.</p>
Townscape and visual impacts			
9.14.	Applicant	ES Chapter 7 [APP-045] Works Plans [APP-009]	Kingsway junction northern dumbbell – please provide more detail (including a cross section) showing the relationship between new carriageway and adjoining open space, existing and proposed tree planting and houses on Greenwich Drive South.
9.15.	Applicant	General Arrangement Plan [APP-010] Environmental Masterplans [APP-068]	<p>Kingsway junction - GA drawing shows access to a (buried?) drainage feature adjacent to the northbound diverge slip (Works No 2a). The access is not shown on Environmental Masterplan.</p> <p>a) Should the access be directly off of the slip road?</p> <p>b) Please clarify and expand on the design of the access and the storage facility.</p>
9.16.	Applicant	Figure 7.5 [APP-091]	VPs 3 and 4. The existing planting at the Kingsway junction effectively screens views across the A38 to the area to the west. Please comment on whether the proposed dumbbell would create a gap in the planting and open a view across the road?
9.17.	Applicant	Figure 7.5 [APP-091] Figure 7.1A [APP-085]	<p>VPs 7 and 8.</p> <p>a) Figure 7.1A arrow for VP7 appears to be in the wrong direction?</p> <p>b) Please clarify why VP8 is considered to be of low value/low sensitivity whereas VP7, which is from essentially the same location and has the same receptors, is considered to be of medium value/moderate sensitivity?</p> <p>c) Please clarify why the impacts in VP7 are considered to be greater than VP8 when more of the Proposed Development is likely to be visible in VP8?</p>

No	Question to	Reference	Question
9.18.	Applicant	Figure 7.5 [APP-091]	VP9. a) Please comment on how the Park and its boundary planting contribute to the value of this view? b) The Proposed Development would bring the roundabout closer to this VP and limited tree planting is proposed on the east side of the roundabout. In this context, to what extent would the planting mitigate the visual impact of the Proposed Development?
9.19.	Applicant	Figure 7.5 [APP-091] Figure 7.1A [APP-085] Appendix 7.1 [APP-176]	VP10. The arrow on Figure 7.1A appears to be in the wrong place. a) Would a VP from the position of the arrow in Figure 7.1A be more representative since it would allow the effects of the revised access into the Park to be assessed in Appendix 7.1? b) Summer and winter photos in Appendix 7.1 appear to be taken from different positions. Please comment.
9.20.	Applicant	Figure 7.5 [APP-091] Environmental Masterplans [APP-068]	VP12. The Environmental Masterplan indicates a single row of new trees between this VP and the widened road. To what extent would the new trees filter views?
9.21.	Applicant	Figure 7.5 [APP-091], Environmental Masterplans [APP-068], Appendix 7.1 [APP-176]	VP13. The Environmental Masterplan indicates that there would be no new planting to replace the existing trees to be removed in the vicinity of the footbridge. However, the assessments at Appendix 7.1 and Table 7.42 imply that there would be replacement planting at this location. Please clarify whether replacement planting is proposed at this location. If, as the Environmental Masterplan indicates, none is proposed, would this open up views to the road?
9.22.	Applicant	Figure 7.5 [APP-091] ES Chapter 12 [APP-050]	VPs 14 and 15. ES Table 12.13 (Sensitivity of PEC routes) finds the sensitivity of the Bonnie Prince Charlie National Trail to be high. Should the value of these views reflect that sensitivity?
9.23.	Applicant	Figure 7.5 [APP-091]	VPs16, 17, 18, 22, 23 and 24.

No	Question to	Reference	Question
			<p>a) To what extent would the elevated section of the road appear on the horizon in these views? Irrespective of the proposed planting, please comment on the extent to which it would alter the character of the landscape?</p> <p>b) Given that most of new tree planting would be on the embankments below the elevated carriageway, how effective would it be in screening views?</p>
9.24.	Applicant	Figure 7.5 [APP-091]	VP20 - given the relatively small contribution which the A38 currents makes to this view, please comment on whether its susceptibility should be greater than low?
9.25.	Applicant	Figure 7.5 [APP-091] Works Plans [APP-009]	VP22 – please comment on how the height and proximity of the elevated carriageway have been considered in the assessment of impact, irrespective of the screening effect of planting and noise barriers?
9.26.	Applicant	Figure 7.5 [APP-091] Environmental Masterplans [APP-068]	Markeaton junction – there would be a loss of tree planting at the junction of Greenwich Drive North and Enfield Road. Please comment on the adequacy of its replacement with shrub planting – particularly having regard to the impact on outlook for the occupiers of adjacent dwellings.
9.27.	Applicant	ES Chapter 7 [APP-045], Works Plans [APP-009] RR by DCiC [RR-003]	Markeaton Park – please provide further details on the proposals to replace the Park boundary walls and gates, including the potential to re-use the existing materials.
9.28.	Applicant	ES Chapter 7 [APP-045] Works Plans [APP-009] RR by Royal School for the Deaf Derby [APP-019]	<p>a) Please provide further details on the proposals for boundary walls and gates at the Royal School for the Deaf Derby, including the potential to re-use the existing materials.</p> <p>b) Please provide further details and comment on the visual effect of the proposed 4m high acoustic barrier.</p>
9.29.	Applicant	ES Chapter 7 [APP-045]	Little Eaton - Some of the windows in the Ford Lane mobile homes

No	Question to	Reference	Question
		Works Plans [APP-009]	face the elevated section of the road. Please comment further on the effect of the Proposed Development on the outlook from these windows.
Artificial light			
9.30.	Applicant	ES Chapter 7 [APP-045]	ES paragraph 7.9.2 3rd bullet. a) Does this mean that there would be lighting columns at ground level at the Little Eaton junction? b) Would there be lit signage of the elevated section of the carriageway?
9.31.	Applicant	ES Chapter 7 [APP-045]	Please provide light spill diagrams for the Scheme.
Potential impacts, mitigation, opportunities for enhancement			
9.32.	Applicant	ES Chapter 7 [APP-045]	There are inconsistencies between the assessments of susceptibility of the Landscape Character Areas in Tables 7.10-7.19 and Tables 7.20-7.29/7.31-7.40. Please clarify.
9.33.	Applicant	ES Chapter 7 [APP-045]	ES Tables 7.31-7.40 set out the assessments of impact on landscape character. However, they appear to concentrate and the effect of the proposed planting and say little about permanent land-take and increases in built area and height (at Little Eaton in particular) created by the Proposed Development. DCC has also expressed concern that the assessment of landscape impact is too simplistic. Please comment.
9.34.	Applicant	ES Chapter 7 [APP-045] ES Figures 7.8a-c [APP-094]	How has the existing landscape character been considered in: a) The profiles and gradients of embankments - particularly at Little Eaton? b) The layout and mix of species used for woodland tree planting?

No	Question to	Reference	Question
10.	Land use, social and economic impacts		
	Open space and recreational land		
10.1.	Applicant DCiC	ES Chapter 12 [APP-050] ES Figure 2.9 [APP-065]	<p>The Planning Act 2008 S131(12) requires replacement open space to be “<i>no less advantageous</i>”. The replacement open space is dealt with at ES paras 12.10.85 (construction) and 12.10.99 (operation). However, there is little comparative assessment of the existing and replacement areas.</p> <p>Please comment further on the respective spaces in terms of:</p> <ul style="list-style-type: none"> • function/utility; • convenience and accessibility; • the fact much of the open space which would be lost is contiguous with Markeaton Park; and • the relatively narrow, linear shape of the replacement space to the east of Queensway.
10.2.	Applicant DCiC	ES Chapter 12 [APP-050] ES Figure 2.9 [APP-065]	<p>Markeaton - Part of the replacement open space is land below the existing footbridge.</p> <p>a) Please confirm the status of this land. b) Does it amount to open space? c) If so, can it count as replacement land?</p>
	Acceptability of land issues and compliance with development plans		
10.3.	Applicant	ES Chapter 12 [APP-050] Planning Statement [APP-252]	Please provide the full text of the development plan and Local Transport Plan policies relied upon in support of the Proposed Development (Planning Statement paras 2.1.16-2.1.21).
10.4.	DCiC EBC DCC	ES Chapter 12 [APP-050] Planning Statement [APP-252]	a) Do the Councils agree that the policies referred to in Planning Statement paragraphs 2.1.16-2.1.21 amount to full list of the relevant policies?

No	Question to	Reference	Question
			<p>b) If not, what other policies are relevant and why?</p> <p>c) Please supply the full text of any additional policies.</p>
10.5.	Applicant EBC	ES Chapter 12 [APP-050] Planning Statement [APP-252] National Planning Policy Framework (NPPF) NPSNN	<p>The Little Eaton junction falls within the Green Belt. Framework paragraph 146c says that local transport infrastructure which requires a Green Belt location is not inappropriate development, subject to its effect on openness.</p> <p>Leaving the question of openness to one side, given that the Proposed Development is a nationally significant project, does this exemption apply, in principle?</p>
10.6.	Applicant EBC	ES Chapter 12 [APP-050] Planning Statement [APP-252]	<p>Openness is an essential characteristic of the Green Belt. The Applicant considers that the Proposed Development would not affect the openness of the Green Belt.</p> <p>a) Applicant - please clarify in greater detail, having regard to the spatial and visual components of openness, why the elevated section of road, associated slip roads, structures and signage would not affect openness.</p> <p>b) EBC – please clarify your position regarding the effect of the elevated section of road, associated slip roads, structures and signage.</p>
10.7.	Applicant DCiC	ES Chapter 12 [APP-050] Planning Statement [APP-252]	<p>The Planning Statement says that the “<i>Scheme is critical to facilitating further housing growth to the west of Derby</i>” and that the Scheme will release land for development in and around the city.</p> <p>a) Please provide details of the housing growth and development land releases, including the scale, location and planning status of the sites in question.</p> <p>b) What evidence is there that this development would not come forward without the Proposed Development?</p>
Agricultural land, soil quality and ground contamination			
10.8.	Applicant	ES Chapter 10 [APP-048]	a) Table 10.3 What is the basis for the criteria used to assess the

No	Question to	Reference	Question
			<p>magnitude of impacts on agricultural soil resources?</p> <p>b) Table 10.4 How does this table consider the varying sensitivities of different type of agricultural operations described in paragraph 10.3.14?</p> <p>c) Table 10.5 What is the basis for the criteria used in this table?</p> <p>d) Table 10.12 What evidence is available to support the assessments of the impacts on severance, infrastructure and disruption?</p>
10.9.	Applicant	ES Chapter 10 [APP-048] ES Appendix 10.1 [APP-222] RR by the EA [RR-005]	<p>The EA's RR expresses concern that the use of statistical analysis at Section 6 of the Ground Investigation Report may not be appropriate, that any assessment should be made in the context of potentially complete pollutant linkages and that it does not provide an account of the spatial distribution of the results. There is also concern that the not all of the data in the screening tables has been assessed.</p> <p>Please respond to these concerns.</p>
10.10.	Applicant	ES Chapter 10 [APP-048] ES Appendix 10.3 [APP-224] RR by the EA [RR-005]	<p>The EA's RR expresses concern regarding Table 7.1 of ES Appendix 10.3. It presents a Geotechnical Risk Register which highlights contamination risks which need to be further investigated. However, the EA considers that the table does not identify potentially complete pollutant linkages using the Source-Pathway-Receptor framework or provide a clear Conceptual Site Model as set out in our CLR11 guidance. The ExA notes that the EA has not commented on the Detailed Quantitative Risk Assessment until these matters have been addressed.</p> <p>Please respond to these concerns.</p>
10.11.	Application	ES Chapter 10 [APP-048]	<p>The EA's RR notes that the proposals would affect the historic landfill materials associated with the former Rowditch tip. The tip is understood to have a passive gas system in place.</p> <p>Please clarify what measures would be put in place to ensure that the proposals do not disrupt this system.</p>

No	Question to	Reference	Question
	Non-motorised users, public rights of way and accessibility		
10.12.	Applicant	ES Chapter 12 [APP-050] RR by Patric Harting [RR-025]	Please confirm whether the controlling crossings at each of the slip roads be single phase and responsive?
10.13.	Applicant Breadsall Parish Council	ES Chapter 12 [APP-050], RR by Breadsall Parish Council [RR-001]	The community appears to place greater value on Breadsall FP3 than the "Low" sensitivity ascribed in ES table 12.13. Please comment on: <ul style="list-style-type: none"> • the sensitivity of this footpath; • the length and convenience of the proposed diversion; and • whether a better alternative route is available.
10.14.	Applicant	ES Chapter 12 [APP-050] Works Plans [APP-009]	The east ramp of the rebuilt Markeaton footbridge appears to cut across the existing footpath/cycleway linking Markeaton Street and Queensway. a) How would it affect that route? b) Is a diversion needed?
10.15.	Applicant	ES Chapter 12 [APP-050]	Table 12.3. How does the fact that the Derwent Valley Heritage Way passes through the WHS contribute to its sensitivity?
10.16.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.2 - 1st bullet refers to a route of very high sensitivity and a substantial increase in journey times. Does this equate to more than a moderate adverse impact?
10.17.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.5. Please explain why the crossings on the Kingsway slip roads are uncontrolled, when most other crossings are controlled?
10.18.	DCiC DCC	dDCO [APP-016] provisions for public rights of way; Part 3 Article 14; Schedule 3 Part 7	Do DCiC or DCC have any comments in addition to those provided in their RRs on the provisions to be secured in the dDCO in their area for public rights of way?
	Severance and local access		

No	Question to	Reference	Question
10.19.	Applicant	ES Chapter 12 [APP-050] RR by Haven Care Group [RR-015]	ES paragraph 12.10.47 refers to the new access to serve properties at Sutton Close. It would also serve Cherry Lodge Children's Home and result in the loss of parking at the front of that property. However, no assessment is made of that effect. Haven Care considers that the loss of parking would have a significant impact on the operation of the children's home. a) Please comment on Haven Care's comments b) Would it be possible to stop the new access at the boundary of this property to allow the retention of the car parking?
10.20.	Applicant McDonald's Restaurants Limited	ES Chapter 12 [APP-050] RR by McDonald's Restaurants Limited [RR-016]	McDonald's Restaurants Limited considers that the Proposed Development would result in congestion at the new traffic signalled junction on Ashbourne Road. a) McDonald's Restaurants Limited – Is there technical evidence to support this position? b) Applicant – Please comment on this concern and its potential for affecting the McDonalds business.
10.21.	Applicant	ES Chapter 12 [APP-050]	The Proposed Development would result in the loss of direct access from A38 for Esso and McDonalds. ES paragraph 12.10.44 describes this as a minor detour and a slight adverse effect. Does this assessment take into account the loss of visibility/presence on A38 mainline and its implications for the viability of the businesses?
10.22.	McDonald's Restaurants Limited Tim Hancock Associates on behalf of Euro Garages Limited	ES Chapter 12 [APP-050] RR by McDonald's Restaurants Limited [RR-016], RR by Tim Hancock Associates on behalf of Euro Garages Limited [RR-013]	Please clarify in greater detail your concerns regarding the effects of the Proposed Development on deliveries, the shared use of access and the weakness of part of the car park.

No	Question to	Reference	Question
10.23.	Applicant	ES Chapter 12 [APP-050] RR by DCC [RR-004]	Concerns have been raised about the closure of Ford Lane and its impact on local businesses, particularly relating to proposed weight restrictions on the Ford Lane bridge. Please clarify when the assessment of the bridge and any necessary works will be undertaken.
10.24.	Applicant	ES Chapter 12 [APP-050]	ES paragraphs 12.6.5 and 12.10.72 are based on the rationale that community severance can be assessed by reference to Ward boundaries. a) This appears to assume that each affected Ward is reasonably self-sufficient. b) Is there evidence for that? c) The A38 bi-sects Mackworth ward. Please comment.
10.25.	DCC DCiC EBC	ES Chapter 12 [APP-050]	Do you have any further comments/concerns regarding the assessment and impacts of severance set out in Chapter 12?
Socio-economics and local impacts			
10.26.	Applicant	ES Chapter 12 [APP-050] Planning Statement [APP-252]	Planning Statement - Very limited information has been provided on the methodology and assumptions used in the economic assessment. Please provide a full version of the assessment used to establish the economic effects of the Proposed Development.
10.27.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.44. The Army Reserves centre would experience permanent loss of 47% of its open space. a) How is the land currently used? b) Would the Army Reserves Centre need to change its operations as a result?
10.28.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.46 deal with the loss of 17 houses at Queensway/Ashbourne Road which is assessed to be slight adverse at

No	Question to	Reference	Question
			the neighbourhood scale. Please clarify whether an assessment has been made in respect of the individual occupiers.
	Human health		
10.29.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.86 deals with construction phase effects on access to nature and open space. Please clarify why the effect on Markeaton footbridge would be neutral when it would not be available for 18 months?
10.30.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.92 deals with human health effects during the construction phases and finds that it would be " <i>negative for closest receptors</i> ". Please provide more specific information regarding: a) the significance of the impacts; b) the identity of receptors, e.g. with reference the health profiles for the affected wards (Table 12.15) and potentially more vulnerable receptors such as the Royal School for the Deaf Derby and Cherry Lodge children's residential care home?
10.31.	Applicant Public Health England	ES Chapter 12 [APP-050]	ES table 12.15. a) Applicant - What is the date and source of the information in this table? b) Public Health England - are you content that the table provides an up to date satisfactory profile of human health in the wards identified?
10.32.	Applicant	ES Chapter 12 [APP-050]	ES paras 12.7.35 - 12.7.43 refer to baseline environmental conditions, not human health conditions. Please justify this approach or provide an amended version, clarifying any implications for the assessment of effects undertaken.

No	Question to	Reference	Question
10.33.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.8.11. Should the permanent changes to the access arrangements for McDonalds and Esso and the changes to the Royal School for the Deaf Derby also be considered under the operational phase since they would affect the on-going activities of these facilities?
10.34.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.97 a) What is the significance of the reference to " <i>Department for Communities and Local Government, 2011</i> "? b) How does that establish that the effect of the Proposed Development on social cohesion and lifetime neighbourhoods would be neutral?
10.35.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.110 What evidence is there that the Proposed Development would lead to improvements in street design and maintenance of the adjoining neighbourhoods?
Mitigation and opportunities for enhancement			
10.36.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.9.2, 5th bullet. Please expand on how the Community Relations Manager and Highways England Customer Contact Centre would operate and be accessible to all member of the affected communities.
10.37.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.9.2, 6th bullet. a) Is an agreement in place with Derby University to allow alternative access to the Royal School for the Deaf Derby if required? b) How is the replacement sensory garden for the Royal School for the Deaf Derby to be secured?
10.38.	Applicant	ES Chapter 12 [APP-050]	ES paragraph 12.10.21. Please expand on the basis for concluding that temporary impact on

No	Question to	Reference	Question
			driver stress would be minor adverse.
10.39.	Applicant	ES Chapter 12 [APP-050] Works Plans [APP-009]	ES paragraph 12.10.66 and 12.10.69. Please clarify in more detail how/whether the ecological mitigation proposed in Markeaton Park, Mackworth Park and Mill Pond would affect the amount of open space assessable to the public.
11.	The historic environment		
	Policy and methodology		
11.1.	Historic England	ES Chapter 6 [APP-044]	Table 6.2 sets out the criteria to determine the value of heritage assets. Do you have any comments regarding the values placed on the designated heritage assets in this table?
11.2.	Applicant	ES Chapter 6 [APP-044] ES Appendix 6.1 Heritage Impact Assessment for the WHS [APP-173] NPSNN NPPF	Heritage Impact Assessment paragraph 8.4.1 finds the that Proposed Development would cause less than substantial harm to the WHS. ES Table 6.11 summarises several " <i>slight adverse</i> " impacts to other heritage assets. NPSNN paragraph 5.134 and NPPF paragraph 196 require public benefits of the scheme to be considered and weighed against less than substantial harm to heritage assets. NPSNN paragraph 1.2 also requires the adverse impacts of the development to be weighed against its benefits. Please consider the public benefits of the scheme and weigh them against the identified harms as required by these parts of the NPSNN and NPPF.
11.3.	Applicant Historic England DCC	ES Chapter 6 [APP-044] NPSNN	a) Having regard to the advice at paragraphs 5.130 and 5.137 of the NPSNN and paragraph 200 of the NPPF, does the Proposed Development take any opportunities to enhance heritage assets or their settings? b) Is there anything else that could be reasonably achieved?
11.4.	Derwent Valley Mills World Heritage Site (WHS)		

No	Question to	Reference	Question
11.5.	Historic England DCC	ES Chapter 6 [APP-044] ES Appendix 6.1 Heritage Impact Assessment for the WHS [APP-173]	<p>Table 7.3 of the Heritage Impact Assessment (page 65) and paragraphs 7.2.5 7.2.13 deal with the impact of the Proposed Development on the Historic Landscape. Amongst other things, they find that the Little Eaton junction is within the setting of the WHS. Reference is made to the visual impact of the embankment.</p> <p>a) Are you content that the Heritage Impact Assessment provides a robust assessment of the effect of the embankment on the character of the “<i>relic landscape</i>” which contributes to the Outstanding Universal Value of the WHS?</p> <p>b) Comment on whether the Heritage Impact Assessment provides a robust assessment of the effect of the Proposed Development from relevant viewpoints?</p>
11.6.	Applicant Historic England DCiC	ES Chapter 6 [APP-044] Additional Submission by DCiC [APP-017] ES Figure 2.10 [APP-66]	<p>Concern has been expressed regarding the effect of the flood compensation area on the Outstanding Universal Value of the WHS.</p> <p>a) DCiC – Please clarify what aspect of the flood compensation area gives rise to your concern. How could it be improved?</p> <p>b) Applicant – The sections in Figure 2.10 indicate that the proposed ground profile would be formed by straight or flat surfaces. Is there scope to make the shape of the profile more organic to reflect local topography?</p> <p>c) Historic England – Do you have any concern regarding this element of the Scheme?</p>
11.7.	Applicant	ES Chapter 6 [APP-044] ES Appendix 6.1 Heritage Impact Assessment for the WHS [APP-173] NPSNN NPPF	<p>NPSNN paragraph 5.134 and NPPF paragraph 196 require public benefits of the scheme to be considered and weighed against less than substantial harm to heritage assets. Heritage Impact Assessment paragraph 8.4.1 finds that the Proposed Development would cause less than substantial harm to the WHS. NPSNN paragraph 1.2 also requires the adverse impacts of the development to be weighed against its benefits.</p> <p>Please consider the public benefits of the Proposed Development and comment on the Proposed Development against these parts of the</p>

No	Question to	Reference	Question
			NPSNN and NPPF.
Settings of Conservation Areas and listed buildings			
11.8.	Historic England DCC EBC	ES Chapter 6 [APP-044],	ES paragraphs 6.15.33 and 6.15.34 summarise the effects of the proposal on the settings Breadsall Conservation and the Church of All Saints. Are you content that the effects of the embankment in terms of its height and siting, associated slip road and signage and the lighting at the junction Little Eaton junction have been adequately considered?
12. Other policy and factual issues			
12.1.	Applicant	Climate change adaptation and carbon emissions Increases in CO ₂ ES Chapter 5 – Air Quality [APP-043] tables 5.7 and 5.8	Are the predicted increases in CO ₂ due to the Proposed Development, and particularly those predicted for 2039 consistent with the target for a zero net UK carbon account by 2050 ³ ?
12.2.	Applicant	Climate change adaptation and carbon emissions Assessment methodology ES Chapter 14 – Climate Change Table 14.7; paragraph 14.3.33	a) Where are low, moderate and major “ <i>significance of the effect</i> ” noted under the consequence criteria in table 14.7 defined? b) Should the consequence of in-combination impact relate to how much the likely significance changes, e.g. should there be a difference between the significance of effects increasing from no impact to moderate, compared with from low to moderate? c) How does the “ <i>significance of the effect</i> ” used in table 14.7 relate to the references to significant effects in paragraph 14.3.33?
12.3.	Applicant	Climate change adaptation and carbon emissions Nitrogen trifluoride	Nitrogen trifluoride is identified as one of the seven Kyoto Protocol gases. However, the footnote to Table 14.14 notes that this gas is not accounted for using the Highways England Carbon Reporting Tool.

³ The Climate Change Act 2008 (2050 Target Amendment) Order 2019

No	Question to	Reference	Question
		ES Chapter 14 – Climate Change paragraphs 14.3.4 and	Please clarify the consideration given to nitrogen trifluoride in the assessment.
12.4.	Applicant	Climate change adaptation and carbon emissions Study area ES Chapter 14 – Climate Change paragraph 14.6.2 Transport Assessment Report [APP-253]	It is stated that “ <i>the spatial coverage of the assessment is, therefore, the area of construction works falling within the Scheme boundary</i> ”. However, the Transport Assessment Report indicates increases in traffic levels in both the study area, which extends beyond the “ <i>Scheme boundary</i> ” and the wider area, which extends beyond the study area. Please summarise the consideration given to changes in traffic levels outside the “ <i>Scheme boundary</i> ”.
12.5.	Applicant	Climate change adaptation and carbon emissions Embodied carbon ES Chapter 14 – Climate Change paragraph 14.10.1 NPSNN paragraph 5.19	It is stated that “ <i>the embodied carbon associated with the use of materials is the biggest contributor to the carbon footprint of the Scheme</i> ”. Please summarise: a) The consideration given to the use of other materials and particularly those with lower embodied carbon. b) The criteria used for decision-making about choice of material and the weighting given to embodied carbon. c) The priority to be given to reducing embodied carbon during detailed design and how this will be ensured, evidenced and secured by the dDCO. d) The mitigation measures in respect to carbon footprint and how they will ensure that, in relation to design and construction, the carbon footprint would not be unnecessarily high.
12.6.	DCiC DCC EBC	Climate change adaptation and carbon emissions Carbon footprint	a) With reference to NPSNN, would the carbon footprint of the Proposed Development be “ <i>unnecessarily high</i> ” and, if so, what further measures should be considered or taken to reduce it? b) Should carbon footprint targets be set or should monitoring, or

No	Question to	Reference	Question
	EA	ES Chapter 14 – Climate Change Section 14.10 NPSNN paragraph 5.19	reporting be considered during detailed design, construction or operation?
12.7.	DCiC DCC EBC	Common law nuisance and statutory nuisance Statutory Nuisance Statement [APP-248] ES Chapter 9 – Noise and Vibration [APP-047] dDCO [APP-016] Article 43	The Applicant identifies the potential for the Proposed Development to create statutory nuisance in relation to dust arising on business premises, artificial light emitted from premises, noise emitted from premises and noise emitted from or caused by a vehicle, machinery or equipment in a street. It then states that with the mitigation measures secured by the DCO, none of the statutory nuisances are predicted to rise. The ES predicts significant noise and vibration effects during construction and operation. a) Are there any comments regarding the assessment of the potential for statutory nuisance? b) Are the dDCO provisions for defence to proceeding in respect of statutory nuisance necessary and appropriate?
12.8.	Statutory Undertakers DCiC DCC EBC	Utility infrastructure ES Chapter 2 – The Scheme [APP-040] paragraph 2.6.86-92	The Applicant has identified the major utilities works and temporary connections required during construction. a) Are any other major diversion or relocation works anticipated within the boundary of the Proposed Development? b) Are any other works proposed through permitted development rights likely to affect the Proposed Development? c) Is there any reason to suggest that any of those works would be likely to cause an impediment to the planned delivery of the Proposed Development?
12.9.	Applicant	Waste management RR by the EA [RR-005]	Please respond to the issues raised by the EA in their RR, including with respect to: <ul style="list-style-type: none"> • opportunities for greater use of recycled materials; • the need for the Site Waste Management Plan to consider waste minimisation;

No	Question to	Reference	Question
			<ul style="list-style-type: none"> • the need for the Site Waste Management Plan to consider who waste will be passed to any whether they have appropriate authorisation; • how waste from the landfill site would be dealt with and opportunities for Complex Sorting to reduce the amount of waste requiring disposal; and • any plans to use the CL:AIRE Definition of Waste Code of Practice and the associated environmental permits.
12.10.	DCiC DCC EBC EA	Waste management ES Chapter 11 – Material Assets and Waste [APP-049] NPSNN paragraph 5.43	<p>Please comment on:</p> <p>a) The ability of the local waste infrastructure to satisfactorily deal with waste from the Proposed Development?</p> <p>b) Whether any adverse effect is anticipated on the capacity of existing waste management facilities to deal with other waste arisings in the area?</p>
12.11.	Applicant DCiC DCC EBC	Civil and military aviation and defence NPSNN paragraphs 5.55-7	<p>a) With reference to NPSNN, please could the Applicant summarise the steps taken to identify any potential effects on civil or military aviation and/or other defence assets and whether it considers that any are likely to be affected?</p> <p>b) If any may be affected, please could the Applicant summarise the consultations with the Ministry of Defence, Civil Aviation Authority, National Air Traffic Services and any aerodrome – licensed or otherwise – likely to be affected, and the proposed mitigation measures?</p> <p>c) Are the Local Authorities aware of any civil or military aviation and/or other defence assets that might be affected?</p>
12.12.	DCiC DCC EBC	Safety, security and major accidents and disasters Safety NPSNN paragraphs 3.10, 4.60	<p>a) Are there any comments about whether enough opportunities been taken to improve road safety, including introducing the most modern and effective safety measures where proportionate?</p> <p>b) Should any other opportunities be considered or taken? If so, what?</p>

No	Question to	Reference	Question
12.13.	Applicant	Safety, security and major accidents and disasters National security considerations NPSNN paragraphs 4.74-8	Please provide evidence that the Centre for the Protection of National Infrastructure and the Department for Transport are satisfied that security issues have been adequately addressed in the Proposed Development.
12.14.	Applicant	Combined effects ES Chapter 15 – Cumulative Effects [APP-053] Table 15.3	<p>a) Please clarify why the combined effects (“<i>moderate adverse</i>”) for two receptors (Users of NR54 and NR68 and RR66; and Greenwich Drive North (residential)) are less than the effect (“<i>large adverse</i>”) identified for a single topic?</p> <p>b) Noise effects are identified as “<i>Adverse impact – significant</i>” where they occur. For each relevant receptor, please clarify and justify whether they are considered slight, moderate, large or very large adverse for the assessment of combined effects.</p>
12.15.	DCiC DCC EBC EA NE Statutory Undertakers	Other policy and factual issues	<p>Are there any other comments with respect to:</p> <ul style="list-style-type: none"> • climate change adaptation and carbon emissions • common law nuisance and statutory nuisance • utility infrastructure • waste management • civil and military aviation and defence • safety, security and major accidents and disasters • cumulative and combined effects; and • any other policy and factual issues?
13. Compulsory Acquisition, temporary possession and funding			
The accuracy of the Book of Reference, Land Plans, updates and points of clarification			
13.1.	Applicant	Book of Reference (BoR) [AS-	Please confirm whether the BoR is fully compliant with DCLG

No	Question to	Reference	Question
		007] Compliance with guidance	Guidance ⁴ , including Annex D.
13.2.	Applicant	Accuracy of the BoR [AS-007] and Statement of Reasons (SoR) [APP-020] SoR [APP-020] paragraph 6.1.5 BoR [AS-007] Part 1 Lessees or tenants	<p>a) Why does the BoR not identify lessees or tenants of 257 Ashbourne Road, when it identifies occupiers and the SoR identifies it as a tenanted property?</p> <p>b) Please confirm that there are no lessees, tenants or occupiers of 8 Queensway, as identified in the BoR?</p> <p>c) Why does the BoR appear to identify that the owners of 26 Queensway are the occupiers and the BoR does not identify any lessees or tenants, while the SoR identifies it as a tenanted property?</p> <p>d) The BoR states that 24 Queensway is to be compulsorily acquired. However, the SoR identifies that the Applicant has acquired the property. Is the SoR correct?</p>
13.3.	Applicant	Accuracy of the BoR [AS-007] and SoR [APP-020] CA objectors	<p>a) Do any Compulsory Acquisition (CA) objectors need to be added to the BoR or SoR, e.g. as Category 3 parties, potentially including, but not limited to, those that have provide representations on, or have interests in:</p> <ul style="list-style-type: none"> • noise, vibration, smell, fumes, smoke or artificial lighting; • the effect of the construction or operation of the proposed development on property values or rental incomes; • concerns about subsidence/ settlement; • claims that someone will need to be temporarily or permanently relocated; • impacts on someone's business; • loss of rights, e.g. to a parking space or access to a private property;

⁴ Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

No	Question to	Reference	Question
			<ul style="list-style-type: none"> • concerns about project financing; • claims that there are viable alternatives; and • blight. <p>b) Please provide an update to the BoR and SoR with any changes in respect to CA objectors at each Examination Deadline.</p>
13.4.	Applicant	<p>Updates to the BoR [AS-007], SoR [APP-020] and Land Plans [APP-006 and AS-015]</p> <p>SoR [APP-020] paragraphs 4.8.1-3</p> <p>Diligent enquiry into land interests</p>	<p>a) Please could the Applicant advise when the latest Land Registry and other non-contact methods to establish ownership were undertaken and when they will be undertaken further before the end of the Examination?</p> <p>b) Please could the Applicant provide an update on contacts with persons having an interest in land or a potential claim, any progress in identifying rights over unregistered land and the further steps to be taken during the Examination?</p> <p>c) Please could the Applicant update further towards the close of the Examination, alongside the final submission of the BoR, SoR and Land Plans to the Examination?</p>
13.5.	Interested Parties and Affected Persons	<p>Accuracy of the BoR [AS-007], SoR [APP-020] and Land Plans [APP-006 and AS-015]</p>	<p>Are any Interested Parties or Affected Persons aware of any inaccuracies in the BoR, SoR or Land Plans?</p>
13.6.	Applicant	<p>Updates to the BoR [AS-007] and SoR [APP-020] during the Examination</p>	<p>The Applicant is asked to confirm that the BoR and SoR will be:</p> <ul style="list-style-type: none"> • kept up to date with any changes and, if there have been any changes to the latest version provided to the Examination, submitted at the next Examination Deadline; • supplied in two versions at each update, the first forming the latest consolidated draft and the second showing changes from the previous version in tracked changes, with comments outlining the reason for the change; and • supplied with a unique revision number that is updated consecutively from the application version, clearly indicated

No	Question to	Reference	Question
			within the body of each document and included within the electronic filename.
13.7.	Applicant	Updates to the Land Plans [APP-006 and AS-015] during the Examination	<p>The Applicant is asked to confirm that the Land Plans and Special Category Land Plans will be:</p> <ul style="list-style-type: none"> kept up to date with any changes and, if there have been any changes to the latest version provided to the Examination, submitted at the next Examination Deadline; supplied with a description of the changes since the previous version and comments outlining the reasons for the changes; and supplied with a unique revision number that is updated consecutively from the application version, clearly indicated within the body of each document and included within the electronic filename.
The need for Compulsory Acquisition and Temporary Possession and the minimisation of need			
13.8.	Applicant	<p>The need for CA Statement of Reasons (SoR) [APP-020], paragraph 6.1.5 CA of residential land and buildings and demolition of residential properties at 257 and 259 Ashbourne Road CA of residential land and buildings and demolition of residential properties at 2, 4, 6, 8, 10, 12, 14, 16, 18, 24, 26, 30 and 32 Queensway CA of residential gardens at 253 Ashbourne Road, 1 Sutton</p>	<p>Please provide further detail on the need for CA of each of these residential properties provided in the SoR. Please include consideration of:</p> <ol style="list-style-type: none"> The case for the widening of the dual carriageway? The specific design safety standards that are quoted in reference to the proposed alignment of the main highway? Whether the application of each relevant design safety standard is mandatory, in any way discretionary or can be varied according to circumstances? The justification of any decisions or choices made about how to apply the design safety standards? How each design safety standard individually contributes to the proposed main highway alignment?

No	Question to	Reference	Question
		Close, 14 Sutton Close and Sutton Turner House(s) CA of any rights at any other residential property	f) Any other relevant matters? Please identify and consider each individual property on its own merits and provide references and any illustrations that may be helpful.
13.9.	Applicant	The need for Temporary Possession (TP)	Please provide a detailed explanation of the need for TP of any residential property, identifying and considering each property individually and justifying the extent of the area and duration required.
13.10.	Applicant	The need for CA Voluntary agreements	<p>a) Please provide a tracked changes update to the table included in Annex B of the Statement of Reasons, summarising the discussions and correspondence that have taken place between the Applicant and each Affected Person relating to the acquisition of land or rights in land, permanent or temporary, for each relevant plot.</p> <p>b) In each case please identify any outstanding matters and, the next steps to be taken and when it is anticipated that consent will be obtained.</p> <p>c) Where interests have not yet been acquired by agreement, why has agreement not been secured and what steps have been taken to reach agreement with a view to avoiding the need for the exercise of compulsory powers?</p> <p>d) For the avoidance of doubt, please include any land or rights, permanent or temporary, that have been acquired by voluntary agreement in each subsequent version of the table.</p> <p>e) Please update this table at each deadline in the Examination Timetable.</p> <p>The above information will be published on our website, so commercial and/or confidential details need not be given.</p>
13.11.	Applicant	Minimisation of the need for CA of land SoR [APP-020] Annex A	a) Please provide detailed justification of the extent of the areas proposed for CA of land for environmental mitigation and enhancement, flood plain compensation or storage areas, cycleways, utilities, road realignment or installation of signage and

No	Question to	Reference	Question
		Land Plans [APP-006]	<p>safety barriers at plots 1/1a, 1/1b, 1/1e, 5/3b, 5/3c, 5/4, 6/1, 6/3a, 6/1, 7/3a, 7/3b, 7/4, 8/4f and 8/12.</p> <p>b) In each case please justify why the CA of rights and/or TP would not be enough?</p> <p>c) In each case please clarify when TP is required and for how long?</p> <p>d) Why is the flood storage area at plot 1/1e to be acquired permanently when the plots on either side are proposed for the acquisition of rights only?</p> <p>e) Why is permanent acquisition for temporary access to flood compensation areas at plots 7/3b and 7/4?</p> <p>f) Why is land to the west of the A61 required at plot 8/4f when the diversion of Dam Brook appears to be to the east of the road?</p> <p>g) Is the culvert at plot 8/12 existing? If so, why does it need to be acquired for the diversion of Dam Brook?</p> <p>h) Please add plots 2/13b and 7/3g to Annex B of the SoR and clarify the purposes for which the land is required.</p>
13.12.		<p>Minimisation of the need for CA of rights SoR [APP-020] Annex A Land Plans [APP-006] RR by Robert Frank Hancox [RR-024] RR by Chris O'Donnell [RR-027]</p>	<p>a) Please provide detailed justification of the extent of the areas proposed for TP and for the CA of rights for environmental mitigation and enhancement, flood plain compensation, cycleways or utilities at plots 1/3b, 1/4b, 2/1b, 2/1f, 2/7a, 2/8, 2/9, 4/1b, 4/1d, 6/2 and 7/5.</p> <p>b) In each case please justify why both CA and TP are required for the whole of the areas?</p> <p>c) In each case please clarify when TP is required and for how long?</p> <p>d) Why do the flood compensation areas at plots 6/2 and 7/5 need to extend so far to the East?</p> <p>e) Could the cycleways at plots 2/1f, 2/7a, 2/8 and 2/9 be pulled further away from adjacent dwellings?</p> <p>f) Could the utility corridor at plots 4/1b and 4/1d run closer to the</p>

No	Question to	Reference	Question
			A38?
13.13.		Minimisation of the need for TP SoR [APP-020] Annex A Land Plans [APP-006]	<p>a) Please provide detailed justification of the extent of the areas proposed for TP for environmental mitigation and enhancement, flood compensation areas, works to the carriageway or slip roads, works in Markeaton Park and amendments to access and egress at plots 1/3c, 2/1s, 2/3, 3/1d, 3/1n, 3/1t, 3/1v, 3/8a, 3/8b, 4/1c, 4/1f, 4/1h, 4/7d, 4/13b, 5/1, 5/2, 7/1g, 7/6, 7/7a, 7/7b, 7/14, 7/17a, 7/17c, 8/18, 8/3a, 8/3c, 8/10b, 8/10c, 8/15, 8/16b,</p> <p>b) In each case please clarify when TP is required and for how long?</p> <p>c) Should plot 4/1f be shown twice on the Land Plan?</p>
13.14.	Applicant	Minimisation of the need for CA and for TP Limits of deviation SoR [APP-020], paragraph 2.4.1	<p>The Applicant seeks a degree of flexibility as to where certain elements of the Proposed Development can be constructed within the limits of deviation provided for in the dDCO.</p> <p>a) Please clarify the lateral limit of deviation for the lines on the works plans and provide detailed justification when it is greater than 0.5m.</p> <p>b) Could tightening of the limits of deviation reduce the need for CA or TP?</p>
13.15.	Applicant	Minimisation of the need for CA Acquisition of subsoil or airspace rather than the whole of the land SoR [APP-020], paragraph 3.5.1	<p>The Applicant notes the potential to acquire subsoil or airspace rather than the whole of the land.</p> <p>Please provide examples of where this could occur for the Proposed Development and, in each case, clarify why such a reduction in the rights to be acquired permanently cannot be made now.</p>
13.16.	Applicant	Minimisation of the need for CA and for TP Limits of the land SoR [APP-020], paragraphs	<p>The Applicant notes the potential at a later stage to acquire less land.</p> <p>a) Please provide examples of where this could occur for the Proposed Development and why, e.g. because of adjustments to the design or to construction methods, and in each case please clarify why it is</p>

No	Question to	Reference	Question
		2.4.1 and 5.3.5	not possible to reduce the need for CA now. b) As well as reductions in CA, could the need for TP also potentially be reduced at a later stage?
13.17.	Applicant	Minimisation of the need for CA TP instead of CA SoR [APP-020], paragraph 5.3.7	The Applicant notes the potential to reduce the land to be acquired permanently if it only needs to be occupied temporarily. a) Please provide examples of where this could occur for the Proposed Development and why, and in each case please clarify why it is not possible to reduce the need for CA now. b) As well as reductions in CA of land could the option of TP also reduce the need for the CA of rights?
13.18.	Applicant	Minimisation of the need for CA The acquisition of rights and the creation of restrictive covenants instead of CA dDCO [APP-016] Article 22	The Applicant seeks the option to acquire rights and impose restrictive covenants over the Order land specified in Schedule 5. a) Paragraph 4.94 of the EM [APP-018] states that these powers could reduce the area of CA. For the avoidance of doubt, should this purpose be made clear in the dDCO? b) Please provide examples of where the acquisition of rights and the creation of restrictive covenants instead of CA could occur for the Proposed Development and why, and in each case please clarify why it is not possible to reduce the need for CA now.
13.19.	Applicant	Minimisation of the need for CA and for TP Decision making process, timetables and dDCO provisions SoR [APP-020], paragraph 2.4.1, 3.5.1, 5.3.5 and 5.3.7	With reference to the preceding four questions: a) In each case how will it be ensured that CA or TP powers will not be exercised, or would be minimised, in respect of land or rights not ultimately required for CA or TP? b) In each case, what is the process and the inter-relationship between the timetable for the activities relevant to the decisions about the extent of CA or TP required and the timetable for CA and TP? c) How will it be ensured that opportunities identified later, e.g. through adjustments to the design or to construction methods, are identified in sufficient time for changes to be made to the extent of

No	Question to	Reference	Question
			CA or TP? d) Should a commitment to minimising CA and TP resulting from opportunities identified later and a process for doing this be secured in the dDCO?
13.20.	Applicant	Minimisation of the need to acquire private rights over land Explanatory Memorandum (EM), paragraphs 4.105-110	The Applicant seeks the extinguishment of private rights over land that is subject to CA and the temporary suspension of private rights over land that is subject to TP. a) Please provide a detailed explanation, with examples, of why it is necessary to include these provisions. b) What is the nature/extent of any delay to the Proposed Development that might otherwise result?
13.21.	DCiC DCC EBC	The need for the CA and the minimisation of need	Are there any comments regarding: a) The 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? b) Whether the powers sought are required for the development to which the development consent relates, whether they are legitimate, necessary and proportionate?
	Alternatives		
13.22.	Applicant	Other design development options - residential properties Options considered and comparison of their CA, human rights, highways and other key impacts Statement of Reasons (SoR) [APP-020], paragraph 6.1.5 CA of residential land and buildings and demolition of	a) Please provide further detail of the assessments and comparisons that have been made between the preferred option and any other design development options that have different implications for the CA or TP of residential properties. b) Please set out and compare the CA, TP, human rights, highways and other key impacts of each option. c) Please identify and consider each individual property listed to the left on its own merits and provide references and any illustrations that may be helpful.

No	Question to	Reference	Question
		<p>properties at 257 and 259 Ashbourne Road</p> <p>CA of residential land and buildings and demolition of residential properties at 2, 4, 6, 8, 10, 12, 14, 16, 18, 24, 26, 30 and 32 Queensway</p> <p>CA of residential gardens at 253 Ashbourne Road, 1 Sutton Close, 14 Sutton Close and Sutton Turner House(s)</p> <p>CA of any rights at any other residential property</p>	
13.23.	Applicant	<p>Other design development options – land other than residential properties</p> <p>Options considered and comparison of their CA, TP, human rights, highways and other key impacts</p>	<p>a) Please provide further detail of the assessments and comparisons that have been made between the preferred option and any other design development options that have different implications for CA or TP of land or rights other than for residential properties.</p> <p>b) Please set out and compare the CA, TP, human rights, highways and other key impacts of each alternative.</p> <p>c) Please identify and consider each individual property on its own merits and provide references and any illustrations that may be helpful.</p>
13.24.	Applicant	<p>Adjustments to the preferred option at Markeaton junction</p> <p>Options considered and comparison of their CA, TP, human rights, highways and other key impacts</p> <p>Statement of Reasons (SoR) [APP-020], paragraph 6.1.5</p>	<p>a) Please provide details of the assessments and comparisons that have been made of adjustments considered to the preferred option at Markeaton junction that have different implications for CA or TP. These should include, but not be limited to:</p> <ul style="list-style-type: none"> • alternative alignments of the main A38 highway, including the potential to move it to the North through and to the East of the junction; • alternative alignments of the lanes connecting the A52 to the

No	Question to	Reference	Question
		<p>CA of residential land and buildings and demolition of properties at 257 and 259 Ashbourne Road</p> <p>CA of residential land and buildings and demolition of residential properties at 2, 4, 6, 8, 10, 12, 14, 16, 18, 24, 26, 30 and 32 Queensway</p> <p>CA of residential gardens at 253 Ashbourne Road, 1 Sutton Close, 14 Sutton Close and Sutton Turner House(s)</p> <p>CA or TP of any other land and CA of any other rights</p>	<p>south side of the roundabout;</p> <ul style="list-style-type: none"> • closer spacing of the main A38 highway carriageways and slip roads and narrower verges; • having 2 lanes (instead of 2) in each direction for the main A38 highway; • having 1 lane (instead of, in some instances, 2) at each connection of the A38 slip roads or A52 to and from the roundabout; • different sizes and shapes of the main roundabout, including any potential to make it smaller; • different locations of the main roundabout, including the potential to move it to the North; • alternative means or layouts of roads providing access to residential properties; and • alternative sources of Open space replacement land. <p>b) Please set out and compare the CA, TP, human rights, highways and other key impacts of each alternative.</p> <p>c) Please identify and consider each of the individual properties listed to the left on its own merits and provide references and any illustrations that may be helpful.</p>
13.25.	Applicant	Other assessments and comparisons	Please set out in summary form, with document references, any other assessment/comparison that have been made of alternatives to the proposed acquisition of land or rights.
13.26.	Applicant	Decision-making criteria and the weighting given to CA and human rights	<p>For each assessment and comparison of alternatives identified in response to the preceding four questions, please set out in detail, with document references:</p> <p>a) the criteria used to decide between alternatives and the weighting given to each criterion;</p> <p>b) specific evidence that CA and human rights have been considered</p>

No	Question to	Reference	Question
			when deciding between alternatives; and c) the weight given to human rights in comparison with any other decision-making criteria and the justification of the weight given.
13.27.	Applicant	Public consultation SoR [APP-020] paragraphs 5.5.1-2	The Applicant refers to public consultation and the consideration given to that in the selection of the most appropriate option. Please clarify what, if any, account has been taken of responses to pre-application consultation (both in relation to statutory and non-statutory consultation) in the consideration of: <ul style="list-style-type: none"> • design development options; • adjustments to the preferred option; and • any alternatives to the proposed acquisition of land or rights.
13.28.	Applicant DCiC DCC EBC	Open space surplus to requirements NPSNN paragraphs 5.166, 5.167 and 5.174	a) Please provide details of any assessment made of whether the open space for which CA is proposed is surplus to requirements? b) If such an assessment has not been undertaken recently, is there a case for it to be done now? c) Could such an assessment potentially result in a reduction in the need for CA?
13.29.	DCiC DCC EBC	Alternatives to CA and TP	Are there any comments on whether reasonable alternatives have been explored sufficiently?
13.30.	Applicant	Alternatives to CA and TP DCLG Guidance	In the light of DCLG Guidance ⁵ , is there any other assurance that can be given to the ExA that all reasonable alternatives to CA and TP, including modifications to the Proposed Development, have been explored?
Individual objections and issues			

⁵ Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

No	Question to	Reference	Question
13.31.	Affected Persons	Affected Person's issues and concerns	<p>a) Does any Affected Person (person whose land or rights in land would be affected if an order were granted) have any outstanding concerns regarding the extent and nature of compulsory rights identified in the application, or the case made (need) for the acquisition of those rights?</p> <p>b) Is it considered that any areas of land or rights whose acquisition is proposed by the Applicant are not needed for the development?</p>
13.32.	Applicant	CA Objections Schedule	<p>a) Please provide a CA Objections Schedule with information about any objections to the compulsory acquisition proposals in the application.</p> <p>b) At each successive Examination Deadline please make any new entries or delete any entries that it considers would be appropriate, taking account of the positions expressed in relevant representations and written representations, giving reasons for any additions or deletions.</p> <p>c) The format of the schedule should be like that used in Annex B of the Statement of Reasons.</p>
13.33.	Applicant	Response to Affected Person's issues and concerns RR by Residents of 12 Queensway [RR-018]	Please respond to the specific concerns expressed in relation to CA, potential impacts on the business and the timing of and timeliness of any discussions and settlement.
13.34.	Hinson Parry & Company on behalf of Royal School for the Deaf Derby	Clarification of Affected Person's issues and concerns RR by Hinson Parry & Company on behalf of Royal School for the Deaf Derby [RR-019]	<p>a) Please provide further details how the non-provision of each of the bullet-pointed measures mentioned in the Relevant Representation would have on the ability of your client's day to day operations to continue.</p> <p>b) Please provide details of any allowances that should be made in relation to the suggested measures for people at the school with special needs or hearing impairments?</p>
13.35.	Applicant	Response to Affected Person's	Please respond to the specific CA issues and related mitigation issues

No	Question to	Reference	Question
		issues and concerns RR by Hinson Parry & Company on behalf of Royal School for the Deaf Derby [RR-019]	raised in the RR.
13.36.	Carter Jonas LLP on behalf of Haven Care Group Ltd	Clarification of Affected Person's issues and concerns RR by Carter Jonas LLP on behalf of Haven Care Group Ltd [RR-015]	a) Please provide further details of the impacts that the exercise of the powers of CA sought would have on the ability of your client to continue to operate. b) Please provide details of any allowances that should be made in the provision of mitigation measures for people at the home with special needs? c) Does your client have any alternative proposals for the provision of parking?
13.37.	Applicant	Response to Affected Person's issues and concerns RR by Carter Jonas LLP on behalf of Haven Care Group Ltd [RR-015]	Please respond to the specific CA issues and related mitigation issues raised in the RR.
13.38.	Tim Hancock Associates on behalf of Euro Garages Limited	Clarification of Affected Person's issues and concerns RR by Tim Hancock Associates on behalf of Euro Garages Limited [RR-013]	a) Please provide details of the impact that the exercise of the powers of TP sought, including in relation to changes to access and egress arrangements, would have upon your client's business. b) Please provide further details of any current needs for access across third-party ownership and how those would change due to the Proposed Development. c) Does your client have any alternative proposals to those presented by the Applicant?
13.39.	Applicant	Response to Affected Person's issues and concerns RR by Tim Hancock Associates	Please respond to the specific TP and ownership issues raised in the RR.

No	Question to	Reference	Question
		on behalf of Euro Garages Limited [RR-013]	
13.40.	McDonald's Restaurants Limited	Clarification of Affected Person's issues and concerns RR by McDonald's Restaurants Limited [RR-016]	<p>a) Please provide details of the impact that the exercise of the powers of TP sought, including in relation to changes to access and egress arrangements, would have upon your client's business.</p> <p>b) Please provide further details of any current needs for access across third-party ownership and how those would change due to the Proposed Development.</p> <p>c) Does your client have any alternative proposals to those presented by the Applicant?</p> <p>d) Please provide details of the potential encroachment of the Works onto your client's property.</p>
13.41.	Applicant	Response to Affected Person's issues and concerns RR by Tim Hancock Associates on behalf of Euro Garages Limited [RR-013]	Please respond to the specific TP and ownership issues raised in the RR.
13.42.	Freeths LLP on behalf of Millennium Isle of Man Limited	Clarification of Affected Person's issues and concerns RR by Freeths LLP on behalf of Millennium Isle of Man Limited [RR-017]	<p>a) Please provide further details of the impact that the exercise of the powers of TP sought would have upon your client's business.</p> <p>b) Please clarify your reasoning as to why the extent of works and land affected are more than necessary to facilitate this project.</p> <p>c) Are there any specific restoration works issues on which clarity is sought?</p>
13.43.	Applicant	Response to Affected Person's issues and concerns RR by Freeths LLP on behalf of Millennium Isle of Man Limited [RR-017]	Please respond to the specific TP issues raised in the RR.

No	Question to	Reference	Question
13.44.	Applicant	Response to TP issues and concerns RR by Friends of Little Eaton Canal [RR-014]	a) Please respond to the specific concerns raised in relation to TP of the main construction compound site. b) Should the Friends of Little Eaton Canal be added to the BoR?
13.45.	Applicant	Response to issues raised with a potential implication for CA or TP	Please respond to issues raised in RRs that could have implications for the need for CA or TP, including in respect to road alignment, footpath diversions, cycleway alignment, or other aspects of the Proposed Development.
Crown interests			
13.46.	Applicant	Consent of the appropriate Crown authority SoR [APP-020] paragraphs 7.1.1-3 and Annex B	a) Please provide and at each subsequent Examination Deadline maintain and resubmit a table identifying any Crown land subject to s135 of PA2008 with reference to the latest BoR and the Land Plans and to identify whether consent is required with respect to s135(1)(b) and/or s135(2), the name of the appropriate Crown authority/authorities and what progress has been made to obtain such consent(s). b) Has the consent of the Crown been obtained to the inclusion of all Articles in the dDCO which affect Crown land? c) In view of the provisions of s135(2) of PA2008, please could the Applicant clarify when it is anticipated that these consents will be forthcoming? d) Please provide written evidence of consents and explanations around consents in each case.
Statutory Undertakers			
13.47.	Applicant	Identification of Statutory Undertakers SoR [APP-020] paragraph 7.4.5 and Annex C	a) Paragraph 7.4.5 identifies ten Statutory Undertakers with apparatus within the Scheme boundary. Is that the complete list of Statutory Undertakers for which powers are sought in accordance with s138 of PA2008? b) " <i>Overhead OFCOM D 3 Mast</i> " is mentioned in Annex C but not in

No	Question to	Reference	Question
			<p>paragraph 7.4.5. Do Annex C and/or paragraph 7.4.5 need to be corrected?</p> <p>c) Is the BoR [AS-007] consistent with the SoR [APP-020] with regards to Statutory Undertakers?</p>
13.48.	Applicant	Land or rights updates during the Examination s127 of PA2008	<p>Please review Relevant Representations and Written Representations made as the Examination progresses and prepare, and at each successive Examination Deadline update as required, a table identifying and responding to any representations made by Statutory Undertakers with land or rights to which s127 of PA2008 applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> • the name of the Statutory Undertaker; • the nature of their undertaking; • the land and or rights affected (identified with reference to the most recent versions of the BoR and Land Plans available at that time); • in relation to land, whether and, if so, how the tests in s127(3)(a) or (b) of PA2008 can be met; • in relation to rights, whether and, if so, how the tests in s127(6)(a) or (b) can be met; and • in relation to these matters, please identify whether any protective provisions and or commercial agreement is anticipated, and if so whether these are already available to the ExA in draft or final form, whether a new document describing them is attached to the response to this question or whether further work is required before they can be documented?
13.49.	Applicant	Extinguishment of rights and removal of apparatus, etc.	<p>Please continue to review the CA or TP land and/or rights proposals and prepare, and at each successive Examination Deadline update, a table identifying if these proposals affect the relevant rights or relevant apparatus of any Statutory Undertakers to which s138 of PA2008 applies. If such rights or apparatus are identified, the</p>

No	Question to	Reference	Question
			<p>Applicant is requested to identify:</p> <ul style="list-style-type: none"> • the name of the statutory undertaker; • the nature of their undertaking; • the relevant rights to be extinguished; and / or • the relevant apparatus to be removed; • why the extinguishment or the relevant right or removal of the relevant apparatus is necessary in each case; • how the test in s138(4) can be met; and • in relation these matters, whether any protective provisions and or commercial agreement is anticipated, and if so whether these are already available to the ExA in draft or final form, whether a new document describing them is attached to the response to this question?
13.50.	Cadent Gas Limited	Clarification of Statutory Undertakers' issues RR by Cadent Gas Limited [RR-002]	Please provide details and clarify your reasoning for why your client is not satisfied that the tests under section 127 of the PA 2008 can be met.
13.51.	Applicant	Response to issues raised by Statutory Undertakers RR by Cadent Gas Limited [RR-002]	<p>Please respond to the issues raised in the RR, including that:</p> <ul style="list-style-type: none"> • diversions have not yet reached detailed design stage and so the positioning, land and rights required for gas diversions included within the DCO may not be sufficient for Cadent; • Cadent is not satisfied that the DCO includes all land and rights required to accommodate such works; • Cadent is not satisfied that the tests under section 127 of the PA 2008 can be met; • Cadent Gas states that it has not been consulted on the extent of land secured pursuant to the DCO or the form of rights to be acquired; • Cadent has apparatus affected across the Proposed

No	Question to	Reference	Question
			<p>Development through multiple plots which should be referenced; and that</p> <ul style="list-style-type: none"> adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed or discussed between parties.
13.52.	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited	Clarification of Statutory Undertakers' issues RR by Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited [RR-007]	<p>a) Please provide details and clarify your reasoning for why your client considers that there is no compelling case in the public interest for the acquisition of the compulsory powers.</p> <p>b) Please provide details and clarify your reasoning for how the exercise of compulsory powers sought would have serious detriment on your client's undertaking.</p>
13.53.	Applicant	Response to issues raised by Statutory Undertakers RR by Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited [RR-007]	<p>Please respond to the issues raised in the RR, including that:</p> <ul style="list-style-type: none"> Network Rail objects to the inclusion of the Plots in the Order and to the acquisition of compulsory powers and rights to impose restrictive covenants in respect of those plots referenced in their RR; Network Rail considers that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that new rights and restrictions over the railway land can be created or that land can be acquired without serious detriment to Network Rail's undertaking; and no other land is available to Network Rail which means that the detriment cannot be made good by them.
13.54.	Eversheds Sutherland LLP on behalf of Severn Trent Water Limited	Clarification of Statutory Undertakers' issues RR by Eversheds Sutherland LLP on behalf of Severn Trent Water Limited [RR-009]	Please could your client provide details of additions sought to the provisions contained in Schedule 9 Part 1 of the dDCO, together with an explanation of why they are required?
13.55.	Applicant	Response to issues raised by	Please respond to the issues raised in the RR, including in relation to

No	Question to	Reference	Question
		Statutory Undertakers RR by Eversheds Sutherland LLP on behalf of Severn Trent Water Limited [RR-009]	the Protective Provisions.
13.56.	Western Power Distribution (East Midlands) plc	Clarification of Statutory Undertakers' issues RR by Western Power Distribution (East Midlands) plc [RR-010]	Has Western Power Distribution (East Midlands) plc reviewed the Protective Provisions contained in Schedule 9 Part 1 of the dDCO and do they consider that those provisions would adequately protect their assets and interests? If not, why not?
13.57.	Applicant	Response to issues raised by Statutory Undertakers RR by Western Power Distribution (East Midlands) plc [RR-010]	Please respond to the issues raised in the RR, including in relation to the template agreement prepared by Western Power Distribution (East Midlands) plc.
Special Category Land			
13.58.	Applicant DCiC DCC EBC	Identification of Special Category land SoR [APP-020] table 7.1	The Applicant identifies various land plots within the Order limits as open space. Please confirm that no other land within the Order limits comprises land forming part of a common, open space or fuel or field garden allotment.
13.59.	Applicant	CA of Special Category land	a) Please confirm that the application proposal does not seek CA of any land or rights forming part of a common, fuel or field garden allotment subject to the operation of s131 of PA2008, or rights over such land subject to the operation of s132 of PA2008. b) Please provide an update on any related changes and necessary updates to the BoR and SoR at each Examination Deadline.
13.60.	Applicant	Open space and replacement land	a) For each plot of existing open space that is proposed to be acquired and re-purposed, please, for each individual plot, identify the

No	Question to	Reference	Question
			<p>corresponding replacement land and its relative size and proximity.</p> <p>b) What persons have rights over any existing open space that is proposed to be acquired and what are their rights?</p> <p>c) How would the interests of the public, or persons with rights, be affected for each plot of existing open space that is proposed to be acquired?</p> <p>d) Please confirm that the proposed replacement land is not already subject to rights of common, or to other rights, or used by the public even informally for recreation.</p> <p>e) Please identify any rights that the replacement land would be burdened with that differ from those for the open space that it is proposed to replace and, if there are any, please clarify why the replacement land would be no less advantageous.</p>
13.61.	Applicant DCiC	Open space and replacement land	<p>a) Can the Applicant and DCiC confirm whether agreement has been reached on the suitability of replacement land for the proposed loss of public open space as described in the ES and if not, how soon will this be decided?</p> <p>b) Can the Applicant confirm how the replacement land will be secured through the DCO or other legal means?</p>
Availability and adequacy of funds			
13.62.	Applicant	Funding Statement [AS-011] paragraph 2.1.1	<p>The Funding Statement, paragraph 2.1.1, indicates a most-likely cost estimate of £229 million.</p> <p>a) What proportion of that figure can be attributed to compensation payments and potential claims?</p> <p>b) How can the ExA be satisfied as to the reliability of that figure, and what is its degree of accuracy?</p> <p>c) What comfort can be provided of funding being available should the most-likely cost estimate be exceeded?</p> <p>d) What comfort can provided that the scope of the project will not be</p>

No	Question to	Reference	Question
			reduced in response to any changes in funding?
13.63.	Applicant	Funding Statement [AS-011] paragraph 3.1.3	The Funding Statement refers to the RIS published on 1 December 2014 for the period between 2015/2016 and 2020/2021. a) Does that represent the current position or has that been overtaken by a later RIS? If so, has the funding of the Proposed Development been included within that? b) Please provide an update to the Funding Statement to fully reflect the current position and provide a final version towards the end of the Examination.
13.64.	Applicant	Funding Statement [AS-011] Appendix B	The extract from the Roads Programme refers to the three junctions. Please confirm and provide evidence that Government funding has been committed to all works identified in Schedule 1 of the dDCO [APP-016], including: a) A38 road widening between the Kingsway and Kedleston junctions b) All Associated and Ancillary Development
13.65.	Applicant	Planning Statement [APP-252] paragraphs 2.5.3-5	Please clarify if the Proposed Development is supported by the RIS when it is not to an "Expressway" standard.
	Potential impediments		
13.66.	Applicant	Acquisition of other land or rights	Are any land or rights acquisitions required in addition to those sought through the dDCO before the proposed development can become operational?
13.67.	Applicant	Other consents outside the DCO SoR [APP-020] paragraph 7.1.1 Consents and Agreements Position Statement [APP-019]	The Applicant refers to other consents outside the DCO that would be required from other authorities. a) Please confirm that all necessary consents have been identified. b) Please provide any update to the Consents and Agreements Position Statement during the Examination and identify the progress made by the Applicant in its discussions with the relevant bodies.

No	Question to	Reference	Question
			c) How can the ExA be confident that the need for these other consents would not present any obstacle to the implementation of the Proposed Development should development consent be granted?
13.68.	DCiC DCC EBC EA	Identification and addressing of potential impediments before CA	a) Have potential impediments to the development been properly identified and addressed? b) Are there concerns that any matters either within or outside the scope of the dDCO for the development to become operational may not be satisfactorily resolved, including acquisitions, consents, resources or other agreements? c) Should triggers be required to secure any acquisitions, consents or other matters before CA should be permitted under the dDCO?
Human rights and the compelling case in the public interest			
13.69.	Applicant	The regard to Human Rights SoR [APP-020] paragraph 5.4.2	The Applicant submits that there is a compelling case in the public interest for CA. a) What assessment has been made of the effect upon individual Affected Parties and their private loss that would result from the exercise of compulsory powers in each case? b) Which factors have been placed in the balance and what weight has been attributed to them? c) What degree of importance has been attributed to the existing uses of the land proposed to be acquired? d) What regard has been had to the rights of Category 2 and Category 3 parties, as defined by s57 of PA2008? e) Please provide detailed responses for each individual residential property for which CA powers are sought.
13.70.	Applicant	The proportionality test SoR [APP-020] paragraph 6.2.2	The Applicant asserts that the interference with human rights would be proportionate and justified. a) How has the proportionality test been undertaken?

No	Question to	Reference	Question
			<p>b) Please clarify the proportionate approach which has been taken in relation to each plot.</p> <p>c) Please provide a detailed response for each individual residential property for which CA or TP powers are sought.</p>
13.71.	Applicant	Regard to landowner feedback SoR [APP-020] paragraph 6.2.3	<p>The Applicant states that it has had regard to landowner feedback both in the initial design of the Proposed Development and in iterative design changes throughout the life of the Proposed Development.</p> <p>Please provide a separate list of the design changes relied upon in this respect together with the relevant document reference and paragraph number so that these can be readily identified.</p>
13.72.	Applicant	The Equalities Act 2010 and public sector equality duty Equalities Impact Assessment Report [APP-245]	<p>a) Please could the Applicant clarify how it has had regard to the Equalities Act 2010 and its public sector equality duty in relation to the powers of CA?</p> <p>b) Have any Affected Persons been identified as having protected characteristics?</p>

Abbreviations

ALA 1981	Acquisition of Land Act 1981	LOAEL	Lowest Observed Adverse Effect Level
AP	Affected Person	LSE	Likely Significant Effects
AONB	Area of Outstanding Natural Beauty	LTP	Local Transport Plan
AQMA	Air Quality Management Area	LVIA	Landscape and Visual Impact Assessment
BoR	Book of Reference	LWS	Local Wildlife Site
BPM	Best Practicable Means	NE	Natural England
BS	British Standard	NNL	No Net Loss
CA	Compulsory Acquisition	NNNPS	National Networks National Policy Statement
CO₂	Carbon Dioxide	NO₂	Nitrogen Dioxide
COPA	Control of Pollution Act 1974	NPA2017	The Neighbourhood Planning Act 2017
CRoW	Countryside and Rights of Way Act 2000	NPPF	National Planning Policy Framework
DCC	Derbyshire County Council	NSER	No Significant Effects Report
DCiC	Derby City Council	NSIP	Nationally Significant Infrastructure Project
dDCO	Draft Development Consent Order	OEMP	Outline Environmental Management Plan
CEMP	Construction Environmental Management Plan	PA2008	The Planning Act 2008 as amended
EA	Environment Agency	PINS	The Planning Inspectorate
EBC	Erewash Borough Council	PM	Preliminary Meeting
EIA	Environmental Impact Assessment	PM_x	Particulate Matter
EM	Explanatory Memorandum	PRoW	Public Right of Way
EPA	Environmental Protection Act 1990	RIES	Report on the Implications for European Sites
EPS	European Protected Species	RR	Relevant Representation
ES	Environmental Statement	SI	Statutory Instrument
EU	European Union	SoCG	Statement of Common Ground
ExA	Examining Authority	SoS	Secretary of State
FRA	Flood Risk Assessment	SOAEL	Significant Observed Adverse Effect Level
GLVIA3	Guidelines for Landscape and Visual Assessment 3rd Edition	SSSI	Site of Special Scientific Interest
HEMP	Handover Environmental Management Plan	SuDS	Sustainable Drainage Systems
HGV	Heavy Goods Vehicle	TP	Temporary Possession
HRA	Habitats Regulation Assessment	TPO	Tree Preservation Order
HSE	Health and Safety Executive	VP	Viewpoints
IP	Interested Party	WHS	World Heritage Site
ISH	Issue Specific Hearing	WR	Written Representation
LIR	Local Impact Report	WSI	Written Scheme of Investigation