

A38 Derby Junctions
TR010022
8.3 Responses to Relevant
Representations

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Rule 8 (1)(c)(i)

Infrastructure Planning (Examination Procedure) Rules 2010

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**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**A38 Derby Junctions
Development Consent Order 202[]**

Responses to Relevant Representations

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1.2 Applicant's Comments on Relevant Representations

- 1.2.1 The purpose of this document is to set out the Applicant's comments on the Relevant Representations (RR) from the interested parties.
- 1.2.2 These can be found in **Table 1-1** below.

Table 1-1 Applicant's Comments on Relevant Representations

Reference Number	Comment from Relevant Representation	Response to Relevant Representation
RR-001	Breadsall Parish Council	
	The Parish Council's comments fall into two distinct categories and relate only to the Little Eaton Junction. 1. Selection of the proposed alignment of the A38 at Little Eaton.	
RR-001a	The selection of the present alignment dates back to a public consultation exercise by the Highways Agency in autumn 2003 in which respondents were invited to vote for one of three possible alignments - Options 1 & 2 located NW of the present junction and Option 3 to the SE (approximately as currently proposed). In their report on the exercise in January 2004 (ref DOKHXCC/PM009/41) the HA's consultants concluded that Option 3 was the most popular option, being supported by 296 out of a total of 434 respondents. There were however, two huge flaws with this analysis:- a) Many residents of Breadsall expressed their opinion through a petition organized by the Parish Council which gained 329 signatures, yet remarkably this petition was counted by the HA's consultants as a single vote by the Parish Council. b) All other votes were given full weight, including anonymous votes and numerous votes from residents in locations which would suffer no detriment	Highways England's 2003 consultation exercise sought to obtain views on three proposals. Responses to this consultation were assessed on the basis of information put forward in completed questionnaires. Highways England acknowledges that, Breadsall Parish Council submitted a petition, signed by 329 people who were principally Breadsall residents. This petition objected to Option 3 (which became the preferred route option) but did not state any preference for any of the other options. The signatories did not complete the consultation questionnaire, so their views could not be included in the report although it was recorded that 329 people had signed a petition to object to one of the options). It should be noted that the selection of the preferred option is not solely based on the number of representations made by members of the public in respect of a single issue. Where an issue is raised on a number of occasions, it is still a single issue. Views from members of the public is one factor in the preferred route decision-making process, but is not determinative, It needs to be considered alongside several other factors including: Cost (Land, Preliminaries and Direct Works, Preparation and Supervision), Engineering (Geometry, Public Utilities, NMU Provision, Drainage, Geotechnics, Structures, Departures from Standards, Construction Phasing), Environment (Air Quality, Cultural Heritage, Landscape, Visual, Nature Conservation, Geology & Soils, Materials, Noise, Effect on All Travellers, Community & Private Assets, Water Resources, Flood Risk), Traffic (Reassignment Effects, Travel

	<p>from any version of the scheme (eg. most areas of Allestree) The conclusions of the 2004 report were therefore hugely distorted but from then onwards the Highways Agency and Highways England have never seriously entertained any alternative options although the Highways Agency's original proposals from the early 2000s had been equivalent to Options 1 and 2 which were clearly superior in technical highway terms. Options 1 and 2 did involve more complicated land acquisitions, but these could have been resolved if addressed early on. Highways England has now created a situation where only one scheme is on offer and the consultation on the DCO application is essentially bogus, being limited to technical details of the proposed scheme. The Parish Council will challenge the selection of Option 3 and ask the Planning Inspectorate to examine the process by which the proposed alignment was selected and to require a reconsideration of other options. If Option 3 is to be pursued the Parish Council believes that it could be based on a tighter radius for the A38 with a 50mph limit, similar to the limit at the other two junctions. This would keep the</p>	<p>Benefits, Delay during construction, Road Safety). If the petition had been considered as 329 separate representations, it would not have made a difference to the decision to progress with the preferred option at Little Eaton. It is also noted that Breadsall Parish Council has questioned why views (referred to as 'votes' by BPC) from residents in other locations have been taken into consideration when those residents '<i>suffer no detriment from any version of the scheme</i>'. Highways England would point out that the consultation process must consider the views of everybody who expresses an interest in the proposal. As noted above, the popularity of each of the options was one of the factors considered when determining the preferred option. The 2009 Technical Appraisal Report stated): <i>"There was very little to differentiate between Options 3 and 2, both having advantages and disadvantages. However, it was felt on balance that Option 3 was preferable to Option 2, because, whilst the environmental impacts of Option 3 could be largely mitigated, the impacts of Option 2, particularly on the residents of the Mobile Home Park, could not."</i> The impact on the residents of the Mobile Home Park was a major factor in determining the preferred option. The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. It would be difficult to make this argument and acquire residential properties when there was another option available that did not have such an impact on the compulsory acquisition of residential properties and interference with the human rights. Further consultation in 2015 generated a lot of interest in the Little Eaton junction and many alternatives from the Breadsall Parish Council</p>
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	<p>carriageway further away from Breadsall and mitigate its effects.</p>	<p>(and others) were proposed. The more feasible options (including the option referred to as Option 2 above) were subject to a further assessment against the option presented at the 2015 consultation (essentially option 3 from the 2003 consultation) and an Alternative Options Assessment Report was produced (refer to Appendix 3.2 of the Environmental Statement – Options Assessment, Little Eaton [APP-163]). This confirmed the conclusion of the 2003 consultation that the presented option should be progressed as the preferred route.</p>
<p>2. Detailed comments on the current application.</p>		
<p>RR-001b</p>	<p>a) The woodland/tree belt on the eastern side of the A38 and the slip road will be important in providing visual screening from the Breadsall direction. The Parish Council has three comments about this.</p> <ul style="list-style-type: none"> i) The section of woodland alongside the ponds at the southern end of the slip road and the adjoining section of the A61 is much narrower than the woodland further north and is quite inadequate. The ponds should be moved further east to create a woodland strip at least 20 metres wide. ii) The woodland should principally comprise of robust evergreen species to ensure reliable year-round screening. This is a higher priority for this section of woodland 	<ul style="list-style-type: none"> i) With regard to woodland planting: Woodland planting to the eastern side of the A38 has been included for visual screening and ecological purposes (refer to Environmental Masterplan ES Figures 2.12F/ 2.12G [APP-068 / Volume 6.2]). It is not possible to move the highway drainage ponds further to the east as these features need to be located where water can naturally drain to. It is considered that with the provision of the noise/ screening barriers along the mainline and the off-slip to the A61, together with woodland planting on the A38 mainline embankment (approximately 10m wide), that appropriate landscape screen mitigation planting has been included in the Scheme design. Additional woodland planting elsewhere is not required for mitigation and would increase permanent land take of adjacent land by compulsory acquisition. ii) At present the landscape design specifies that the tree belt on the east side of Little Eaton junction would comprise 10% evergreen species. Given the ecological function of the woodland planting, it would not be appropriate for the whole woodland to comprise evergreen species. However, Highways England confirms that the evergreen mix in the woodland planting can be reviewed during the detailed design.

	<p>than the use of native species and other ecological factors.</p> <p>iii) There must be a guaranteed permanent regime for maintenance of the woodland and replacement of dead or dying species.</p>	<p>iii) As detailed in the Environmental Statement Chapter 7: Landscape and Visual (refer to para. 7.9.6) [APP-045] “The appointed contractor would be responsible for undertaking landscape management within the contract period (for up to five years after Scheme opening), after which the longer term maintenance and management of the soft estate responsibilities would transfer to Highways England as the East Midlands Asset Delivery team”. This is a standard requirement for Highways England schemes and will ensure that landscaping would be established. This would be secured through the Construction Environmental Management Plan (as part of requirement 3 in the dDCO) and requirement 7 of the dDCO requires a written landscaping scheme to be approved by the Secretary of State, in consultation with the relevant planning authority and local highway authority.</p>
<p>RR-001c</p>	<p>b) The 2.5m high noise barrier is critical in mitigating noise levels in the Breadsall direction. This must be retained and must be constructed of durable materials and coloured green to give the most harmonious visual appearance. The Parish Council wishes to be consulted about the construction specification. As with the woodland the noise barrier must be subject to a reliable permanent maintenance regime.</p>	<ul style="list-style-type: none"> • In order to mitigate noise and visual effects, the Scheme design includes the following noise/ visual screening barriers at Little Eaton junction towards Breadsall: 2.5m reflective noise/ screening barrier on the southbound diverge slip road to the A61 at Little Eaton junction. • 2.5m reflective/ absorptive noise/ screening barrier on the southbound A38 mainline at Little Eaton junction. <p>Such barriers are illustrated on the Environmental Masterplan ES Figures 2.12F and G [APP-068]. Barriers would be made of durable material – the exact specification and colour of the barriers will be confirmed at the detailed design stage, noting the request that they should be coloured green. Highways England would be happy to present details of the proposed barrier specification to the Breadsall Parish Council during the detailed design stage as part of its</p>

		consultation with the relevant planning authorities. Following their installation, the barriers would be subject to on-going maintenance by Highways England as the East Midlands Asset Delivery team.
RR-001d	c) The absence of overhead lighting and signage on the A38 is important in protecting Breadsall from light pollution and must be retained in the final design. Lighting must be confined to the roundabout and the adjoining sections of the slip roads.	The A38 mainline at Little Eaton junction would not have overhead lighting in order to minimise visual intrusion upon local residents. To ensure that drivers would be aware of the bend in the road at this location, appropriate signing would be installed along with the provision of solar powered studs integrated within the road pavement. This approach would avoid the need to install approximately 56 lighting columns along the A38 mainline. However, 12m high light-emitting diode (LED) luminaires would be provided at the new at-grade Little Eaton roundabout and the approaching slip-roads for safety reasons.
RR-001e	d) There is currently a footpath which leads from Rectory Lane Breadsall directly to the A38 and the B6179 just north of the A38/A61 roundabout. The proposed diversion of this footpath appears to sever this route and involve an extremely circuitous detour via a new toucan crossing far to the south on the A61. This detour is unacceptable and a footpath route approximately equivalent to the present one must be provided.	The proposed diversion to the footpath leading from Rectory Lane toward the A38 has been discussed with Derbyshire County Council's Rights of Way team. Given the safety aspects associated with facilitating a crossing point for the footpath where it emerges from the fields to the south east corner of the junction, the Council's Rights of Way team felt that making this a circular route to link with another footpath leading from Croft Lane would be preferable. This particular route has little observed use and safer facilities are being provided at the existing crossing of the A61 from Croft Lane.
RR-002	Cadent Gas Limited	
RR-002a	Representation by Cadent Gas Limited (Cadent) to the A38 Derby Junctions Development Consent Order (DCO) Cadent is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution	Noted

	networks in North London, Central and North West England. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinated way.	
RR-002b	Cadent wishes to make a relevant representation to the A38 Derby Junctions DCO in order to protect its position in light of infrastructure which is within or in close proximity to the proposed DCO boundary. Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits including should be maintained at all times and access to inspect such apparatus must not be restricted. The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards.	Highways England's legal team is engaged with Cadent's legal team to discuss and progress the terms of the protective provisions contained in the dDCO. Updates will be provided to the ExA on this matter as the Examination progresses.
RR-002c	Cadent has low, and medium pressure gas pipelines and associated below or above ground apparatus located within the order limits which are affected by works proposed	The Works Plans included in the 'Plans and Drawings' Volume of the application [APP-009] show the diversions proposed by tRIIO, Cadent's designers. These diversions are based upon the NRSWA C3 estimates and a series of joint meetings and workshops undertaken since 2015.

	<p>and which may require diversions subject to the impact. Highways England require diversions to Cadent's gas distribution network, but these 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. At this stage, Cadent is not satisfied that the DCO includes all land and rights required to accommodate such works. Cadent will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. This is a fundamental matter of health and safety. At this stage, Cadent is not satisfied that the tests under section 127 of the PA 2008 can be met.</p>	<p>Impacts to service and infrastructure were covered during each of these sessions and accounted for in the work carried out to date. A number of opportunities have also been discussed and explored to minimise impact on Cadent's service and infrastructure. During the detailed design of the Scheme Cadent will be engaged in the NRSWA C4 process and the detailed diversion design and programming of the works will be undertaken at that time.</p>
RR-002d	<p>Cadent has experience of promoters securing insufficient rights in land within DCOs to accommodate necessary diversions of its apparatus required by those DCOs, or securing rights for the benefit of incorrect entities. It is important that sufficient rights are granted to Cadent to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations. To date, Cadent has not been consulted on the extent of land</p>	<p>See response to RR-002c above.</p> <p>Highways England acknowledges that Cadent Gas Limited is not currently listed in the dDCP, however, Highways England will update the dDCO to ensure that they are referenced in the DCO, Statement of Reasons and Book of References in line with referencing for other Statutory Undertakers.</p>

	<p>secured pursuant to the DCO or the form of rights to be acquired. Furthermore, there are references to National Grid Gas Plc throughout the Book of Reference, Statement of Reasons and DCO but there is no reference to Cadent Gas Limited. Cadent has apparatus affected across the scheme through multiple plots which should be referenced.</p>	
	<p>As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. Adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed or discussed between parties. Cadent wishes to reserve the right to make further representations as part of the examination process but in the meantime will seek to engage with the promoter with a view to reaching a satisfactory agreement.</p>	<p>See responses to RR002 b, c and d above</p>
RR-003	Derby City Council	
	Transport Assessment	
RR-003a	<p>The city council welcome the grade separation of the three Derby Junctions and the significant level of capital investment that this represents. The scheme will have clear benefits for Derby's local highway</p>	<p>Highways England considers that travel times and journey reliability would also be improved on some of the city's radial routes crossing the A38 trunk road. It is recognised that these radial routes are important bus routes. Reliability of bus service timetables is an important contribution to increasing patronage.</p>

	<p>network. It will optimise route choice and reduce delays and congestions as a result of traffic that currently use the local road network to avoid congestion on the A38 Trunk Road. Further, the grade separation of the A38 (T) will remove the current delays at the three Derby junctions, improving journey times and reliability for Derby's residents and business users, and regional and national connections via the wider strategic road network.</p>	
RR-003b	<p>The grade separation will also improve road safety as a direct result of separating A38 (T) traffic from local traffic, and from the removal of traffic that is currently using inappropriate local routes to avoid congestion on the A38 (T).</p>	Noted.
	Local Impacts	
RR-003c	<p>The transport assessment does show that there are some areas of the local network, particularly where the local road network connects to the A38 Trunk Road, where there are significant increases in traffic.</p>	Noted. This is an inevitable effect of changing the traffic patterns in order to reduce the flow volumes on inappropriate local routes.
RR-003d	<p>For example, on the Kedleston Road corridor north of the A38 it is predicted that in the AM Peak there is an increase in southbound traffic of 157 PCUs and an increase of 564 PCUs on the on-slip. This change in traffic is largely as a result of traffic that currently uses Markeaton Lane or new traffic taking advantage of the</p>	<p>The opening of the Scheme to traffic will change traffic patterns. It is recognised that there will be a period following opening of the Scheme during which DCiC may wish to make some adjustments.</p>

	<p>Scheme. Conversely there is a decrease in traffic between the A38 (T) and Five Lamps Junction of around 200 PCUs. The issue for Debry City is that whilst there are benefits of traffic avoiding inappropriate routes, such as Markeaton Lane, the change in flows through the Kedleston Road traffic signals will need to be managed. Potentially this means reconfiguring the signal timings and potential changes to white road markings, which might impact on the off-clip phase and the operation of the Trunk Road Network.</p>	
<p>RR-003e</p>	<p>Similarly, there are also major traffic flow changes at the following junctions:</p> <ul style="list-style-type: none"> • Manor Road/Kingsway Junction • Hospital Gyratory • Kingsway Junction/Cherry Tree Close/ Kingsway Retail Park • Uttoxeter New Road/Brick Street/ Ashbourne Road • Friar Gate/Agard Street • Prince Charles Avenue/A52 Ashbourne Road • A61 Sir Frank Whittle Way/Alfreton Road 	
	<p>It can be difficult using a strategic transport model to fully predict every local impact that the A38 (T) Junctions scheme will have, and how to best manage the changes on the local network. Further, the long</p>	

	construction programme might itself change traffic patterns in the long term.	
RR-003f	<p>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 discussed in the next section. As such, Derby City Council, would like Highways England to consider how it might manage changes on the local network as a result of the scheme, and for the benefit of an integrated network, provide support post scheme. For example, we already anticipate that the Kedleston Road corridor and at Five Lamps junction will require some changes following completion of the scheme. The Council requests that a fund is available, held by Highways England, that we can call upon to fund changes during the first 12 to 18 months after practical completion of the three junctions.</p>	<p>Highways England is aware that the A38 Scheme may cause some interim disruption on other roads in the Derby area. The nature of traffic forecasts means that it is difficult to predict the accuracy of the forecasts factoring in driver psychology and the use of alternate routes. Highways England is happy to consult with Derby City Council on traffic management but is not in a position to be able to provide any financial assistance.</p> <p>Highways England's role is to maintain the Strategic Road Network and deliver Major improvements to their highways. Derby City Council, as a unitary authority, is the local highway authority responsible for routes within the city. The maintenance of their highways and optimising the operation and efficiency of local junctions is therefore part of their remit.</p>
	Local Slip road Closures	
RR-003g	<p>As part of the scheme the substandard slip roads at Ford Lane, Raleigh Street and Brackensdale Avenue will be closed. There are clearly going to be changes in traffic patterns as a result, both increases and decrease. For example, an increase in eastbound traffic on Brackensdale Avenue, but an equal decrease in westbound traffic. This is unavoidable in order to deliver the</p>	<p>Noted. During the construction stage, the Contractor's stakeholder liaison specialist will consult with local stakeholders and residents to keep them informed of the scheme as it progresses.</p>

	scheme and maintaining consultation with residents that are affected through the design process will be important.	
RR-003h	As a result of the closure of Ford Lane on-slip to the A38 Highways England has put forward a scheme to signalise the A6/Ford Lane Junction. This has partly been driven by feedback from public consultation and the strategic modelling, which has predicted that with forecast growth this junction requires direct intervention. However, Officers have considered the forecasting and route choice prediction of the model and in this case have questioned its realism. It is a significant decision to signalise a junction on a Primary A Route. This is an issue that we would like to consider further as part of the detailed design process.	<p>Technical notes have been prepared to document the trip growth in this area of Ford Lane and to examine the localised outputs from the traffic model. These technical notes have been shared with DCiC and form the basis of ongoing discussions on these issues. The traffic model used growth forecasts that are in-line with DfT's national growth projections (which themselves are based upon forecast of population growth and wealth forecasting scenarios). These traffic forecasts appear reasonable to Highways England.</p> <p>It is noted that a traffic signal solution would add an additional junction to the A6 route. In mitigation, it is also noted that this junction lies within the urban 30mph speed limit and would provide the benefit of assisting pedestrian crossing of the A6 to access the nearby northbound bus stop.</p> <p>The potential junction improvement has been included within the red-line boundary for the Scheme. Highways England recognises that there is a conflict between the ease of travel by residents and the objective to maintain free-flow movement for the longer-distance car trips into and out of the city. Highways England is prepared to defer the decision to Derby City Council about whether to take this potential junction improvement forward; but Highways England's default position is to include this A6/Ford Lane junction improvement within the Works. Highways England and Derby City Council can progress these discussions as part of the SoCG.</p>
	Construction Traffic Management Plan	
RR-003i	At this stage the phasing plans lack detail in terms of explaining capacity (number of	This stage of the project is the statutory process. The next stage of the project, given a successful DCO outcome, would be to undertake the

	<p>trafficable lanes and lane widths) during the construction phases. In summary, more information needs to be provided on the following:</p> <ul style="list-style-type: none"> • Haulage construction traffic in works areas and how this will be managed and interface with adjacent running lanes • A clear picture of how phasing sequences at all three junctions will interlink • Detailed traffic management plans showing site layouts • Clarification on speed limits as the document says it will be 'at least' 30mph during construction phases. • More detail is required on the coordination of other works in the City as the document makes reference to this. Traffic and Transportation need a clear understanding of highways England's expectations. Derby City Council does not operate a Road Space Booking system as referenced in the Construction Traffic Management Plan. • Incident management strategy • More detail on pedestrian management for example - controlled crossing points 	<p>detailed design and the detailed construction sequencing, including the development of detailed temporary traffic management layout plans. Highways England has developed some preliminary temporary junction layouts and construction sequences, which have been tested with the project's traffic model. From these traffic model tests, Highways England has identified target capacities for the temporary junction layout designs that would achieve acceptable impacts (including causing no adverse effects upon Derby City Council's measures to improve air quality).</p> <p>These traffic model tests (TM Scenarios) were used to appraise the environmental impacts of constructing the Scheme and were reported in the ES and also informed the drafting of the Outline Environmental Management Plan document.</p> <p>It is expected that a dialogue will continue with Derby City Council during the development of the detailed temporary traffic management layout plans. The process for communicating with stakeholders is set out in the Traffic Management Plan document. In answer to each of the bullet points raised:</p> <ul style="list-style-type: none"> • All haulage vehicles will have Chapter 8 markings and will access the site through clearly identified access and separate egress points. The locations of these will take into due consideration sight lines and ensure that vehicles entering / exiting the site can do so safely. Drivers visiting the site will be briefed on the site rules and each access / egress point will have a unique reference which will be conveyed to all drivers prior to their arrival to ensure it is clear in advance where they are delivering / collecting. The precise locations of the access / egress points have not been identified at this stage, but the number of working areas will be minimised to limit the number in use and when not in use the locations will be closed off to avoid confusion.
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		<ul style="list-style-type: none"> • An outline construction programme has been developed indicating when each phase of the Traffic Management layouts will be in operation and the interlink between each junction can be identified from this. All three junctions will be worked on simultaneously with the works at Kingsway junction planned to complete before Markeaton and Little Eaton. As the detailed design is completed the detail within the programme will be developed and the aim will be to build efficiency into the construction phasing to allow the current anticipated durations to be improved. • Temporary traffic management plans will be prepared once the contractor is appointed. • It is anticipated that a 40mph limit would be implemented from south of Kingsway to north of Markeaton and then a separate zone of 40mph through Little Eaton as this maximises safety for the travelling public and the workforce. This would also allow working areas to be maximised and assist delivery to reduce the overall duration of traffic management measures. • To fully understand what other works are planned in Derby from the end of 2020 to Autumn 2024, collaboration and discussion with DCiC will be necessary. The current programme does not make allowance for any restrictions to the main traffic management (“TM”) phases. The TM will, however, take full account of key events in the City and not plan out of hours works or closures to impact upon these. It is understood that a new Nationwide software for booking permits for road space is to be introduced in April 2020 and this will be adopted for this Scheme. There will be a dedicated full time TM Manager who will liaise with DCiC to understand how impacts on the city can be minimised. • An Incident Management Strategy / Plan will be developed alongside Derby City Council and the East Midlands Asset Delivery (EMAD) team who currently maintain the Highways England network. This
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		<p>topic has been discussed with EMAD and once an initial plan is in place it will be regularly reviewed and updated with after any major events. Regular TM clinics will be held both before and during construction.</p> <ul style="list-style-type: none"> The management of pedestrians will be included as part of the TMP as it is developed during the detailed design. Where existing controlled crossings are in place these will be maintained during the temporary TM phases close to their existing location. Safe walking routes will be provided through the works
RR-003j	<p>This is concern that there is no flexibility in the Traffic Management Plan. This plan may provide the best solution for maintaining traffic flow on the A38 (T), however, this could be at the expense of more delays and traffic on Derby's local road network. For example, the document makes reference to queue lengths on the A38 (T) during construction, which should not exceed the queue lengths prior to construction. As a consequence, does this mean that Derby city's outer and inner ring roads are expected to be utilised to achieve this outcome?</p>	<p>See response to RR-003i</p>
RR-003k	<p>Further, during the construction, entering and exiting Derby from the west is going to be difficult. Under Phase Two of the plan around Markeaton Roundabout, it is proposed to ban the right turn and provide a shuttle lane under traffic control for the ahead movements on Ashbourne Road. This is likely to cause significant congestion</p>	<p>A roundabout or circulatory of some kind cannot be implemented during the construction phase TM at Markeaton as it would take up too much space and not permit the works to divert the existing services or allow the works to complete the bored piling works to the new underpass. The length of time this phase is in place will be determined as the detailed design develops and where possible will be reduced. Additional lane capacity has been considered and included in the current temporary TM design to mitigate any delays.</p>

	and will be extremely disruptive to people living on the Mackworth Estate, and anyone entering or leaving the City. Is this the only option to manage this phase of the construction?	
RR-003l	<p>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. As such, communication and flexibility will be key in managing the movement of traffic through and around Derby. To this end it is critical that Highways England continue to liaise with key stakeholders and Traffic and Transportation over the Traffic Management Plan. However, the Council will struggle to meet this demand and we would like to explore with Highways England any resource they could provide to facilitate this function through the construction programme.</p>	<p>The contractor will be committed to working with Derby City Council to establish links with all the key stakeholders both before and during construction to listen to concerns and mitigate where possible. Highways England will have a communications officer and the contractor will appoint a Customer and Stakeholder Manager to support the project delivery. Access to Derby's Business Contact and Engagement Plan and the offer of a hot desk arrangement within Derby's Council House would be gratefully received. Transparent communication with stakeholders and the wider public is key to the project's success. In order to achieve this, Highways England will work closely with the existing Derby City team to project a consistent message and actively promote the Scheme and its benefits.</p>
RR-003m	<p>For example, the Council has identified that a Communications Officer will have to work in Derby ahead of the scheme, primarily working with the Local Travel Behaviour Change group, which includes key stakeholder from the city centre, Marketing Derby, public transport operators and the Hospital. The Council will provide access to</p>	<p>See response to RR-003l.</p> <p>Communications during the construction programme will also follow the strategy described in the Traffic Management Plan.</p>

	<p>the business contact and engagement plan that we have developed over several years and are prepared to work closely with an HE Communications Officer. The Council will welcome the Communications Officer spending some of their time based in the Council House and being available to work with city centre stakeholders.</p>	
RR-003n	<p>Further, the Council has also identified that some accommodation works may be necessary on the local road network, to accommodate changes in traffic patterns, and to support public transport during the construction period. For example, changes to traffic signal sequences and potentially changes to the current allocation of road space. The Council will be seeking financial assistance to make any necessary changes.</p>	See response to RR-003f
RR-003o	<p>To support the scheme, assist with technical comments, and to monitor and respond to changes in traffic, the Council has assessed that additional technical resources will be required. We ask that Highway's England consider making funding available to support a technical officer ahead of, and throughout the construction period.</p>	Highways England is not in a position to to be able to provide funding for a technical officer - see response to RR-003f
	Sustainable and Public Transport	
RR-003q	Traffic and Transport welcome the cycle and pedestrian improvements that have	Noted.

	<p>been incorporated into the scheme design. It is important that Highways England continue to liaise with Derby City Council, transport providers and user groups through the detailed design process, to ensure that the best solutions can be incorporated to reduce severance and maximise connectivity for non motorised users and public transport.</p>	<p>During the detailed design, and construction stage Highways England the Contractor's stakeholder liaison specialist will continue to consult with Derby City Council and local stakeholders and residents in this regard.</p>
RR-003r	<p>Traffic and Transportation would like to explore any channels of funding available within Highways England, through a business case, for funding. This is to support behavioural change initiatives prior to scheme construction to reduce the demand for car travel on the road network across Derby. We would welcome the support of the A38 Junctions Project Team in exploring any funding opportunities available.</p>	<p>The A38 Behaviour Change Group has been meeting quarterly and Highways England has been represented by their Consultant. The quarterly meeting, scheduled for Tuesday 8 October 2019, was cancelled because Highways England's project team were attending the Preliminary Meeting and first hearing for the DCO application. Highways England is happy to consult with Derby City Council on the traffic management but is not in a position to be able to provide any financial assistance as part of the Scheme. There is an opportunity to apply for additional funding for a behavioral change initiatives through Highways England's designated funds. Highways England will work with Derby City Council to develop a business case however, additional funding is not guaranteed.</p>
	<p>Traffic Regulation Measures and stopping Up</p>	
RR-003s	<p>It is noted that under Part 2, Schedule 13 of the DCO application, that any works on the local highway network had to be done to the satisfaction of the Highways Authority. Some areas appear to be being 'Stopped up' or have the links to the Highways severed. Consideration should be given to the formal stopping up process, land</p>	<p>The stopping up and remaking of rights of way will be controlled by the DCO, see article 16 and Schedule 4 (N.B. there is no Schedule 13 in the dDCO). Following the stopping up of the links to the existing A38 the land ownership remains largely unchanged as these specific areas are owned by either Highways England or DCiC.</p>

	<p>ownership after stopping up and utility services that may be affected. In addition, if roads are being stopped up within Highway England's ownership, which tie into the DCC maintained highway, there are some instances where Derby City Council will left with a 'stub end'.</p>	<p>Where statutory undertakers have plant and equipment within the sections of stopped -up highways, Highways England will ensure appropriate provisions are made for the services within areas. Where 'Stub Ends' are generated as a result of stopping up, the intention is for DCiC to continue maintenance of these following the completion of the works. The reason for the stub ends remaining is to maintain the right of access from the highway to certain adjoining residential properties. The detailing and finishing of these areas will be agreed during detailed design with DCiC.</p>
RR-003t	<p>Please give consideration to the following points relating to Traffic Regulation Order (TRO) measures:</p> <ul style="list-style-type: none"> • A5111 from Uttoxeter New Road junction to in advance of A38 roundabout is subject to No Waiting at Any Time as of 28th January 2019. This replaced No Stopping (Rural Clearway) (At Any Time) (Carriageway Only). • TRO details for A5111 hospital egress. • Ashbourne Road is subject to No Waiting Mon-Fri 8am-6pm, No Waiting at Any Time may be more appropriate to accommodate the changes. • Ashbourne Road bus stops nearest to the proposed splitter island are likely to affect the flow of traffic. If it is considered necessary to relocate the 	<ul style="list-style-type: none"> • Prior to the drafting of the draft DCO document DCiC were approached to provide all Traffic Regulation Order information for the affected roads surrounding the A38 Derby Junctions Scheme to obtain the information to draft the associated TROs. At the time of drafting Highways England was not aware of this change. Liaison with DCiC will continue in order to rectify this through the examination process to address the changes. • A number of TROs are to be varied and revoked, as per article 14(7) and Schedule 3 of the dDCO. Other TROs required as part of the Scheme will be put in place as per the process set out article 19. As part of this process, the traffic authority will need to give its consent to the use of this power. If no consent is given to Highways England deemed consent is given after 28 days of being notified of a proposed change. As such, any change to the A5111 hospital egress, will be drafted and consulted on at the appropriate time prior to implementation. • Ashbourne Road restrictions are noted. Further consultation will be undertaken with DCiC during the examination process.

	<p>bus stops there will be sections of road unrestricted.</p> <ul style="list-style-type: none"> • Ashbourne Road is currently subject to 30 mph. • Sutton Close right turn on to Ashbourne Road. • It is necessary for Derby city Council to maintain an up to date map based system, therefore we would need to be notified of all the changes relating to Traffic Regulation Orders 	<ul style="list-style-type: none"> • Ashbourne Road bus stop issue is noted. As yet the final position of all Bus Stops and associated Road Markings has not been finalised. The final positions for these items will be completed during the detailed design stage. • Ashbourne Road speed limit is noted. The Scheme seeks to extend the existing 30mph speed limit from the east of Markeaton Roundabout across the junction to the west beyond the new proposed Markeaton Park access junction, replacing the current 40mph speed limit. • The Scheme proposes to reposition the Sutton Close access to allow left and right turn access and egress from the close. • When the TROs are drafted the details will be discussed and agreed with DCiC.
RR-003u	<p>The comments bullet pointed above are not exhaustive. Again, it is assumed that as set out in Part 2, Schedule 13 of the DCO application that Derby City Council will be technically consulted further on the traffic regulation measure as the scheme moves through the design process.</p>	<p>Noted and please see response to RR-003t.</p>
	<p>Derby City Roadside NO₂ Scheme</p>	
RR-003v	<p>As you are aware we have a ministerial direction to implement a scheme to tackle predicted nitrogen dioxide exceedances identified in Stafford Street in Derby. We are required to implement the scheme in the shortest possible time and then maintain compliance. As previously stated in our discussions with Government about the roadside NO₂ project, the Council still wishes to see the A38 scheme taken</p>	<p>Responding to the 'once opened' point first, it is the case that Stafford Street in Derby is on the west side of the inner ring road. The A38 between Little Eaton and Kingsway junctions forms the north and west quadrants of Derby's outer ring road. Once the improved junctions are opened, trips that are currently using the inner ring road (including Stafford Street) will no longer be deterred from using the A38 route instead. Thus, the effect of the Scheme, once opened, will be to reduce traffic flows on Stafford Street, with a resultant improvement in air quality. It is noted that one of Derby City Council's suggested early options (discussed with Government) to reduce nitrogen dioxide (NO₂)</p>

	<p>forward as soon as possible for valid transport reasons and not delayed. However, the A38 Derby junctions Scheme, both during construction period and once opened, needs to ensure that it does not put the ability of the Council to achieve and maintain NO₂ compliance at risk.</p>	<p>levels in the city was to build the A38 Derby Junctions project in the shortest time possible.</p> <p>Both Derby City Council’s traffic and air quality modelling and Highways England’s traffic and air quality modelling agree that the A38 Derby Junctions project, once opened to traffic, would reduce the NO₂ levels on Stafford Street due to a decrease in traffic flows (refer to Environmental Statement (ES) Chapter 5: Air Quality [APP-043]).</p> <p>In respect of the NO₂ compliance point, during the Scheme construction period there is a risk that construction works on the A38 could deter traffic from using the A38 and cause some drivers to reroute onto the Derby inner ring road (including Stafford Street). The key to minimising this risk to Derby City Council’s NO₂ compliance area is to ensure that traffic delays are kept to a minimum along the A38 route during Scheme construction. Actions to achieve this include: a) maintaining three north-to-south running-lanes through the temporary traffic-signalled Markeaton junction; and b) banning some of the right-turning movements at the Markeaton junction during these critical traffic management phases. Highways England is aware of the air quality risks during the construction phase and thus has traffic modelled three of the more critical traffic management phases in detail.</p> <p>These three scenarios indicate that traffic flows in Stafford Street could change slightly during construction with changes expected of between a decrease in flows of around 500 vehicles per day and an increase of around 60 vehicles per day (refer to ES Chapter 5: Air Quality – refer to para. 5.8.9). In terms of air quality, such traffic flow changes would either be imperceptible or result in a small improvement in concentrations. However, traffic flows in Stafford Street could be controlled by adjusting the timings of traffic signals in the city centre</p>
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		<p>which is part of the traffic management system that will be introduced by the City Council as part of its measures to improve air quality in Stafford Street.</p> <p>Given the above, Highways England is very mindful of Derby City Council’s proposals to tackle nitrogen dioxide exceedances in Stafford Street. With the actions proposed, construction and operation of the Scheme will not affect the Council’s ability to achieve and maintain NO₂ compliance in Stafford Street.</p>
	<p>Land Drainage</p>	
<p>RR-003w</p>	<p>On Land Drainage grounds there are the following detailed points raised: General comments 1. 3.1.2 – NPSNN paragraph 5.115 states “Applicants should seek opportunities to use open spaces for multiple purposes such as amenity, wildlife habit and flood storage uses. Opportunities can be taken to lower flood risk by improving flow routes, flood storage, flood storage capacity and using SuDS”. 2. Whilst it may be difficult to accommodate additional flood storage within the confines of the scheme there are significant opportunities upstream of the Kingsway Island. There is a large area of public open space where natural flood risk management techniques could have been used to slow runoff, reduce flood risk to the scheme and the urban areas within the city and provide environmental improvements.</p>	<p>1. Noted. Where it has been possible, the opportunity has been taken to use open space within the drainage and flood risk provisions for other purposes such as amenity and wildlife habitat enhancements. Details regarding of how the Scheme aligns with the National Policy Statement (NPS) are detailed in Planning Statement and National Policy Statement Accordance Table [APP-252].</p> <p>2. At Kingsway junction, the Scheme design includes a flood storage area within the new junction, plus three flood storage areas adjacent to Bramble Brook within the Kingsway hospital site. These flood storage areas will not only provide flood mitigation, but also new wildlife habitats. In addition, a perimeter footpath (with occasional seating) will be provided around the flood storage areas within the Kingsway hospital site which will be available for use by local residents.</p> <p>Placement of flood storage areas and natural flood risk management features within Mackworth Park public open space were considered but would not be as effective as the measures included in the Scheme design as described above. In addition, placement of flood management features within the area of public open space may have required the provision of replacement public open space.</p>

		<p>With regard to downstream flood effects, as a result of the Scheme, flow reductions would be achieved downstream of the junction due to the reduced culvert size through Kingsway junction and the provision of the flood storage areas. It is considered that the Scheme would have a benefit on downstream flood risk for Derby, although these benefits are likely to only be seen during extreme events (refer to Appendix C in the Kingsway junction Flood Risk Assessment in Environmental Statement (ES) Appendix 13.2A [APP-229]). It is thus considered that the Scheme would have a slight beneficial effect (not significant) on downstream flooding, and no negative effects.</p>
RR-003x	<p>Markeaton Junction FRA</p> <p>1. Fluvial Flood Risk. At Markeaton Junction, the fluvial flood risk has only been briefly considered. I would have expected to see reference to the EA fluvial flood model. It is accepted that this model does not predict fluvial flooding over the A38 but outputs from the model should have been included in the FRA. We have concerns about the flood risk in this catchment as the fluvial model does not predict the flooding recorded on Markeaton Lane. See detailed comments on combined flood risk below.</p> <p>2. We agree with the assessment that the Markeaton Brook catchment could have periodically high groundwater. We also now believe groundwater may play a significant part in the flooding mechanism in this catchment. There appears to be no further assessment of this.</p>	<p>1. A Flood Risk Assessment (FRA) for Markeaton junction was prepared and submitted with the Environmental Statement (ES) Appendix 13.2B [APP-230]. Highways England considers that the FRA provides an appropriate report on the flood risk at the junction and that the measures it proposed will protect the Scheme and ensure that flood risks in the area will not increase. It is noted that the Scheme would not require any changes to the existing culverts under the A38 as associated with the Markeaton Lake culvert and the Middle Brook culvert.</p> <p>2. The FRA indicates that within the catchment there is an overall high risk of groundwater flooding. In order to appropriately protect the Scheme, groundwater would be excluded from the new underpass using a secant form of pile construction, combined with a water excluding reinforced concrete base slab. As detailed in ES Chapter 13: Road Drainage and the Water Environment (para. 13.10.14) [APP-051] construction of the underpass has the potential to form a barrier to groundwater flow. However, the groundwater flow direction within the area is eastwards towards Markeaton Lake and Markeaton Brook. This is parallel to the alignment of the underpass such that groundwater</p>

	<p>3. The secant piles have the potential to cut off groundwater flows through the alluvium which could increase flood risk upstream it must be demonstrated that adequate groundwater flows can be maintained through the scheme.</p> <p>4. Given the regularity of the flooding within this catchment we are now coming to the conclusion that it is a combination of fluvial, surface water and possibly groundwater that could cause flooding in this catchment.</p> <p>5. Surface water flood risk at the Markeaton junction. The surface water flood outlines have been reproduced however there is no consideration of the 1 in 100 plus climate change event (which given the new revise climate change allowances) may have the potential to flood the A38 and possibly into the underpass. I would have expected to see this event modelled and assessed.</p> <p>6. I would have expected a more detailed consideration of exceedance events given the vulnerability of the underpass.</p>	<p>flows would not be obstructed by underpass construction and thus long-term significant effects on groundwater flows would be avoided (neutral effects).</p> <p>3. Refer to the response above. Given that significant effects on groundwater flows would be avoided, the Scheme construction is not anticipated to result in any upstream increases to flood risk.</p> <p>4. Noted. The proposed Scheme is not expected to have any impact on existing patterns of fluvial or pluvial/ surface water flooding. The proposed drainage has been designed to mitigate against any increased risk associated with sewer flooding or surface water flooding on the highway.</p> <p>5. The surface water flood risk map shows the risk from a 0.1% AEP pluvial event, which is likely to be similar to the 1% AEP plus climate change pluvial event. It is considered that this therefore provides a sufficient summary of risk. As detailed in the Markeaton junction FRA, the Scheme design includes the provision of highway run-off attenuation features which would control surface water run-off to appropriate run-off rates, taking into account a 40% allowance for climate change. Therefore, the Scheme drainage design includes measures that will appropriately control surface water flooding on the Scheme underpass (noting that the drainage design includes a pumping station adjacent to the southbound diverge slip road to pump highway runoff from the mainline cutting).</p> <p>6. As detailed above, the Scheme drainage design includes appropriate measures to protect the Scheme underpass from flooding.</p>
RR-003y	Kingsway Junction Flood Risk Assessment	

	<p>1. The Flood Risk Assessment for the Kingsway junction appears more robust than the Markeaton Junction which is welcomed. As the model has the sewer network, the known watercourse network and also considers surface runoff I believe the approach taken here considers most flood risks. The baseline model provided by DCC for the project assumed a saturated catchment based on our local knowledge of the site, where standing water in the catchment just upstream of the A38 is often noted. This was also adopted as a method of considering the high groundwater levels that believed to exist in the area. (see comments on groundwater) I would therefore question the return to more normal dryer catchment perimeters.</p> <p>2. Groundwater. The British Geological Survey has now made its groundwater flooding data available and this gives a very high risk of groundwater flood flooding in small areas of the catchment in the immediate vicinity of the Junction. (See comments on the model in 1 above)</p> <p>3. I would recommend consideration of the exceedance event and blockage in order to understand risks and also inform maintenance procedures.</p>	<p>1. It is acknowledged that standing water in the 'catchment' (assumed to be referring to Mackworth Park) just upstream of the A38 is 'often' noted. However, nothing more than anecdotal evidence for this has been found. Furthermore, it does not follow that the full contributing area of Mackworth Park is saturated, hence the reduction in modelled proportion of runoff. The argument for reducing the runoff proportion is supported by the associated hydrological analysis presented in the Appendix C (Technical Note on the A38 Kingsway Hydraulic Model Update) in the Kingsway junction Flood Risk Assessment (FRA) (ES Appendix 13.2A [APP-229]), which concluded that the flows being generated by the saturated catchment are far in excess of what might be expected in 'design' conditions.</p> <p>2. It is understood that the BGS groundwater flood maps are susceptibility maps and do not show likelihood; therefore, they are difficult to incorporate into the assessment based on design conditions. Small areas of groundwater flooding may locally affect runoff, but usually follow prolonged periods of sustained rainfall, which in turn do not give rise to 'design' conditions for assessment of the Scheme (as per the above comment).</p> <p>3. The flood risk assessment has considered exceedance events (modelling the 1% AEP event with 40% climate change allowance), whilst the drainage design also accommodates 40% climate change allowance. With regard to blockages and maintenance procedures, these issues will be considered further during the detailed design stage, in consultation with the highway maintaining agent (Highways England).</p>
	<p>Drainage Strategy</p>	

<p>RR-003z</p>	<p>PCF Road Drainage Strategy results in the following comments to: -</p> <p>1. It should be noted that the A38 as it stands increases the flood risk in Derby as it has an unrestricted discharge to watercourse. Both the Markeaton Brook and the Bramble Brook flow through the city centre which is predicted to flood on a 1 in 30 year event.</p> <p>2. The NPPF and the NPSNN both indicate that the project should look to lower flood risk. The Planning Practice Guidance makes reference to “Sustainable Drainage Systems Non-statutory technical standard for sustainable drainage systems” published by DEFRA which indicates that “Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface waterbody in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.”</p> <p>3. Point 1 and 2 above give the reason we asked that all drainage systems should be limited back to Greenfield runoff rates.</p>	<p>1. Noted. Where possible, attenuation features have been included for up to and including 100 year +40% climate change (as previously requested by Derby City Council). However, where this has not been feasible, the affected catchments are restricted to the existing discharge rate, ensuring no detriment in terms of downstream flood risk.</p> <p>2. Noted. Where it has been possible, the opportunity has been taken within the drainage and flood risk provisions to lower flood risks. Details regarding how the Scheme aligns with the National Policy Statement (NPS) are given in the Planning Statement and National Policy Statement Accordance Table [APP-252]. The preliminary design allowable discharge rates have been calculated using the greenfield runoff rate for the new impermeable areas as agreed with DCiC and restricted to ensure betterment over the existing situation for the site. This same philosophy will be adopted come detailed design.</p> <p>3. Noted.</p> <p>4. The drainage strategy is a high-level document. A preliminary design has been undertaken to inform the drainage strategy, ensuring enough land take at the DCO stage. Detailed comparison of existing and proposed flow rates will be provided during detailed design to the LLFA demonstrating how the commitments within the strategy have been achieved.</p> <p>5. The existing discharge rates have been calculated using the modified rational method, due to none or very limited information known about the existing drainage. During detailed design, a drainage survey will be</p>
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	<p>4. I would have expected to see a table showing the existing discharge rates for all the junctions as they existed compared to the proposed discharge rates in the final scheme. This would have allowed an assessment of the overall effects on the scheme on the discharge to the various watercourses.</p> <p>5. There should be calculations provided to show how the existing discharge and proposed discharge rate were derived.</p> <p>6. It is difficult to compare the drainage calculations provided with the drawing as there are no titles on the calculation or pipe and node reference on the drawings.</p> <p>7. As present it difficult to make a detailed assessment of the drainage system but it appears that the proposals may only provide enough attenuation to ensure there is no increase in flood risk but no or very little betterment.</p> <p>8. The proposal to design the collection systems (kerb drainage systems and gullies) to the 1 in5 year event will result in exceedance of the system for storms in excess of this. This will lead to water cascading along the highway to the lowest point presumably the underpasses. I am concerned that this could put undue pressure on the drainage systems in the</p>	<p>undertaken to obtain missing information so that existing networks can be modelled using the 'MicroDrainage' software package. Microdrainage calculations have been undertaken to ensure the validity of the preliminary design. At detailed design a copy of the calculated existing discharge rates will be included. There will be continual discussions with DCiC during the next design stage.</p> <p>6. Pipe and node references will be included on the drainage general arrangement drawings at detail design stage.</p> <p>7. Betterment has been provided within the drainage strategy and preliminary design through the specification of attenuation features and restricted discharges (where possible). Comparison tables will be supplied at detailed design. There will be continual discussions with DCiC during the next design stage.</p> <p>8. The highway drainage network will be designed in accordance with HD33/16. Flood flow analysis will be undertaken as part of detailed design to ensure there is no flooding of third-party land for events up to and including the 100 year + climate change (CC) event. At Markeaton the largest kerb/drainage units (CKDs) have been included within the simulation to allow for climate change and a maintenance factor. There will be continual discussions with DCiC during the next design stage.</p> <p>9. Noted. This will be reviewed at detailed design stage. The runoff rate is attenuated back to greenfield run off rate, as agreed with Derby City Council. Discharge rates will not exceed the existing situation.</p>
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	<p>underpasses and has the potent. The NPPF requires flood routing to be considered where the drainage network can flood in the design flood event (1 in 100 year plus climate change). The impacts of this event should be considered if the 1 in 5 year standard is maintained.</p> <p>9. We would ask that very careful consideration is given to discharge rates to the Mill Pond system. The pond is forded by a dam which is predicated to over top on the 1 in 30 year event. The dam failed in 1977 contribution to flooding downstream. Although the system is now regularly inspected by a Reservoir Inspector the system is still considered vulnerable</p>	<p>General Note: Derby City Council will continue to be consulted throughout the drainage detailed design process as detailed in Requirements 13 and 14 of the dDCO.</p>
	Water Treatment	
RR-003aa	<p>NPPSN Paragraph 3.5 states that “Government policy is to bring forward targeted works to address existing environmental problems on Strategic Road Networks and improve the performance of the network”</p>	<p>Noted. Where it has been possible, the opportunity has been taken within the drainage and flood risk provisions to lower flood risks. Details regarding how the Scheme aligns with the National Policy Statement (NPS) are detailed in the Planning Statement and National Policy Statement Accordance Table [APP-252].</p>
RR-003ab	<p>Silt loading in the Markeaton Brook has been a problem for the city for many years. The Council undertook the desilting of the main Markeaton Brook Culvert in 2001. These were extensive works that required the use of excavators operating along the 1.3km culvert. Highways England also undertook works to desilt culvert connecting</p>	<p>Noted.</p>

	<p>the Markeaton Lake and the Mill Ponds in 2017. DCC undertook further works in 2018 in partnership with the Environment agency using European Regional Development Fund money to remove silt from the Markeaton Brook in various areas between Ford Lane and the A38.</p>	
RR-003ac	<p>The Mill Ponds and Markeaton Lake are impounded water features and are therefore very susceptible to the quantity of the water that discharges to them.</p>	<p>Noted. The Scheme drainage design includes features that will appropriately control and manage surface water discharges into Mill Ponds (no surface water discharges are to be made to Markeaton Lake). Features included in the Scheme drainage design are detailed in Environmental Statement (ES) Chapter 13: Road Drainage and the Water Environment, Section 13.9 (refer to para. 13.9.3) [APP-051].</p>
RR-003ad	<p>Given the Government Policy drives and the issue with silt loading in the Markeaton Brook I would ask that all outfalls within the project have some form of water treatment within the system. It currently appears that not all systems within the scheme have treatment provided.</p>	<p>As described in Section 4.3 of the Drainage Strategy (refer to ES Appendix 13.4 [APP-234]), attenuation features (that assist in the removal of silt) have been incorporated into the highway surface water drainage design at Markeaton junction where feasible and practicable to do so. The provision of attenuation is anticipated to result in betterment over the existing situation where silt-laden highway runoff discharges directly into the watercourse.</p> <p>The preliminary drainage design conforms to the requirements of HD49/16, HD45/09 and advice within HA 103/06.</p> <p>Risk Assessment information for water quality assessment applicable for this preliminary design stage has been provided in Volume 6.3, Appendix 13.1 of the ES [APP-228]. The Highways England Risk Assessment Toolkit (HAWRAT) assessment methodology has been developed by HE in conjunction with the EA. The final choice of system will be determined during detailed design following detailed risk analysis and consultation with the DCiC/EA. It is during the detailed</p>

		<p>design stage of the project that quantitative information will become available to enable this consultation. The detailed drainage design will utilise existing drainage treatment measures (to be confirmed via a drainage survey) and geotechnical information to ensure all drainage attenuation are designed adequately to suit the ground conditions.</p> <p>HE has confidence in the assessment methodology utilised to assess pollution and contamination risk as this has process has been developed with and endorsed by the EA. In addition, the Groundwater Risk Assessment in Volume 6.3, Appendix 10.1 of the ES [APP-222] has been submitted to the EA for final review.</p> <p>In addition to the treatment that the proposed SuDS features provide, penstocks are to be located at the inlet of the basins which will provide a cut off in the event of spillage, containing the liquid within the highway drainage network and road. Carrier drains have been proposed in lieu of filter drains to enable this containment.</p> <p>The HAWRAT assessment will be reviewed, and the DCiC/EA consulted, should any new information or analysis indicate the potential for changes to the currently identified environmental risks. Measures in excess of the minimum stated in HD45 may be required in line with HD33/16.</p>
RR-003ae	<p>In terms of our local internal consultation process this letter brings forward all those responses received in the relatively tight timescale available.</p>	<p>Noted</p>
AS-017	<p>DCiC Conservation officer comments (dated 23.09.19)</p>	

AS-017a	<p>In terms of the works to the Darley Abbey part of the DVMWHS and looking at the figure 2.10 I think that there is scope to lessen the groundworks and therefore the impact on these fields. They currently form an important part of the agricultural fields which are part of the OUV (Outstanding Universal Value) of the Derwent Valley World Heritage Site and this was proved under the recent public inquiry and the appeal that was dismissed. I am concerned that if these earthworks were undertaken which would have serious damage of the DVMWHS in this area, be contrary to the DVMWHS Management Plan, our Local Plan policies CP20 and AC9 and have a severe negative impact on the DVMWHS OUV.</p>	<p>Environmental Statement (ES) Figure 2.10 [APP-066] shows the proposed floodplain compensation area to the west of the River Derwent. The area is required in order to compensate for the volume of floodplain lost due to Scheme construction. Provision of appropriate floodplain compensation is deemed to be essential mitigation, as required by the Environment Agency. As part of the detailed design Highways England will aim to minimise the groundworks requirements, whilst ensuring that full compensation is provided. The landform design has been developed with input from landscape, ecological and cultural heritage specialists with the aim that it creates a naturalistic profile that blends in with the surrounding valley profile, as well as enabling the land to be returned to agricultural use. Works to create the compensation area would be undertaken at the start of the Scheme construction phase, with the excavation works taking approximately 10 weeks to complete. Following completion of the excavation works, the re-profiled land would be reinstated as grassland and returned to the landowner for continued agricultural use. Following re-establishment of agricultural grassland, it would not be apparent that any works had taken place on the site.</p> <p>Highways England is aware of the recent public inquiry findings regarding impacts upon the World Heritage Site (WHS), however this related to a new permanent housing development to the south of Palm Court junction and is thus not comparable to temporary works as proposed by the Scheme that would leave no discernible trace.</p> <p>The potential effects of the floodplain compensation area, and the wider Scheme, on the OUV (Outstanding Universal Value) of the Derwent Valley World Heritage Site has been assessed in ES Chapter 6 [APP-044], taking into account the findings of the Heritage Impact Assessment (HIA) [APP-173] (ES Appendix 6.1) undertaken in</p>
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		<p>accordance with ICOMOS guidance. The HIA concluded that “<i>The effect of the Scheme on the overall OUV of the Derwent Valley WHS, taking into account the mitigation measures embedded within the Scheme design and that the Scheme is concerned with a small section of the overall WHS, is assessed as Slight adverse (i.e. no more than a Negligible impact upon an asset of Very High value). The Scheme is, therefore, considered to align with the aims and policies outlined in the WHS Management Plan. It also aligns with national planning policy set out within the National Planning Statement for National Networks (NPSNN) and the National Planning Policy Framework (NPPF)</i>”. As such, we disagree with the statement that the proposed floodplain compensation area would have a severe negative impact on the DVMWHS OUV.</p> <p>This conclusion is consistent with the consultation response received from Historic England in relation to the DVMWHS. As stated in ES Chapter 6, Tables 6.7 & 6.8 [APP-044], it is the opinion of Historic England that there is unlikely to be a significant effect on the OUV of the WHS. Specific advice on the flood compensation area from Historic England stated that the area should be blended back into the landscape and spoil heaps should not be left over. This advice has been incorporated into the Scheme design.</p> <p>There remains flexibility in the design of the flood compensation area slopes in order to make them more organic – as such, we would be happy to work with the applicable heritage statutory consultees (including DCiC) during the floodplain compensation area detailed design in order to create a suitable profile.</p>
AS-017b	I note in the information they have referenced the comments we have made on the boundary stone walls, piers and	Impacts upon Markeaton Park and the associated boundary wall are detailed in ES Chapter 6 Section 6.15 [APP-044], taking account of the mitigation measures are detailed in ES Section 6.14, namely that “A

	<p>gates at Markeaton Park but I cannot find any reference on whether these can be avoided in terms of impact or at least stone reused in the detailed design. I suggest retaining and reusing material in the detailed design will enable to retain some local distinctiveness in this area.</p>	<p><i>section of the Markeaton Park boundary wall would be impacted by the Scheme – this would be carefully dismantled and rebuilt on a new alignment that is sympathetic to the significance of Markeaton Park</i>". The section of wall affected is that located at the existing park exit, which would be converted into an entrance/ exit. As such, stone from the impacted parts of the park boundary wall would be retained and reused to create the new boundary.</p>
<p>AS-017c</p>	<p>Markeaton Junction</p> <ul style="list-style-type: none"> • Markeaton Park is a heritage asset and the stone walls that enclose the park are an important part of the enclosure of the park. I suggest that as much of the wall is retained in the original location as possible. If any walls are to be affected by this proposal I suggest that the stone is reused and the location where it is to be reused agreed. • The Heritage Lottery gave a grant for the park including the relocation of the original park gates and railings to a low wall to adjacent to Ashbourne Road. I suggest these are kept in this location. • I suggest part of the character of this part of the park is its tree cover. I suggest that any loss of trees should result in appropriate tree planting in an agreed location. 	<ul style="list-style-type: none"> • Details regarding the heritage importance of the Markeaton Park boundary wall are detailed in ES Chapter 6 (refer to para. 6.9.33) [APP-044]. As detailed in Section 6.14, the section of the Markeaton Park boundary wall which would be impacted by the Scheme would be carefully dismantled and rebuilt on a new alignment that is sympathetic to the significance of Markeaton Park. The Outline Environmental Management Plan (OEMP) [APP-249] states that: “<i>The main works contractor shall ensure that Markeaton Park boundary wall is carefully dismantled and rebuilt on a new alignment according to an approved design that is agreed with the DCiC conservation officer</i>”. It is noted that the OEMP is a Requirement of the draft DCO. The DCiC conservation officer has requested that a Method Statement is prepared covering the Markeaton Park boundary wall relocation and reconstruction details (e.g. mortar details etc.). Such a Method Statement will be prepared (forming part of the contractor’s Construction Environmental Management Plan (CEMP)), which will be discussed and agreed with the DCiC conservation officer. The Method Statement will also consider the relocation and reconstruction details associated with the Deaf School boundary wall. • As detailed in ES Table 6.11 [APP-044], the renovated park gates and pillars at Markeaton Park (heritage asset A155) would not be affected by the Scheme construction works, although construction activities would take place in close proximity. As detailed in ES Chapter

		<p>6, Table 6.11 mitigation would entail “<i>Protective fencing to ensure that the gates and pillars are not damaged during construction activities</i>”. Such measures are also stated in the OEMP which are subject to consultation with the DCiC conservation officer.</p> <ul style="list-style-type: none"> • Appropriate landscape planting would be provided along the Scheme to mitigate for the loss of any trees, provide ecological mitigation and integrate the Scheme into its surrounds (refer to landscape design drawings (ES Figures 7.8A-C) [APP-094]). As illustrated in the landscape drawings, replacement shrub and tree planting would be undertaken along the Scheme boundary with Markeaton Park and will be secured through the OEMP/CEMP and landscape scheme to be submitted to the Secretary of State for approval as part of requirement 5
AS-017d	<p>Little Eaton Junction</p> <ul style="list-style-type: none"> • My main concern at this junction is the flood compensation storage area which is located within the Derwent Valley Mills World Heritage Site. This is near to an area (North Avenue Planning Public Enquiry) where there was a proposal for housing which was refused and dismissed at public enquiry. <p>The character of this area, and its rural nature, is very sensitive. The proposal would have a harmful impact on the OUV of the DVMWHS. I strongly suggest that other locations outside of the WHS and its buffer zone are looked at if this is needed.</p>	<p>As detailed in ES Chapter 3: Scheme History and Assessment of Alternatives, Table 3.10 [APP-041], a total of 13 locations for floodplain compensation have been subject to evaluation. The appraisal indicated that the location to the west of the River Derwent was the only option assessed that was able to adequately provide floodplain compensation on a like for like basis. Given that this location is within the Derwent Valley Mills World Heritage Site (WHS), this option was only taken forward for inclusion within the Scheme design on the basis that the landform created by excavations could be naturalised, such that it would not have a significant effect on the WHS. It is not considered possible to find another location for the floodplain compensation area that is outside the WHS given that the WHS traverses the River Derwent.</p> <p>As detailed above, the layout of the proposed floodplain compensation area has been defined such that following completion of the works, the</p>

		<p>area would retain its rural character. The Heritage Impact Assessment (HIA) included in ES Appendix 6.1 [APP-173] provided a detailed analysis of the Scheme effects upon the OUV of the Derwent Valley Mills WHS. Two visualisations of the floodplain compensation area from the Derwent Valley Heritage Way are provided in the HIA Appendix 1 and illustrate that following reinstatement of grassland, creation of the floodplain compensation area would not have a discernible effect on the surrounding landscape. The HIA concluded that the Scheme would have a slight adverse effect on the WHS (i.e. no more than a Negligible impact upon an asset of Very High value). The Scheme is, therefore, considered to align with the aims and policies outlined in the WHS Management Plan and with national planning policy as set out within the National Planning Statement for National Networks (NPSNN) and the National Planning Policy Framework (NPPF).</p>
RR-004	Derbyshire County Council	
RR-004a	<p>The representation below, primarily focusses on the implications for DCC of the Little Eaton Junction improvement scheme, which is located within the administrative area of Derbyshire. DCC considers that the A38 junctions scheme, particularly relating to the Little Eaton junction element of the scheme, is broadly in accordance with the policy principles of National Policy Statement for National Networks (NPDNN), National Planning Policy Framework (NPPF) and Erewash Borough Core Strategy (EBCS) and the vision and objectives of the Derbyshire Local Transport Plan (LTP).</p>	Noted

RR-004b	The scheme would be likely to generate significant economic benefits for the area, in providing additional capacity on the network that would help to deliver and facilitate the significant planned housing and employment growth in the Derby City and wider Derby Housing Market Area (HMA) that is set out in the three Local Plans for the Derby HMA. This capacity would particularly help facilitate the delivery of a number of large strategic housing and employment allocations in the vicinity of the A38 corridor that are set out in the three local plans within and on the edge of Derby City.	Noted and agreed
RR-004c	The A38 improvements would address congestion and delay problems on the existing network and help provide better connectivity between people and jobs across the HMA and provide significant benefits to businesses in being able to transport their goods and services more quickly and efficiently on the network and across the Derby HMA and wider area of the East Midlands providing other economic and social benefits.	Noted and agreed
RR-004d	A detailed assessment has been carried out by DCC of the potential environmental impacts of the scheme, especially the Little Eaton junction improvements. This assessment has concluded that the	Noted and agreed

	scheme would not constitute inappropriate development in the Green Belt, particularly as there is a clear need for the scheme to be provided within a Green Belt location.	
	Concerns have been expressed, however, about the current design of the scheme and the extensive embankment that carries the A38 across the floodplain of the River Derwent and its impact on the landscape and landscape character of the area and consequential impacts on the open character of the Green Belt and Outstanding Universal value (OUV) of the Derwent Valley Mills World Heritage Site (DVMWHS). DCC considers that the scheme could be significantly improved if it incorporated an elegant viaduct to carry the improved A38 across the floodplain. This would be likely to reduce the visual impact on the openness of the Green Belt, landscape and landscape character and OUV of the DVMWHS.	It is considered that the Scheme design for Little Eaton junction adequately mitigates the Scheme effects on the visual impact on the openness of the Green Belt, landscape and landscape character and Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site (DVMWHS) (refer to the Heritage Impact Assessment provided as Appendix 6.1 in the Environmental Statement (ES) [APP-173]. If the A38 mainline at Little Eaton junction was placed on a viaduct it is considered that the design would be more urban in nature and reduce opportunities for landscape planting, thus reducing the potential to integrate the Scheme into the surrounding landscape, whilst also significantly increasing Scheme costs.
RR-004e	Some issues have been raised on flood risk requiring further clarification from the applicant.	Noted See RR-003 w, x, y and z above in response to comments made by, and responses given to, DCiC.
RR-004f	The likely highway impacts of the scheme have been assessed by DCC's officers based on the applicant's Traffic Impact Assessment, who are satisfied that the proposed scheme would operate	Noted

Responses to Relevant Representations

	<p>satisfactorily and journey times would improve as a result of the Scheme. 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, which requires clarification from the applicant.</p>	<p>Highways England has carried out further assessment work on the existing bridge and, at the time of writing, is confident that the structure will be able to carry a 40T vehicle if the bridge is restricted to one-way traffic flow. Further discussions will take place with the County Council before this is finalised and negotiations will be progressed in this regard as part of the SoCG process.</p>
RR-004g	<p>Archaeological and ecology impacts are considered to be minimal and appropriate investigation and survey work has been carried out by the applicant to ensure that these impacts have been properly assessed and appropriate mitigation proposed.</p>	<p>Noted</p>
RR-005	Environment Agency	
RR-005a	<p>The Environment Agency has undertaken extensive pre application work with Highways England and their appointed consultants in respect of the matters of flood risk and biodiversity.</p>	<p>Noted and agreed</p>
	1.0. Flood Risk	
RR-005b	<p>1.1 Having read the Draft Development Consent Order (DCO) in conjunction with the FRA for the Little Eaton junction of the A38 the Environment Agency are satisfied that proposed mitigation measures are robust. The Environment Agency have reviewed and agreed with the hydraulic model outputs for the Little Eaton junction</p>	<p>Noted and agreed</p>

	and the proposed mitigation has been produced in line with the modelled outputs.	
	2.0 . Biodiversity	
RR-005c	2.1 The Environment Agency have reviewed chapter 8, Biodiversity, of the Environmental Statement. We are satisfied that biosecurity has been considered (especially in terms of crayfish plague) and that there will be a management plan put in place.	Noted and agreed
RR-005d	2.2 We are satisfied that ecological monitoring will take place prior to construction including additional surveys, during construction and that there will be a 5 year aftercare period following completion of scheme construction.	Noted and agreed
RR-005e	2.3 We are satisfied that a precautionary mitigation strategy has been proposed for if Water Vole are found within the Dam Brook. We would want to be updated on further survey work undertaken on Dam Brook.	Noted and agreed
RR-005f	2.4 Throughout chapter 8, there is reference to a proposal to create 2 ecological/wildlife ponds (Table 8.15 Standing Water) as part of the Dam Brook realignment. These are also described as backwaters on other pages. We would like to know whether these ponds are going to be online, and whether there is potential for	The proposed ecology ponds at Little Eaton junction (refer to Environmental Masterplan ES Figure 2.12F [APP-068]) would have a downstream connection to Dam Brook to enable success of created habitat in the long term; providing fish refugia and a route for fish to enter and exit in a flood event or if the ponds are drying out. The backwaters would also provide foraging and burrowing habitat for any water vole. Given that the Scheme would result in a net gain with regard to ponds, it is not considered necessary to create additional offline ponds, noting that at Little Eaton junction there will also be two

	offline ponds to be created to benefit different species?	highway runoff attenuation ponds that are anticipated to develop into ecological features.
	3.0 . Fisheries	
RR-005g	3.1 We welcome the opportunity to review the proposed plans for fisheries as part of this NSIP proposal. We have the following comments that will need to be taken into account.	Noted
RR-005h	3.2 Any in-channel works must not be carried out during fish spawning (closed) seasons. In this case we have both salmonids (brown trout) and coarse fish present, therefore both seasons will need to be considered. The closed season for trout is 8th October-15th March and the closed season for coarse species is 15th March-15th June. We would expect the coarse closed season rules to be applied, however the substrate in Dam Brook is unlikely to be suitable for trout spawning. We can assess the situation nearer the time if avoiding works during the trout closed season can't be avoided and ask to be contacted if this situation arises.	<p>Noted and agreed</p> <p>It is noted that the lamprey spawning season (March/ April/ May) would be avoided for the fish translocation in-channel works at Dam Brook. The timing of in-channel works would also need to consider the suitable timing of trapping and translocating water vole (if required). Optimal timing for trapping and translocating water vole is 1st March to 15th April; sub-optimal time is 15th September to 30th November.</p> <p>Suitable timing of fish translocation for Dam Brook has been advised for between July - February (ideally January / February). This is within the closed season for coarse species (15th March to 15th June); however, not trout (8th October to 15th March). As stated, the substrate in the Dam Brook is considered unlikely to be suitable for trout spawning. The approach for the Dam Brook in-channel works would be discussed and agreed with both the Environment Agency and Natural England.</p>
RR-005i	3.3 An additional area to consider when electric fishing and translocating fish is temperature. Trout are especially prone to additional stress in higher summer temperatures, therefore it is recommended to avoid these activities in air temperatures above 18oC if possible. Coarse fish can be	<p>Noted and agreed.</p> <p>Water temperatures would be monitored before any fish translocation takes place.</p>

	a little more tolerant, but it is still best avoided in the interest of fish health and their ability to recover. Ideally the temperature of the donor and receiving waters should be within a couple of degrees of each other to avoid thermal shock to the fish.	
RR-005j	3.4 Before de-watering the channel, all fish must be rescued and translocated in advance. We are satisfied by the method (electric fishing) and that sufficient research has already been conducted to identify suitable relocation sites with similar habitats. The river Derwent supports substantial populations of brown trout and as Dam Brook and Watermeadow Ditch are connected to the Derwent, they are regarded as tributaries and the translocation of trout to the Derwent shouldn't be an issue.	Noted and agreed
RR-005k	3.5 An equipment permit will need to be applied for (from the EA Fish Movements team) before using electric fishing equipment, however a site permit is not required to move the fish. In this instance it would be treated as a fish rescue within the same waterbody.	Noted and agreed
RR-005l	3.6 There is potential for runoff of sediment/silt into the watercourse from operations on the riverbanks. We are satisfied that there is effective water	Noted. Such monitoring and mitigation recommendations will be taken into account during preparation of the Contractor's Water Management Plan which will form part of the Construction Environmental

	<p>pollution prevention control in place to minimise this risk (as illustrated in Chapter 13), however we would recommend a 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. Silt curtains also add 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>Management Plan (CEMP) (to be based on the Outline Environmental Management Plan OEMP) [APP-249]. As detailed in MW-WAT7 in the OEMP 'The main works contractor shall adopt measures to prevent the deposition of silt or other material in any existing watercourse, lake, borehole, aquifer or catchment area, arising from work operations. The measures would accord with the principles set out in industry guidelines, including CIRIA's report C532: Control of water pollution from construction sites, and GPP 5: Works and maintenance on and near water'.</p>
RR-005m	<p>3.7 If at any point during the operation, dead or dying fish are observed, all work must stop immediately. The incident must be reported to the Environment Agency's Incident Hotline (0800 80 70 60) and methodology reviewed.</p>	<p>Noted and agreed</p>
RR-005n	<p>3.8 The Environment Agency would be interested to attend the works when electric fishing and relocation are to take place and ask to be informed when this is to be undertaken.</p>	<p>Noted. The construction contractor will liaise with the Environment Agency regarding electric fishing and relocation plans and programming.</p>
	<p>4.0. Groundwater & Contaminated Land</p>	
RR-005o	<p>4.1. Chapter 10 of the Environmental Statement ultimately suggests mitigation measures in the form of further investigation and remedial measures to reduce the impact on controlled waters from the development. Whilst we have no</p>	<p>Noted</p>

	objection to the principle of this proposal, the chapter summarises the underpinning investigation and assessment reports which are provided in Appendix 10.	
RR-005p	4.2. We have reviewed the Preliminary Sources Study, its associated addendum report, and the Groundwater Investigation Report submitted within Appendix 10, and have a number of comments on the reports, as outlined below.	Noted
	5.0. Preliminary Sources Study	
RR-005q	5.1. This report uses a range of different data sources to characterise the environmental setting in each junction, and potential contamination sources. Table 7.1 presents a Geotechnical Risk Register which highlights contamination risks which need to be further investigated. However it 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.	<p>It is noted that the Preliminary Sources Study Report (PSSR) [APP-224] does not provide a Conceptual Site Model (CSM) as set out in the Environment Agency's CLR11 guidance document. However, the PSSR does identify potential sources of contamination associated with the Scheme that may impact receptors, which includes human health, controlled waters and Scheme infrastructure and does note pathways between the identified sources and receptors. The Geotechnical Risk Register contained within the PSSR also sets out a qualitative assessment of identified contaminant linkages. It is accepted that this information could have been provided in a clearer and easier layout to follow as noted and commented by the Environment Agency.</p> <p>Additional information on the purpose of each exploratory hole location is provided in the Annex A to Preliminary Sources Study [HAGDMS No 28143 (2015)].</p> <p>It should be noted that the following supplementary reports were also prepared for Link Road K2 which cuts through a corner of the historic landfill (Rowditch Tip) at Kingsway:</p>

		<ul style="list-style-type: none"> • PSSR was prepared for the Link Road K2 at Kingsway [Report No: 47071319-URS-08-RP-GE-005 April 2016] [APP-225]; and • Annex A to Preliminary Sources Study Link Road K2 [Report No: 47071319-URS-08-RP-GE-006 April 2016] - to be provided to the Environment Agency.
	<p>6.0. Ground Investigation Report</p>	
<p>RR-005r</p>	<p>6.1. A number of tables within Section 6 of this report summarise data collected from the site investigation, including soil leachability analysis, groundwater quality data, and surface water quality data. The report compares the calculated UCL95 value of the data to a chosen environmental standard. The use of statistical analyses is not always appropriate when site investigations have targeted sources of potential contamination, or for example where the samples have been collected from differing geologies or soil horizons.</p>	<p>In the assessments within the Ground Investigation Report (GIR) [APP-222] Highways England has assumed that groundwater encountered at each junction is all part of the same water body at that particular junction. As an initial tier of assessment this is considered to be a conservative approach. Highways England has taken a similar approach for leachate and surface water where sufficient sample numbers are available. This approach results in UCL95 values which are generally more protective of the main groundwater bodies at each of the junctions.</p> <p>At Kingsway junction monitoring wells were screened in Made Ground (6no); Alluvium (1no) or Mercia Mudstone (7no) - see Table 5.7 of the GIR.</p> <p>At Markeaton junction the wells were screened either in the Alluvium or within the Mercia Mudstone - see Table 5.8 of the GIR.</p> <p>All monitoring wells at Little Eaton junction were screened in the Alluvium, with the exception of BL05 which was screened in the Morridge Formation Mudstone - see Table 5.9 of the GIR.</p> <p>Highways England notes the Environmental Agency's comments and has thus separated out the groundwater chemical data into different groundwater bodies at each junction. Copies of these tables have been</p>

		provided to the Environmental Agency, together with a Tier 1 assessment and a plan showing the location and screened horizon of each determinand recorded at the three junctions.
RR-005s	6.2. In line with CLR 11, (and its new replacement guidance document Land Contamination: Risk Management), Site Investigations should aim to provide additional information on potentially complete pollutant linkages identified in a preliminary risk assessment. Assessment/ interpretation of this data should be made in the context of those linkages.	As noted in Highways England's response to Environment Agency question 5.1, additional information on the purpose of each exploratory hole location is provided in the following documents which has been provided to the Environment Agency: <ul style="list-style-type: none"> • Annex A to Preliminary Sources Study [HA GDMS No 28143 (2015)]; and • Annex A to Preliminary Sources Study Link Road K2 [Report No: 47071319-URS-08-RP-GE-006 April 2016].
RR-005t	6.3. Further, whilst these tables provide a "snapshot" indication of the range of contamination identified, it does not provide an account or description of the spatial distribution of the results.	Please refer to the response to RR-005r.
RR-005u	6.4. We are not confident that all of the data in the screening tables has been assessed (e.g. there are some high concentrations of TPH bands from exploratory hole location BK14). We do not understand why the concentrations of 4-Bromofluorobenzene and Dibromofluoromethane have been provided in the screening table, as we assume these were used as standards during laboratory analysis. The results of analysis should also be submitted as data sheets provided by the laboratory.	Highways England acknowledges the oversight that the determinands 4-Bromofluorobenzene and Dibromofluoromethane were not removed from the assessment tables. BK14 is located (and is screened within fill) within the historic landfill and is screened within fill adjacent to the eastern side of the cutting that will extend through the former landfill. The chemical Data Test Reports from the chemical laboratory are included in the Ground Investigation Factual Report [ESG A6067-16 A38 Derby Junctions Ground Investigation Factual Report on Ground Investigation Issue 3 HAGDMS NO 30195 (2017)] which have been provided to the Environment Agency.

RR-005v	6.5. Given the points that we have raised at this stage in the risk assessment process we will not be providing comment on the controlled waters Detailed Quantitative Risk Assessment until our comments have been addressed. It is worth noting however that a DQRA must have supportive dialogue and justification of the parameters used and the potentially complete pollutant linkage being tested.	See responses to RR-005q and RR-005r.
	7.0. Draft Development Consent Order	
RR-005w	7.1 Requirement 8 within Schedule 2 of the draft Development Consent Order (DCO) makes reference to the production of contamination risk assessment in respect of controlled waters.	Noted
RR-005x	7.2. The actions required given our comments above will be covered by requirement 8, but we would point out that these risk assessments must be produced in line with new Environment Agency webpage guidance "Land Contamination: Risk Management", which can be accessed via the link below: <ul style="list-style-type: none"> • https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks 	Noted and agreed.
RR-005y	7.3. The wording of requirement 8 does not refer to the production of a verification report which provides a record of the remedial activities undertaken, and	In respect of remedial measures, where Highways England considers that remediation is necessary, it has to prepare and submit a written scheme to the Secretary of State for its approval and then undertake

	<p>demonstrates the effectiveness of the remedial measures. This is an essential part of the risk management process and we would recommend that the requirement to produce a verification report should be included within paragraph 8 of schedule 2 part 1 of the DCO.</p>	<p>those approved measures. As such, remedial activities are controlled through this process.</p> <p>It is intended to undertake the earthworks under the CL:AIRE (2016) Definition of Waste: Code of Practice (DoWCoP). It should be noted that a Verification Report will be necessary on completion of the earthworks and/or remedial works to comply with the requirements of DoWCoP. Highways England considers that a verification process including the EA can be included as part of the CEMP process, rather than through an amendment to the dDCO. Highways England will discuss the mechanics of producing a verification report with the EA as part of the SoCG process.</p>
RR-005z	<p>7.4. At this stage in the process it is clear that both the applicant and the Environment Agency agree that location-specific piling risk assessments will be necessary to prevent the potential for pollution of controlled waters during piling. We interpret from the report that these assessments will take place at the detailed design stage, and therefore do not need to be addressed with a requirement on the DCO.</p>	<p>Noted and agreed</p>
	<p>Groundwater Informatives</p>	
	<p>8.0. Human Health Risks</p>	
RR-005aa	<p>8.1. The current proposal involves interfering with historic landfill materials associated with the former Rowditch tip. We understand that a passive gas system is in place for this landfill site, and therefore</p>	<p>Noted and agreed. Highways England has discussed this issue with the Derby City Council (DCiC) Environmental Protection Team (10.10.19) and have agreed that whilst the Scheme works are not anticipated to impact upon the landfill passive gas system on the adjacent site, the construction contractor will liaise with the DCiC during the preparation</p>

	<p>proposals must ensure they do not disrupt this system. The risks associated with the disruption of this system are likely to relate to human health receptors, and therefore we recommend that the Local Authority Environmental Health Department are aware of this proposal.</p>	<p>of their Construction Environmental Management Plan (CEMP) and during the design of the site remediation strategy/ works at Rowditch tip to ensure that the adjacent passive gas system is not impacted or where the landfill materials are to be removed, that the gas venting system is not compromised. Measures to allow landfill gases to vent to the atmosphere will be considered in the detailed design of the Scheme at this location following completion of further ground investigation works.</p>
	<p>9.0. Model Procedures and good practice</p>	
<p>RR-005ab</p>	<p>9.1. We recommend that developers should:</p> <ul style="list-style-type: none"> • Follow the risk management framework provided in Land contamination: risk management, when dealing with land affected by contamination • Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health • Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed • Refer to the contaminated land pages on gov.uk for more information 	<p>Noted</p>

RR-005ac	<p>10.1. The submitted information refers to the potential for dewatering operations during construction.</p> <p>Since 1st January 2018, most previously exempt water abstractions (such as dewatering) require an abstraction licence. Please use the link below for more information on abstraction licences.</p> <p>https://www.gov.uk/guidance/water-management-abstract-or-impound-water#abstractions-that-need-a-licence</p>	Noted and agreed
RR-005ad	<p>11.1. Highways England seeks to disapply various pieces of legislation (Article 3 of the draft Development Consent Order submitted with the application). We are currently considering our position in relation to the legislation which is relevant to the Environment Agency. We will be responding to the applicant on these issues in due course and will provide the Examining Authority with an update. However, at this stage we would advise that Highways England have not incorporated the current version of the Environment Agency's protective provisions within Schedule 9 Part 3 of the draft DCO. This will need to be addressed prior to finalisation of the DCO.</p>	Noted
	12.0. Water Quality (Surface)	
RR-005ae	12.1. After review of chapter 13 of the Environmental Statement, the information	Noted

	adequately addresses and water quality issues that were previously raised and we have no further comments to raise.	
	13.0 Waste and Permitting	
RR-005af	<p>13.1. In terms of the Environmental Statement, we don't have anything particular to add, except that we would like to see greater use of recycled materials within the scheme, than currently appear to be proposed. The ES states that a target of 14% recycled aggregate will be pursued for this scheme. This is the target set for construction projects in the East Midlands. However, these targets which are set for each region vary with some being significantly higher than that set for the East Midlands. For example, East of England and Yorkshire and the Humber have targets of 31% recycled aggregate, whilst London has a target of 48%. We would encourage a higher recycled target aggregate to be aimed for than is currently specified.</p>	<p>The Outline Environmental Management Plan (OEMP) [APP-249] specifies a target that 14% of aggregates used during the construction phase should be secondary and recycled aggregates (for those applications where it is technically and economically feasible to substitute alternative materials for primary aggregates). Delivery of the OEMP is a Requirement in the draft DCO (see requirement 3 of the dDCO). Specification of a 14% target is considered to be appropriate. However, this does not preclude Highways England from setting a more demanding target during the detailed design and construction phase. As such, Highways England will liaise with the construction contractor following their appointment to determine whether they are able to work towards the national target of 25%.</p>
RR-005ag	<p>13.2. We are pleased to see that the applicant intends to produce a Site Waste Management Plan (SWMP) for the scheme. This should not only cover the recycling and disposal of waste, but also consider waste minimisation in terms of design and construction of the scheme, including using construction methods and practices which</p>	Noted and agreed

	will minimise waste and spoilage or damage to materials.	
RR-005ah	13.3. The SWMP should also consider to whom waste will be passed, and ensure that appropriate checks are made and recorded on the waste carriers and sites to whom the waste will be transferred. This is to ensure that waste is only passed to persons appropriately authorised to receive it. This is a requirement under Duty of Care (Section 34 Environmental Protection Act 1990).	Noted and agreed
RR-005ai	13.4. In terms of the excavation of waste materials from the Kingsway Junction area, a large proportion of this material is waste formerly deposited in a landfill site. The current proposal is for this material to be disposed of to landfill, and this may be the best overall option. However, other options such as Complex Sorting are potentially available to deal with waste from former landfill sites, including those in which solid asbestos (eg cement bonded or asbestos insulation board) have been deposited, and should be considered. The current ES does not consider the practicality or efficacy of Complex Sorting for remediating wastes from the former landfill area. Such methods may recover additional quantities of waste which would be suitable for use, and help reduce the amount of waste	Noted: Highways England will carry out supplementary ground investigation to inform preparation of a Remediation Strategy for this location. There is an opportunity to utilise a more sustainable approach by undertaking stabilisation/ solidification of the excavated material containing asbestos and re-use that material at depth within the Scheme's earthworks, either beneath the road in the cutting or within other embankments at Kingsway junction. This reduces the volume of materials requiring disposal and reduces the volume of fill that needs to be imported to the site. Any such works would be undertaken in accordance with the OEMP and only if such activities would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES (noting that any treatment of waste to make it suitable for use would need to be undertaken under an appropriate environmental permit or mobile plant permit secured outside the DCO at the relevant time).

	requiring disposal. This in turn would reduce the importation requirement of primary or secondary materials to complete the scheme.	
RR-005aj	13.5. The use of recycled materials or waste materials in the scheme would require an exemption or an environmental permit, or the use of an end of waste quality protocol, such as the Wrap Quality Protocol for Aggregates or the CL:AIRE Definition of Waste Development Industry Code of Practice.	Noted
RR-005ak	13.6. Whilst the use and deposit of waste materials to complete the scheme could potentially be undertaken using the CL:AIRE Definition of Waste Code of Practice, any treatment of waste to make it suitable for use would need to be undertaken under an appropriate environmental permit or mobile plant permit. Different types of mobile plant permit are available for specific activities involving waste treatment or waste use. The appropriate permit would be required for the particular activity.	Noted and agreed
RR-005al	13.7. If the CL:AIRE Definition of Waste Code of Practice was to be used, then the applicant is advised to contact the Environment Agency to discuss their plans.	Noted and agreed

RR-006	Historic England (HMBCE)	
	<p>Historic England is a Statutory Consultee and has engaged in pre-application advice with Highways England and their consultants under Our ref. PL00350203 We wish to register as an interested party so as to support the examining authority as required. As stated in our S42 response of 18-10-18 'We are content that the ICOMOS guidelines are being followed and that the Heritage Impact Assessment focussing on the World Heritage Site will address issues which might not be so well covered within the structural constraints of the main Environmental Impact Assessment. With regard to the A38 Junctions Scheme's impact upon the Outstanding Universal Value (OUV) of the Derwent Valley World Heritage Site our advice to the Department for Digital Culture Media and Sport is that significant impact upon OUV is unlikely.</p>	<p>Noted: Highways England welcomes Historic England's comments regarding the Scheme effects upon the Derwent Valley World Heritage Site (WHS).</p>
RR-007	Addleshaw Goddard LLP for Network Rail Infrastructure Limited	
RR-007a	<p>This is the section 56 representation of Network Rail Infrastructure Limited (Network Rail) provided in respect of Highways England's application for a Development Consent Order (Order) which seeks powers to enable the alteration to the A38 by the grade separation and</p>	<p>Noted</p>

	realignment of the route leading to and away from the existing roundabouts known as Kingsway, Markeaton and Little Eaton. It includes the alteration to these three roundabouts and the related highway works necessary to allow the realigned A38 to connect to the realigned A52, A5111 and A61 and to be integrated into the surrounding trunk and classified road network (Scheme).	
RR-007b	Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain. The Book of Reference (BoR) identifies land plan plots 8/5, 8/6, 8/7, 8/8 and 8/9 (Plots) as land owned and occupied by Network Rail in respect of which compulsory acquisition powers to acquire new rights and to acquire land are sought.	Noted
RR-007c	The compulsory acquisition powers sought are described in the BoR as: In respect of Plot numbers 8/5 and 8/8: • Temporary possession and use of land In respect of Plot number 8/6: • Compulsory acquisition of airspace together with the creation and compulsory acquisition of new rights (including where necessary, a right to impose restrictive covenants) In respect of Plot numbers 8/7 and 8/9: • Compulsory acquisition of all interests and	Highways England has engaged with Network Rail over a number of years preceding the draft DCO application. The powers included within the draft DCO Book of Reference are for the realignment and widening works to an existing bridge which supports the existing A38 as it crosses the East Midlands mainline. As such, the interface between the railway and highway is well established and will continue to be maintained once the Scheme is operational, with the construction works appropriately managed, as set out below.

	<p>rights in land (including as required subsoil, surface land or airspace) (Compulsory Powers). Network Rail notes that the Compulsory Powers are sought in relation to operational railway land forming part of the operational railway being the East Midlands Main Line.</p> <p>Network Rail objects to the inclusion of the Plots in the Order and to the acquisition of Compulsory Powers in respect of those Plots. The Plots constitute land acquired by Network Rail for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008. Network Rail considers that there is no compelling case in the public interest for the acquisition of the Compulsory Powers and 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 and land can be acquired without serious detriment to Network Rail's undertaking; no other land is available to Network Rail which means that the detriment cannot be made good by them. Network Rail also objects to all other compulsory powers in the Order to the extent that they affect, and may be</p>	
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	<p>exercised in relation to, Network Rail's property and interests.</p>	
<p>RR-007d</p>	<p>In order for Network Rail to be in a position to withdraw its objection Network Rail requires: (a) agreements with the Applicant that regulate: - the manner in which the acquisition of land and the rights over the Plots and any other railway property are carried out including terms which protect Network Rail's statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and - the carrying out of works in the vicinity of the operational railway network to safeguard Network Rail's statutory undertaking. (b) the inclusion of protective provisions in the DCO for its benefit. To safeguard Network Rail's interests and the safety and integrity of the operational railway, Network Rail objects to the inclusion of the Compulsory Powers and any other powers affecting Network Rail in the Order. Network Rail requests that the Examining Authority treat Network Rail as an Interested Party for the purposes of the Examination and reserves its right to attend hearings and participate fully in the examination process.</p>	<p>In respect of Network Rail's specific requests for removal of its objection, Highways England can confirm that in respect of (a), Highways England is working with Network Rail to agree a 'Bridge Agreement' to address the detail of the construction and maintenance of the realigned bridge, and that, in respect of (b), protective provisions have been included for the protection of Network Rail's land and assets on the face of the draft DCO. These provisions are currently being negotiated between Highways England's and Network Rail's legal teams.</p> <p>Further, the land use powers sought in the draft DCO in respect of Network Rail's land would, if the DCO was made in the form applied for, be – by virtue of the operation of the protective provisions for the benefit of Network Rail – subject to Network's Rail's consent; and that such consent may be subject to reasonable conditions.</p> <p>As stated above, Highways England is working with Network Rail to reach a formal agreement to address the detail of these matters, but in any event, controls are already built into the draft DCO to ensure that the scope for negative impacts to the railway can be managed.</p> <p>The protective provisions perform an asset protection function which ensures that Network Rail's approval is required for any part of the authorised development within 15 metres of railway property. Highways England is hopeful that negotiations with Network Rail will result in an agreed form of 'Bridge Agreement' (and other agreements as so may be required) prior to the close of Examination, and consequently that Network Rail can remove its objection.</p>

RR-008	Public Health England	
RR-008a	Request for Scoping Opinion 6 April 2018 We have considered the submitted documentation and can confirm that we are broadly satisfied with the approach taken in preparing the Preliminary Environmental Information and the conclusions drawn.	Noted. For clarity, the air quality impact assessment reported in the Environmental Statement (ES) [APP-043] updates the assessment as published in the Preliminary Environmental Information Report (PEIR).
RR-008b	The applicant has identified some receptors within 200m of the project would experience an increase in nitrogen dioxide (NO ₂) and PM ₁₀ concentrations, whilst others would experience a decrease, however, overall, there would be a slight deterioration in local air quality at properties within the air quality study area, but this deterioration would be temporary during the Scheme construction phase.	ES Chapter 5: Air Quality [APP-043] highlights that with the Scheme in operation, some receptors would experience an increase in nitrogen dioxide (NO ₂) and particulate matter (PM ₁₀) concentrations, whilst others would experience a decrease. Overall, however, there would be a slight improvement in local air quality at properties within the study area during operation of the Scheme. The assessment also highlights that a range of air quality mitigation measures would be implemented during the construction phase – such measures are detailed in the Outline Environmental Management Plan (OEMP) [APP-249] . Overall air quality effects during the construction phase would not be significant.
RR-008c	The applicant should work closely with Derby City Council (DCiC) to ensure that impacts are kept to a minimum during both the construction and operational phase of the works. Improving air quality is a key public health priority and this is evidenced by its inclusion in the Public Health Outcomes for England (PHOF) as an indicator of mortality associated with air pollution, or specifically: “the fraction of adult mortality attributable to long-term exposure to human-made particulate air	It is noted that Highways England has worked closely with Derby City Council (DCiC) during the development of the Scheme design and environmental assessment. The air quality assessment reported in the Environmental Statement (ES) indicates that Scheme construction and operation will not affect DCiC’s ability to put in place and operate traffic management measures to improve local air quality. Highways England and the construction contractor will continue to liaise with DCiC regarding air quality impacts and mitigation. See also response to RR-003v above.

	pollution (indicator 3.01).” We support measures to reduce sources of air pollution and people’s exposure.	
RR-008d	Public Health England (PHE) welcomes the opportunity to comment on your proposals at this stage of the project and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion. Please do not hesitate to contact us if you have any questions or concerns.	Noted
RR-009	Eversheds Sutherland LLP for Severn Trent Water Limited	
RR-009a	This registration is submitted on behalf of Severn Trent Water Limited (“STW”), a water and sewerage undertaker appointed under the Water Act 1989, with statutory duties to carry out water supply and sewerage functions throughout its appointed area, including the area where the works are proposed to be carried out under the development consent order, if confirmed. STW operates assets which are located in close proximity to the proposed works.	Noted
	A number of STW’s assets, which consist principally of two categories, namely (1) public water mains and (2) public sewers, may require diversion or are otherwise affected by the proposed works. Such	Noted. The Works Plans included in the ‘Plans and Drawings’ Volume of the application [APP-009] show the diversions proposed by Severn Trent Water’s potable water and waste water Engineers. These diversions

	<p>assets are owned and operated by STW pursuant to statutory powers. It is essential that these assets remain in continuous operation in order to ensure the provision of water supplies to, and the effectual removal of sewage from, household and non-household customers. Whilst Schedule 9 Part 1 of the draft DCO contains provisions for the protection of electricity, gas, water and sewerage undertakers, STW wishes to ensure that it will remain able to deliver its essential public services at all times during the implementation of the works. Any works required to be carried out on STW's assets must be planned and implemented to avoid risk of supply interruption or contamination, damage to the integrity of the water or sewerage networks, or environmental damage.</p>	<p>are based upon the NRSWA C3 estimates and a series of joint meetings and workshops undertaken since 2015. Impacts to service and infrastructure were covered during each of these sessions and accounted for in the work carried out to date. A number of opportunities have also been discussed and explored to minimise impact on Severn Trent Water's service and infrastructure.</p> <p>During the detailed design of the Scheme Severn Trent Water will be engaged in the NRSWA C4 process and the detailed diversion design and programming of the works will be undertaken at that time.</p>
<p>RR-009b</p>	<p>Further, it is essential to STW that in the event of any alteration to or relocation of its assets, such work is carried out pursuant to STW's statutory powers, so as to ensure that both existing and new water supply and sewerage assets unquestionably form part of STW's statutory undertaking. STW may therefore seek additions to the provisions contained in Schedule 9 Part 1, or alternatively to seek to conclude an agreement with Highways England, incorporating appropriate provisions to</p>	<p>Noted. STW's and Highways England's legal teams are currently in discussions about the content of the protective provisions and (if necessary) any other agreement that may be required to ensure appropriate protection for STW.</p>

	enable STW to ensure that delivery of its statutory functions and essential public services are not put at risk. Pending conclusion of such additional provisions or agreement, STW wishes to register its interest, in order to afford the opportunity to submit further representations to the Inquiry, if necessary, so as to safeguard the ongoing delivery of these essential public services.	
RR-010	Western Power Distribution (East Midlands) plc	
RR-010a	Western Power is the Regional Electricity Distribution Company for the Derby area, and a statutory undertaker in relation to electricity distribution. We contacted Highways England in September 2018 to put in place an Agreement to protect our assets and interests in relation to this scheme. A template Agreement was sent to them at that time. To date Highways England have not engaged with us at all in any attempt to complete this Agreement so we must object to the scheme and also contact our Minister responsible for our affairs, the Secretary of State for Business Energy and Industrial Strategy, to register our objection	WPD did provide Highways England with a draft agreement but then advised that this agreement was not to be progressed. Highways England is unsure how WPD wants to progress the protective provisions or a separate agreement at this stage but Highways England will keep pressing WPD for a response.

	The following points were contained in an accompanying letter	
RR-010b	As the appointed Regional Electricity Distribution Company for the area, the statutory undertaker for the purposes of legislation related to compulsory purchase, Western Power Distribution objects to the above scheme in order to protect its statutory obligation to distribute electricity in this specific area, since we have significant apparatus in the vicinity of the scheme, potentially up to 132,000 Volts, and other associated plant and equipment located on and in the land comprised in the scheme. Given the likely impact of the scheme on the electricity network Western Power Distribution objects to the scheme on the following grounds;	Noted and please see responses to the points raised by WPD below.
RR-010c	1. The scheme and accompanying documents do not fully detail our interests and the apparatus that would be affected by the implementation of the proposed scheme.	The Works Plans included in the 'Plans and Drawings' Volume of the application [APP-009] show the diversions proposed by the Engineers consulted at Western Power Distribution's Derby offices. These diversions are based upon the NRSWA C3 estimates and a series of joint meetings and workshops undertaken since 2015. Impacts to service and infrastructure were covered during each of these sessions and accounted for in the work carried out to date. A number of opportunities have also been discussed and explored to minimise impact on Western Power Distribution's service and infrastructure.
RR-010d	2. The electricity cables that would be affected by the scheme are of vital importance to the electricity distribution in the Markeaton, Kedleston Road and Little	Noted. See response to item No 1 above (RR-101c). During the detailed design of the Scheme Western Power Distribution will be engaged in the NRSWA C4 process and the detailed diversion design and programming of the works will be completed at that time.

	Eaton areas of Derby. We have concerns as to the impact of the scheme on our electricity network and the need to ensure the security of the electricity supply in the area.	
RR-010e	3. The proposed scheme does not adequately address how the electricity network referred to above would be protected both during the construction phase of the scheme and following its completion.	See response to RR-010c and RR-010d. In addition, as mentioned, Highways England has included protective provisions for WPD's benefit as an electricity undertaker in the dDCO. These will be negotiated with WPD throughout the Examination process, although Highways England is currently unclear how WPD wants to progress these.
RR-010f	4. The information accompanying the scheme does not provide adequate information for Western Power Distribution to understand clearly the design and construction of the scheme and therefore the full extent of the potential operational implications.	Noted. See response to RR-010c.
RR-010g	5. The information accompanying the scheme does not provide sufficient information for Western Power Distribution to understand how it would continue to fulfil its statutory responsibilities as an electricity distribution company, and to comply with the terms of its distribution licence, following the acquisition of its apparatus and interests.	Noted. See response to RR-010c. Highways England has no intentions of acquiring Western Power Distribution property or equipment, and only seeks to divert or protect infrastructure impacted by the Scheme. The dDCO will allow WPD to undertake works under the Order in respect of their apparatus and adequate land rights will be secured for WPD as set out in the BoR.
RR-010h	6. The proposed scheme does not presently make provision for replacement electricity cable routes to compensate for	See response to RR-010c and RR-010d.

	the cable which could be affected by the scheme. This could potentially result in a significant negative impact upon the distribution of electricity In the area.	
RR-010i	7. For reasons stated above Western Power Distribution considers that its interests and apparatus cannot be acquired pursuant to the CPO without serious detriment to the carrying on of its undertaking.	See response to RR-010c and RR-010g.
RR-010j	<p>Please note that the above points constitute only Western Power Distribution initial grounds for objection, and we reserve the right to expand or add to these in due course, including in respect of any legal interests or apparatus not presently identified or referred to in the scheme.</p> <p>We require an agreement with Highways England to ensure that suitable arrangements are put in place with regard to the protection, diversion, removal and replacement of underground cables and other apparatus in a manner that is both safe and maintains security of supply, at Highways England's cost. A draft Agreement was sent to Highways England in September 2018, but they have not, as yet, responded with any comments on this Agreement.</p>	<p>Noted</p> <p>As noted, protective provisions have been drafted and sent to WPD. This was done on 20th March 2019. Discussions are ongoing regarding the Scheme and its impacts on WPD's apparatus. Highways England is confident that an agreement can be reached with WPD prior to the close of the Examination.</p> <p>It should be noted that, as described in previous correspondence, the Scheme is following the requirements of the Planning Act (2008). This legislation requires Highways England to make an application to the Planning Inspectorate for a Development Consent Order (DCO) to get the consent needed to build the scheme. It will be subject to</p>

Responses to Relevant Representations

	<p>Western Power Distribution therefore requests that the Orders are not confirmed and that a properly qualified inspector is appointed to hold an inquiry into the scheme</p> <p>Should you wish to discuss this matter please do not hesitate to contact me on my Office number 01332827408</p>	Examination by the Examining Authority and so there is no requirement to appoint an inspector or to hold a Public Inquiry.
RR-011	Alfred Hodgkinson Deceased Will Trust	
	<p>I am Trustee for the 26 acres included with Land Registry title #DY502587 which abuts the A61/A38 Little Eaton junction where the ring road will be built. Please contact me directly with regard to any activities taking place on the land as a result of the A38 project. Thank you, Joy Taylor</p>	Noted
RR-012	Derby Cycling Group	
	<p>My primary area of interest is Active Travel, and the provision and quality of walking and cycling routes along and across and near to the A38 Junctions project area.</p>	Noted
RR-013	Tim Hancock Associates for Euro Garages Limited	
RR-013a	<p>It is confirmed that my client owns the freehold interest of Markeaton Roundabout Service Station, known as EG Mackworth, which together with the adjoining McDonalds restaurant provides</p>	Noted

	comprehensive services for all categories of motorist using this stretch of the strategic road network. Given its existing and effective access arrangements, the service area facilities serve motorists approaching the existing Markeaton roundabout on all flows. As a consequence, the highly successful service area provides fuel, refreshment and rest to motorists using the A38 in both directions as well as traffic entering and leaving the town centres using the A52 Ashbourne Road.	
RR-013b	The service area facilities are highly prominent on the roundabout and the existing at-grade arrangements allow all passing traffic to readily and conveniently access the facilities with limited diversions. These facilities constitute a private sector initiative which is consistent with the principles in Circular 02/2013, which supports the provision of such facilities to improve the road safety and welfare of motorists, particularly those undertaking long distance journeys. As readily accessible facilities, passing motorists can visit them without the need to depart from the strategic road network towards the town centre in search of services.	Noted
RR-013c	The proposed scheme will have a serious and adverse effect on the trading operation of my client's service station. Petrol filling	Euro Garages' concerns regarding the potential loss of trade is noted.

	<p>stations are trade related properties and trading performance is directly affected by certain key factors including accessibility and prominence to substantial traffic flows. The effect of the Scheme will be to allow traffic on the A38 to freely flow underneath the junction. This critical source of north and southbound trade will be lost to the service station, although this loss would be partially mitigated if advanced warning signs were provided as part of the scheme. At present, I am instructed that Highways England has yet to determine whether such signage could be provided.</p>	<p>Highways England is currently investigating how/whether the combined site (Euro Garages and McDonald's) can be designated as a Trunk Road Service Area which could then permit appropriate advance signage.</p> <p>Progress on this issue will be reported in updates to the SoCG.</p>
RR-013d	<p>The scheme will also seriously reduce the accessibility to the site for traffic that continues to use the junction through interference with existing access arrangements, including works of stopping up and modification of accesses. My client has further concerns over the Scheme in relation to the access arrangements that are currently proposed within the Scheme, in substitution of the existing access arrangements, because of their adverse effect on essential safe fuel delivery arrangements and access for HGV traffic</p>	<p>The site will continue to enjoy entry and exit arrangements with the A52. The existing entry and exit arrangements with the A38 are to be modified to exit only (onto the proposed A38 slip road) for safety reasons.</p> <p>It is envisaged that fuel delivery will continue as it does at present, i.e. the tanker will enter the site from the A52 and will leave the site onto the A38 slip road.</p>
RR-013e	<p>Additionally, my client's property currently enjoys direct and satisfactory access to the public highways of both the A38 and A52 without the need to cross land in third party</p>	<p>Currently it is necessary to cross land owned by McDonald's to gain access to the filling station from both the A38 and the A52.</p>

	<p>ownership. Unless the orders make provision for continued direct and satisfactory accesses that would allow the effective use of the service station in commercial terms, my clients property would be further and unnecessarily depreciated in value.</p>	<p>A check with the Land Registry confirms that there are appropriate rights, by way of a conveyance dated 1982, to allow those who need to access the filling station to cross the land owned by McDonalds which abuts the highway at any time, day or night.</p> <p>The proposed Scheme will not change these existing arrangements.</p>
	<p>My client does not object to the principal of the Scheme and has appointed Mr Bill Booker, Director of SCT Transportation Planning and Infrastructure Design, to enter into negotiations with Highways England to evaluate the technical aspects of the Scheme and enter into negotiations with the objective of reaching satisfactory technical design solutions to the revised access arrangements. My client has provided Mr Booker and myself with instructions to continue to pursue these negotiations. My client must however reserve its position pending the outcome of these investigations and expressly reserves the right to enter technical and commercial evidence to demonstrate how the effects of the Scheme on the service station could be mitigated, in the event that it considers this to be necessary. I would be grateful if you could kindly acknowledge receipt of this letter.</p>	<p>Noted</p>

RR-014	Friends of Little Eaton Canal	
RR-014a	<p>The section that remains of the old Derby canal in Little Eaton is barely referred to in the PEIR. For example, there is no reference to the canal in sections 6.5.29 (The Derbyshire Historic Landscape Character) and 6.6.4 (Potential Cultural Heritage Impacts Identified During Preliminary Assessment). Nor in the Environmental Statement 6.4 published April 2019.</p>	<p>The former Derby Canal is referred to in several sections of the Environmental Statement (ES) where relevant, whilst the ES also includes details as to how impacts upon the former canal would be avoided and minimised. ES Chapter 6: Cultural Heritage [APP-044] details the history of the former canal in Sections 6.8, 6.9, 6.10, and 6.11, whilst Section 6.14 details the actions to be taken to minimise effects upon the former canal, and Section 6.17 (Table 6.11) details the overall effects of the Scheme on the former canal. An assessment of the potential impact of the proposed works on the former canal is therefore included in the ES.</p>
RR-014b	<p>A clear boundary outline for the main construction compound does appear in Figure 5.3 Proposed Little Eaton Junction. But I believe it is an omission not to make reference to this area and the impacts the main construction compound site will have within the preliminary and subsequent PEIR documents. Although unaffected by the A38 upgrade itself, the potential site for the main construction compound – which requires access – will have a negative impact on the heritage and environmental aspects of the canal and its surrounding woodland, which is a green corridor stretching approximately a kilometre from the Little Eaton A38 Junction heading north to Duffield Road.</p>	<p>As detailed above, the ES assesses the Scheme impacts upon the former canal and details the measures that will be taken to avoid and mitigate potential impacts. As detailed in ES Chapter 6 Section 6.14 (see para 6.14.4) [APP-044]:</p> <p><i>“The proposed access into the main construction compound at Little Eaton junction would need to cross over the remains of the former Derby Canal (Little Eaton branch). In order to avoid direct effects upon the former canal, a temporary bridge would to be used to cross the canal which would not require any disturbance or earthworks to the former canal.”</i></p> <p>In order to install this temporary access over the former canal into the proposed compound, a strip of vegetation would need to be cleared. The location of the access has been selected so as to avoid mature trees. As detailed in ES para. 2.6.104 [APP-040] <i>“On completion of the works, the temporary bridge would be removed and the area appropriately restored”</i>. As such, following removal of the temporary bridge system, the area of vegetation clearance would be replanted as native woodland planting.</p>

		ES Chapter 6: Cultural Heritage [APP-044] reports that the Scheme effects upon the former canal would be slight adverse, and thus not significant. It is considered that the presence of the former canal has been taken into account, and the means of access into the proposed compound defined in a manner which would avoid direct effects upon it, whilst any tree removal would be reinstated when the access is removed.
RR-014c	The canal, which still contains some of the original wall stones within its basin, dates back to 1796 and its continued existence and heritage is significant to Little Eaton. So much so that after working informally for some time, volunteers consulted the local community and formed a Friends of Little Eaton Canal (FLEC) group in 2017. Supported by Derbyshire County Council, Derbyshire Wildlife Trust and Groundwork regular work parties and wildlife surveys take place. Access to the depot crossing the canal will disrupt FLEC's project.	As detailed above, the Scheme will not have direct effects upon the former canal or any associated original structures at the crossing location into the proposed compound. The sections of former canal to the north and south of the crossing point along Alfreton Road will be unaffected by the Scheme and will remain accessible for the duration of the Scheme construction phase.
RR-014d	Although Highways England's intentions are that the depot and associated access are temporary, we believe by accessing the main construction compound via the B6179 a precedent could be set for future development on the land which abuts the canal to the west, which is in private ownership and was subject to an approach to the County Council some years ago for development by the current owners. The temporary site and access will be there for	<p>The compound area and access onto Alfreton Road will be required for duration of the Scheme construction phase. Following completion of the works, the access will be removed, and the areas affected by the compound will be appropriately reinstated. The strip of vegetation removed to install the crossing into the compound will be planted as native woodland. Restoration details are provided in the applicable the Environmental Masterplan ES Figure 2.12G [APP-068].</p> <p>Following completion of the Scheme, it will be a matter for the local planning authority to consider any future development proposals of the proposed compound site in accordance with relevant local planning</p>

	<p>the duration of the project increasing concerns that it will end up being permanent. The area the access will take up will have a huge impact on the village: visually intrusive by going through an established wide, green verge and green corridor that is the canal. It will also bring more traffic flow to that part of the village and will cross a multi-use footpath.</p>	<p>policies. However, it is stressed that the access into the compound area will be removed at the end of the Scheme construction phase. In order to minimise traffic effects upon Little Eaton village, HGVs accessing the construction compound would be prohibited from accessing the site from the north (as detailed in the Outline Environmental Management Plan (OEMP) [APP-249] - refer to MW-TRA2 in Table 3.2b). The footpath along Alfreton Road which crosses the access into the proposed compound would remain open during the construction phase, with appropriate safety controls at the crossing point.</p>
<p>RR-014e</p>	<p>Furthermore, the area needed to site the main construction compound uses greenbelt land which is incredibly biodiverse and will be negatively impacted for years to come, again due to traffic movement to and from the depot and the siting of significant, albeit temporary buildings for staff and goods.</p>	<p>The proposed construction compound has been subject to a range of ecological surveys as detailed in ES Chapter 8: Biodiversity [APP-046] - this included a Phase 1 habitat survey (habitats and flora species), invasive plant species survey (such as Japanese knotweed), badger survey, bird surveys, terrestrial invertebrate survey, and reptile survey. The layout of the compound has been defined taking advice from the ecology team in order to:</p> <ul style="list-style-type: none"> • Minimise the loss of species-rich grassland of botanical and terrestrial invertebrate interest. • Retain areas of scrub and trees of interest to birds. • Retain a buffer of vegetation around the site to enable continued foraging and commuting by badger. <p>Following completion of the works, the areas affected by the compound will be appropriately reinstated - details are provided in the applicable the Environmental Masterplan ES Figure 2.12G [APP-068]. The ecological effects of using the compound area are detailed in the ES Chapter 8: Biodiversity, taking account of the proposals to appropriately reinstate and replant the site following compound removal. With the proposed mitigation approach, it is assessed that following removal of</p>

		the compound, the area would be restored to at least the same biodiversity value (ecological importance) as the existing site for flora and fauna. It is noted that the Scheme also has the potential to generate a positive biodiversity effect where invasive plant species are eradicated locally, and this includes parts of the construction compound at Little Eaton junction.
RR-015	Carter Jonas LLP for Haven Care Group Ltd, Registered No: 10015371	
RR-015a	<p>The Haven Care Group Limited (Haven) leases and operates Cherry Lodge children’s residential care home at 255 Ashbourne Road, Derby, DE22 3AJ (Home) which would be affected by the A38 Derby Junctions (Scheme) subject to a Development Consent Order (DCO) application. The Home is registered with Ofsted (regulatory body) as a 4-bed children residential care home catering for children with emotional and behavioural difficulties of mixed gender with an age range of 7-17 years. The Home has 14 staff members that includes; home manager, three deputy managers, team leader and support workers. On top of this staffing, the Home also has support of the service manager and the senior manager from the company.</p> <p>Currently there are four children at the Home. The staff are responsible to ensure the children are safeguarded from external</p>	Noted

	<p>and individual risks as well as their day to day living needs and maintaining a stable and consistent environment. The Home has achieved Ofsted rating of “Good” consistently over the last 3 years and the children are well settled. The DCO seeks compulsory purchase powers for the permanent acquisition of two plots at the Home, namely plots 3/15a and 3/15b (Plots) currently leased and occupied by Haven. Together the Plots comprise 135 metres of the front garden at the Home. This is a paved area providing staff car parking. Haven objects to the compulsory acquisition of land it occupies.</p>	
	<p>Haven also has significant concerns about the impact of the construction and operation of the Scheme on the Home.</p>	Noted
RR-015b	<p>1. Parking Due the compulsory acquisition of the Plots the Home will lose all of its parking spaces. Currently the Home has two company cars which are used to take children to/from schools. There are also always at least four staff members cars parked that number goes up to six at times. It will not be practically possible to continue to operate the Home and provide the necessary care for the children without adequate on-site parking.</p>	<p>It is likely that a large portion of the land required for the Scheme will only be required temporarily and can be returned to the land owner on completion of the Scheme. The parcel labelled as 3/15a is likely to be required only temporarily whilst 3/15b is required permanently hence the majority of the land currently used as car parking can be retained.</p>

RR-015c	<p>2. Environmental Conditions due to Scheme Works</p> <p>The Scheme will require substantial works (Works) to create the new A38 / A52 grade separation at the Markeaton Junction and that these construction works will last at least three years over six phases. There will be night-works and the immediately adjacent residential properties will be demolished. The Works will come to within a few meters of the Home itself. The DCO Environmental Statement identifies significant adverse construction traffic effects to the western end of A52 Ashbourne Road where the Home is located. The children at the Home are sensitive to changes in their local environment and it is considered there is a significant risk of these extensive Works over a protracted period having an adverse impact on their well-being and making their care more challenging.</p>	<p>The Environmental Statement (ES) reports the potential for environmental effects during the construction phase as associated with construction activities.</p> <p>With regard to dust from construction activities, the mitigation measures as detailed in ES Chapter 5: Air Quality [APP-043] and the Outline Environmental Management Plan (OEMP) [APP-249] would be implemented in a manner that would avoid significant effects upon the Home. In addition, air quality effects associated with construction traffic are predicted to be well within applicable air quality objectives and limit values.</p> <p>With regard to noise, ES Chapter 9: Noise and Vibration [APP-047] indicates that due to the close proximity of the Home to the construction works, there is the potential for some significant construction noise effects, namely during the day-time during the demolition of the nearby houses, earthworks, retaining walls and construction of the new Markeaton bridges, and during evening/weekend and night time periods during works at the new Markeaton bridges. Based on the results from the ES, the property may qualify for noise insulation and temporary re-housing, depending on the duration of the exceedances of the relevant noise criteria. In addition, the ES also identifies that there is a periodic risk of significant construction vibration effects due to annoyance (noting that no risk of exceeding the building damage criteria for construction vibration has been identified). In order to minimise such effects, a range and noise and vibration mitigation measures will be implemented for the duration of the works – such measures are detailed in the OEMP [APP-249]. Close communication will be maintained with the Home throughout the works to ensure they are fully informed of the works and actions needed to minimise construction effects upon the Home and residents.</p>
RR-015d	<p>3. Congestion due to the Scheme Works</p>	<p>Concerns relating to the construction phase traffic management are noted – these will be addressed by the Scheme’s contractor once they are appointed. The contractor will adhere to the provisions of the</p>

	<p>The traffic around the home is also expected to be extremely busy during the course of the Works. This will have impact on the young people/staff member getting to/from the Home especially in case of any emergencies. It is safe to assume commuting to work will become more time consuming for staff, and staff recruitment and retention will be more challenging.</p>	<p>CEMP during the course of the construction of the Scheme, which will provide detail on the methods of construction. The approved Traffic Management Plan will also secure detail and seek to minimise disruption in respect of congestion.</p>
RR-015e	<p>4. The Operation of the Scheme Both the A52 and A38 will now be closer to the Home. In particular the A38 Southbound Merge slip will come significantly closer than the existing carriageway and there will no longer be buffered by the existing semi-detached houses to the north (to be demolished). There will also be a loss of the buffer provided by the front garden to the external environment outside the Home. This urbanising effect risks diminishing the perception of a stable and safe environment of the Home impacting on the quality of care provision and well-being of the children in care.</p>	<p>A meeting was held on 3rd October 2019 to further discuss these issues. Updates on discussions with the Home will be provided at the relevant examination deadlines.</p>
RR-015f	<p>Conclusion There is a significant risk that the Scheme will significantly and adversely impact the quality of care and well-being of the children. If it is necessary to re-locate the Home (and if possible to find and secure a</p>	<p>At the meeting held on 3rd October 2019 Haven Care Group; discussions are ongoing to reach agreement with the Home.</p>

Responses to Relevant Representations

	<p>suitable property) this will need to be a timely and highly organised operation to mitigate impact on the children due to the sensitivities described above. There is very little time to achieve this.</p> <p>Haven therefore objects to the Scheme due to the high risk it presents of the care and well-being of children with emotional and behavioural difficulties being adversely affected. Haven reserves the rights to raise further issues in its written representation in evidence and intends to take a full part in the examination including attending and making oral representations at relevant hearings.</p>	
RR-016	McDonald's Restaurants Limited	
RR-016a	<p>McDonald's Real Estate LLP ("McDonald's") owns the freehold site at Kingsway, Derby DE22 4AA, registered at the Land Registry under title DY220642 (the "Property"). McDonald's Restaurants Limited has a leasehold interest in the site registered at the Land Registry under title DY427008. McDonald's and McDonald's Restaurants Limited are interested parties to this application as the accessway to the Property from the A38 will be closed as part of the scheme (the "Works"), which will have a significant impact on the operation of the restaurant as outlined below.</p>	Noted

	The basis on which McDonald's opposes the Works are as follows:	
RR-016b	<p>1. Access and congestion</p> <p>a) The Works involve closing the entrance to the Property from the A38. This would cause increased queuing at the Ashbourne Road entrance and exit to the Property, posing a health and safety risk to road users, as well as negatively impacting McDonald's business, brand, sales, operations and the amenity of the local area for residents (in each case during and after the works). Additionally, the increased capacity at the Ashbourne Road junction will go beyond its capability.</p> <p>b) The proposed installation of traffic lights at the Ashbourne Road junction will cause gridlock and queuing inside the McDonald's site, especially around the access and egress to the Drive-Thru lanes.</p> <p>c) The site traffic survey undertaken in 2015/16, which formed the assessment of the Works, is outdated and guest numbers to the Property have subsequently risen. The assessment of the impact does not account for this increase; the Works and increased site traffic will exacerbate already existing congestion.</p>	<p>a) Exiting the site onto the A38 will continue to be an option after implementation of the Scheme. Entry to the site from the A52 will be via a new signal-controlled junction so will not cause queuing within the site.</p> <p>b) The proposed exit onto the A38 slip road will perform better than the existing exit due to the greatly reduced flow passing the exit on the A38 slip road. The proposed exit on the A52 will also perform better than the existing exit due to the introduction of traffic signals</p> <p>c) A Technical Note covering this and point 1a and 1b above has been prepared by Highways England's designers and this will be shared with McDonald's with a view to meeting again to discuss further.</p>
RR-016c	<p>2. Delivery Issues</p> <p>a) Currently, deliveries to the Property are received 5 times per week from the A38</p>	<p>a) Swept path diagrams have been provided to demonstrate that access for deliveries from the proposed new A52 access is feasible</p>

<p>entrance. The Works necessitate a change in delivery routes into the restaurant. The proposed route does not account for how McDonald's delivery vehicles manoeuvre around the Property or potential health and safety concerns. Delivery cages weigh hundreds of kilograms and McDonald's' car park is reinforced in the south part only. By closing the A38 entrance, delivery vehicles will no longer be able to service the Property; they are too heavy to safely cross the unreinforced north section of the Property.</p> <p>b) Servicing via Enfield Road (if this remains open) is not appropriate since it is unsafe for heavy trolleys to pass across a non-flat route. There are also practical concerns relating to the safe operation of large commercial vehicles.</p> <p>c) A new route for waste collection has been proposed which is likely to inconvenience local residents and therefore strain their neighbourly relationship with McDonald's.</p> <p>d) McDonald's does not have rights to cross over the adjoining Euro Garages site. The Works rely on McDonald's taking deliveries by crossing over land which it neither owns nor has rights over; this is problematic and allows an adjoining</p>	<p>within the current car park layout. This will involve encroaching onto the Euro Garages land as is the case at present. Highways England has advised that, during the detailed design stage, pavement surveys could be carried out to determine the strength of all parts of the car park. Strengthening could be carried out as accommodation works if required.</p> <p>b) It will not be necessary to consider routing deliveries via Enfield road if the above proposals are accepted.</p> <p>c) If the refuse vehicles are to access the same collection point as they do at present, they would need to come through Enfield Road residential street (as the A38/Enfield Road access is to be closed by the Scheme). McDonald's are concerned that this could lead to complaints from the residents. Highways England has suggested that the vehicles could access the site from the A52 and use the delivery vehicle route. If necessary, the Scheme can include appropriate regrading or widening of paths to facilitate getting the bins from the storage area to the pick-up location.</p> <p>d) Highways England has been advised by McDonald's that this arrangement is how the delivery vehicles currently operate. The Scheme proposals are replicating the arrangements that currently exist.</p>
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	landowner to control the viability of the restaurant.	
RR-016d	3. Encroachment It appears as though the Works at the junction between the Property and Ashbourne Road encroach onto the Property.	Highways England does not believe that the proposed layout encroaches onto land owned by McDonald's. However, it may be necessary to install some items (such as signal detector loops) within land owned by McDonald's, so an agreement relating to future maintenance of such items will need to be reached.
RR-017	Freeths LLP for Millennium Isle of Man Limited	
	Our clients seek a dialogue with Highways England in respect of their land interest affected by this proposal as it is respectfully considered that the extent of works and land affected is more than necessary to facilitate this project. There is a lack of clarity regarding what is intended in respect of our client's land interest in respect of works, use or duration. There is also a lack of clarity over restoration works. Our clients are willing to work with the Agency to resolve their concerns.	<p>Noted. However, the owners of the land have been consulted with over period of time extending back to 2015. Millennium Isle of Man Limited's interest in the land has only recently come to Highways England's attention. A meeting on 02/09/2019 discussed the preliminary information for the Scheme's proposed site compound. During detailed design the layout of the site will be finalised and communicated to all affected land owners.</p> <p>Reinstatement details are provided in the Environmental Masterplan ES Figure 2.12G [APP-068]. Following completion of the works, the access into the compound will be removed and the areas affected by the compound will be appropriately restored, with the land being returned to the land owners.</p>
RR-018	Residents of 12 Queensway	
RR-018a	We are writing to register our interest in respect of the proposed A38 Derby Junctions scheme. Our home and business are under threat as a consequence of the proposed scheme, with our property, one of 15 properties on Queensway, proposed to	The concerns of the residents of 12 Queensway are noted.

	<p>be demolished. Should the scheme be approved we will not only be forced to relocate to a new home but we will also face very uncertain times because of the need to relocate our business too.</p>	
<p>RR-018b</p>	<p>We have made contact with representatives from Highways England on a number of occasions to discuss our particular circumstances. The nature of the business that we operate from our property is such that we have long term commitments and we have stressed that our opportunity to successfully relocate will be affected by the timing of and timeliness of any discussions and settlement in respect of the acquisition of our property. The busiest time for our business is between May and October with our commitments for 2020 already being significantly in place.</p> <p>We have indicated previously to Highways England that we would not wish to be forced to move during this busy time of year. The published scheme commencement date is March 2021 but we have received correspondence from Highways England, dated 12 December 2018, stating that they aim to take possession of our property in summer 2020.</p>	<p>Highways England will seek to ensure that any relocation of residents and/or businesses will aim to have minimal impacts to those parties and will take into account issues such as these which are raised by those affected by the compulsory purchase of their property. Highways England have had a number of meetings with the resident owners of 12 Queensway and are working with them to find a suitable property to relocate to that will not compromise their business. Highways England are encouraging the owners to pursue the route of statutory blight which will allow them to dictate the timing of acquisition. Further detail regarding the negotiation is detailed in the CA tracker.</p>

	<p>We would therefore welcome the opportunity to make further representations specifically regarding the limited progress so far made by Highways England to acquire our property by agreement and the potential confusion and impact of the differing timescales indicated for scheme commencement and property acquisitions.</p>	
RR-019	Hinson Parry & Company for Royal School for the Deaf Derby	
RR-019a	<p>Royal School for the Deaf Derby is a unique provider of day and residential placements to deaf children and young people (CYP) from a nationwide catchment area. A growing number of children have complex educational needs and over forty percent of CYP are placed by Derby City. It is a vital asset to CYP, parents and carers, Local Authorities and wider stakeholders including the Deaf community, children’s commissioners.</p> <p>As a registered charity with a sole income made up of placement fees agreed under placement agreements with placing partners it is essential that any disruption does not jeopardise the School’s ability to demonstrate it is a going concern, fulfil its contractual duties and retains all CYP placements. As a small school the loss of</p>	Noted.

	<p>only a handful of placements could jeopardise its financial sustainability.</p>	
<p>RR-019b</p>	<p>The erection of a noise attenuation barrier which would double as a security fence along the north western boundary of the blue temporary possession land. This would ideally need to be constructed on 'day one' of the project, before the demolition of the houses. It is important that there is as little noise disruption as possible and that security can be maintained throughout the school including the integrity of the school boundary for safeguarding reasons. The barrier would be 4 meters in height and be as aesthetically pleasing as possible in keeping with the current wildlife friendly green and leafy campus so enjoyed by CYP. Proposed materials include wood, metal or plastic and a combined bund with a smaller barrier on top. There should be potential for planting, artwork and for bats to roost. In terms of the maintenance of the noise barrier, it is thought that this should fall to Highways England.</p>	<p>The 4m high noise barrier would be installed as early as possible during the Scheme construction phase such that it is able to mitigate construction noise and act as a security fence. The barrier would be installed prior to any temporary traffic management measures, and early consultation with the proposed construction contractor indicates that it should be feasible to install the barrier prior to the demolition of the Queensway buildings (e.g. at the start of the Scheme construction phase). Whilst it is an aspiration to install the noise barrier earlier than assumed in the ES, this cannot currently be confirmed as it depends upon site conditions following site possession.</p> <p>The exact details and materials of the 4m high noise barrier will be confirmed during the detailed design stage. However, the noise barrier will conform to the current harmonised Specifications Standard BS EN 14388 (2005) and meet the B3 (DLR>24 dB) standard for airborne sound insulation as specified in BS EN 1793 part 2 (1998). It will be 4m high and can be made from timber, concrete or a composite material. The noise calculations indicate that the barrier should terminate at the end of the existing garden of the last house on Queensway. Highways England is happy to discuss the noise barrier design details with the school during the detailed design process. Planting will be provided on the Scheme side of the barrier (refer to the Landscape design drawing as presented in Environmental Statement (ES) Figure 7.8B [APP-094], whilst there is a commitment in the ES that a section of the barrier includes features for bats (refer to ES Chapter 8: Biodiversity [APP-046]).</p> <p>Given that the noise barrier is defined as essential mitigation, it will be the responsibility of Highways England as the East Midlands Asset</p>

		Delivery team to appropriately maintain the barrier during Scheme operation.
RR-019c	There are concerns that the pond at 4/7d may surcharge with the additional flow from the highways and create a maintenance liability for the Royal School for the Deaf.	The design of any drainage outfall flow into the Mill Pond will be restricted so as not to exceed existing runoff rates.
RR-019d	Fire hydrants and all other services to the school need to be continuous throughout the works. The switching over of major services would need to be done during school holidays to minimise inconvenience and ensure continuity of everyday activities at the school.	All hydrants and other services will be retained (or relocated if required by the works). Concerns regarding outages to be in school holiday time are noted and will be passed on to the Scheme contractor.
RR-019e	The school has a sensory garden which is located approximately within 4/7c and 4/11. This will need to be relocated and reconstructed. The cost of this will need to be covered within the disturbance or equivalent reinstatement claim	The sensory garden relocation will be part of the compensation package to be agreed with the RSDD. Progress on this issue is being recorded in the Statement of Common Ground.
RR-019f	There are concerns relating to the need for continued access to the school. Access will need to be maintained at all times barring necessary periods for tarmac laying etc. During such periods, alternative access will be needed. The alternative access should be suitable with sufficient width access gates, a sufficient deceleration lane and good visibility. Additionally, if works which impact the access could again be done during school holidays that would greatly minimise the impact on the school. It is also	Access to the school will be kept open during the construction of the Scheme. Any short-term closures that may be necessary will be timed to cause minimum disruption (night time or school holidays) and the alternative access to the school via Markeaton Street will not be impacted by the Scheme. Highways England will ensure there is effective and timely communication with the school, this will be achieved through the contractor's stakeholder liaison officer.

	<p>of merit to note that some CYP travelling to and from the school require medical interventions. It is crucial that any disruption to traffic flow is kept to an absolute minimum. Should there be any disruption, that the School has plenty of notice to make suitable arrangements. This is also true of bus routes to allow Post 16 young people to attend external providers such as Derby College.</p>	
RR-019g	<p>It will need to be ensured that the A38 can be crossed safely by pedestrians and that that the area is well lit.</p>	<p>The crossing of the A38 on completion of the Scheme will be signal controlled as indicated in the Scheme layouts and the footways will be lit to the current standards. During the construction stage, the contractor will be required to maintain crossings, but these may entail some diversions during the works. Highways England will ensure there is effective and timely communication with the school, this will be achieved through the contractor's stakeholder liaison officer.</p>
RR-019h	<p>The school would like to retain the old Victorian gates which leading to the current Queensway slip road are to be removed for future use.</p>	<p>The school's desire to retain the old Victorian gates is noted. This will be included in the OEMP.</p>
RR-019i	<p>The School would like to maintain the current "Mundy" wall running along its boundary with Ashbourne Road and note verbal reassurances that should this be taken down it will be restored in keeping with its former character.</p>	<p>As discussed in the meetings with the Royal School for the Deaf Derby, the proposed alteration to the school's access from the A52 Ashbourne Road will require the removal of the Mundy wall to create space for this alteration and visibility splay requirements. The intention is to take the wall down and reuse all salvageable stone work to rebuild the wall in a new position outside the required visibility splay. This will be included in the OEMP.</p>
RR-019j	<p>Royal School for the Deaf Derby stakeholder meetings to address concerns</p>	<p>Highways England confirms that a photomontage of the proposed Markeaton junction will be available for review, whilst design details</p>

	specific to the school community which are accessible to Deaf people and monoglot British Sign Language users together with photomontages to ensure information is visual and can be accessed by all.	regarding the noise barrier will be presented to and discussed with the school during the detailed design stage.
RR-019k	The provision of a stakeholder liaison officer during the work to provide timely information to the School throughout the works supported by a British Sign Language Interpreter.	The construction contractor will engage the services of a full-time stakeholder liaison officer. The suggested use of a BSL interpreter will be passed to the contractor.
RR-019l	Reassurance that pollution, noise and air, 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.	<p>The Scheme effects on the school during and after the works are detailed in the Environmental Statement (ES) – air quality effects are reported in ES Chapter 5: Air Quality [APP-043], whilst noise effects are considered in ES Chapter 9: Noise and Vibration [APP-047]. It is considered that the mitigation measures to be applied during the construction phase as detailed in the Outline Environmental Management Plan (OEMP) [APP-249] are appropriate.</p> <p>The operational traffic noise mitigation features included in the Scheme design (e.g. 4m noise barrier and low noise road surfacing, plus placement of the Scheme within a cutting - refer to the Environmental Masterplan ES Figure 2.12C [APP-068]) limit the magnitude of the noise impact at the Royal School for the Deaf to a moderate increase in traffic noise at Lydia House (used by boarding pupils during the week) and a small number of facades on the north-east corner of the Karten Building (this area of the building contains offices and meeting rooms, not classrooms). At all other school buildings, the change in traffic noise levels is predicted to be negligible or minor (not significant). It is noted that the Scheme traffic noise levels at the worst affected school buildings (Lydia House and the Karten building) are not dissimilar to the</p>

		<p>without-Scheme traffic noise levels at other parts of the school close to the A52.</p> <p>Air pollutant concentrations at the School are currently achieving the national and European air quality criteria set to protect human health and will continue to do so during both construction and operation of the Scheme. The air quality criteria have been set to protect the most vulnerable members of society which includes children and the elderly. Additional mitigation or compensation is therefore not required for air quality.</p>
RR-020	Graham Barber	
	Bring it on. Derby is desperate for this to happen. It will make life easier and travelling much better around this area once the project is completed.	Highways England welcomes Mr Barber's support for the Scheme.
RR-021	Alan Bradwell	

	<p>The proposed plan continues the mistakes of the existing layout, in that it fails to fully segregate A38 Trunk traffic from Derby urban traffic. This has been the problem for the last 40 years.</p> <p>The proposed plan benefits only A38 Trunk traffic, not Derby urban traffic. All the access points to the old A5111 Derby Ring Road (which is now the A38) will be blocked on the proposed plan, despite statements in early proposals that this would not happen. Derby urban traffic is being forced onto a 50mph 3-lane Trunk road over 3 sections, mixing with much lorry traffic, and with no alternative roads provided. The plan should have a separate 3-lane dual carriageway for the A38 and a separate A5111 Derby Ring Road adjacent. The plan is not bold enough.</p> <p>The building of the proposed plan (bridges, underpasses, slip-roads, additional lanes) takes place ON the line of the existing roads, which will lead to massive delays for the 30,000 vehicles using the A38 daily, such as occurred with the last "Small Improvements" in 2015, showing that HA are not capable of carrying out their plan without massive delays. The plan is not bold enough - it should take more land and</p>	<p>We have been developing the proposals for the A38 Derby junctions Scheme for many years and there have been several public consultation exercises where we have sought the public's view on the proposals.</p> <p>Several alternative layouts have been considered for all of the junctions since studies into this route improvement commenced in 2002. The alternatives previously considered are included in Chapter 3 of the Environmental Statement: Scheme History and Assessment of Alternatives [APP-041].</p> <p>In early 2015 a consultation was carried out and we actively sought the views of the public on the options we were presenting and also invited alternatives to be suggested by the public. Suggestions from the public were assessed in accordance with Department for Transport guidance. The outcomes of the assessments were published in 'Alternative Options Assessment' reports.</p> <p>In 2016 the Scheme Assessment Report was produced – this considered the findings of the options assessment work and made recommendations for a preferred route.</p> <p>There was a formal 'Preferred Route Announcement' in January 2018 and this was taken to a further 'statutory' public consultation in September 2018. This is the scheme that has now been subject to a full Environmental Assessment and submitted for development consent.</p>
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	<p>allow work to be carried out off-road to avoid delays.</p> <p>There are 6 access junctions between the A38 and Derby roads - this is too many; some are unnecessary. If the A38/A516 junction (a dual carriageway into Derby centre) were made bi-directional (by off-road work), the Kingsway junction would be redundant. If the A5111 Queensway were re-instated as in 2) above, there would be no need for the A38/Kedleston Rd. junction, which is currently only uni-directional. The plan is not bold enough - Four junctions into Derby is enough.</p> <p>The proposed plan to build an underpass at Markeaton junction on the line of the existing road whilst maintaining current traffic flows is ridiculous. The Plan is not bold enough. The underpass must be built to the west of the junction, on land now occupied by MCdonald's/Garage, but compulsorily purchased, so that it can be built off-road, leading to no A38 delays. The A38 can be shifted temporarily to the east onto unused Territorial Army land to give room for the underpass construction; this carriageway will form the new A5111 later. The gradient of 7.5% up Windmill Hill from the underpass will be a problem for lorries.</p>	
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	<p>Some land will be needed from Markeaton Park, but this is no loss as that bit of Park is unused because of the traffic noise- a noise barrier will be needed.</p> <p>The proposed plan for a new bridge over the railway at Little Eaton junction, and two bridges for the 2-off 2-lane flyovers for the A38 is excessive. The latter will be a visual intrusion and the height will generate much more noise than keeping the A38 on the ground and raising the B6179 on a single carriageway bridge above it. Two auxiliary junction roundabouts can be sited on spare land to the north and south of the junction, as in the proposed plan for Kingsway junction, which was deemed acceptable for Derby traffic flows. These roundabouts can be constructed off-road prior to the bridge building and will allow diversions during the build, with no delays. One bridge is cheaper than 3 bridges, especially a new bridge over the railway line.</p> <p>To summarize - the whole scheme is badly thought-out and does not solve the 40-year old problem of mixing A38 and Derby urban traffic. It is not bold enough in that the proposals are just tinkering with the existing layouts, with the likelihood that the construction on the existing roads will lead</p>	
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	<p>to massive delays over several years. The plan should seek to improve the lot of Derby urban traffic in the future, not just A38 traffic, and produce as little visual and noise pollution as possible. This plan does not do that and should be rejected.</p>	
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RR-022	The Beavis Family	
	<p>re:- Part closure/re-routing of the Breadsall/Little Eaton Footpath. The above footpath is a designated pedestrian right of way from the village of Breadsall to Little Eaton, which has provided a link for centuries between the two villages. It should go directly to Little Eaton and not be re-routed south, in the opposite direction, to join another footpath on the A61, which is a right of way from Breadsall to Darley Abbey. Pedestrians would have extreme difficulty and put themselves in danger crossing the A61 and the proposed flyover complex, in order arrive in Little Eaton. Instead the footpath should be re-directed north, along the eastern side of the A38 development to join an existing right of way at the Severn Trent top waterworks and so use the existing A38 underpass to allow safe access into Little Eaton. Copy given to Breadsall Parish Council</p>	<p>The proposed diversion to the footpath leading from Rectory Lane toward the A38 has been discussed with Derbyshire County Council's Rights of Way team. Given the safety issues associated with a crossing point for the footpath at the location it emerges from the fields to the south east corner of the junction, it is felt that making this a circular route to link with another footpath leading from Croft Lane would be preferable. This particular route has little observed use and safer more cost-effective facilities are being provided at the existing crossing of the A61 from Croft Lane.</p> <p>The suggested alternative to divert the footpath route to connect with the bridleway leading from Rectory Lane to the underpass to the rear of the Severn Trent Water treatment plant has reasonable merit. To include this within the Scheme Highways England would need to seek agreement with affected land owners to create this new route and with the local highway authority to understand how it might connect into its local PROW network. This could be considered in addition to the provision already included in the Scheme.</p>
RR-023	Caron Fellows	
	<p>Impact on local environment. Loss of amenity by increasing traffic volume, noise, vibration and air pollution and what Mitigation measures will be used to reduce the impact of these factors; road surfacing, fencing, speed limits. Measures taken to</p>	<p>An assessment of the environmental effects of the Scheme is reported in the Environmental Statement (ES) [APP-039 to APP-254] as submitted with the Development Consent Order (DCO). A summary of the ES is reported in a Non-technical Summary (NTS) [APP-241] as available on the Inspectorate website:</p>

	Protect wild life, birds, green areas, trees, insects & plants. Short term and long-term Impact on local road & residents near to the development. Impact on tranquillity & increase in light pollution.	https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010022/TR010022-000649-TR010022_A38_6.4_Non_Technical_Summary.pdf As illustrated in the ES and NTS, a wide range of mitigation measures have been integrated into the Scheme design, whilst a wide range of management actions would be undertaken to mitigate potential environmental effects during Scheme construction/ operation - this includes numerous measures to protect local wildlife. Details of the mitigation features included in the Scheme design are illustrated in the Environmental Masterplan ES Figures 2.12A to 2.12H [APP-068]. The mitigation and management actions to be undertaken during Scheme construction and operation are also detailed in the Outline Environmental Management Plan (OEMP) [APP-249]. The mitigation measures to be implemented during the construction phase would be detailed in the construction contractor's Construction Environmental Management Plan (CEMP), which would be developed from the OEMP.
RR-024	Robert Frank Hancox	
	I am sending this letter to ask the question is it necessary to remove trees at the back of our homes which form a screen against the noise and pollution on the a38 at the back of our homes. There is also the issue of bringing the footpath even closer to us which will make it worse than ever with the motor bikes and quad bikes making it unbearable to sit in our own gardens.	It is not known to which property this refers. Efforts are ongoing to identify the property concerned.
RR-025	Patric Harting	

RR-025a	<p>This project is an opportunity to improve the experience for people who walk & cycle in Derby. It also has the potential to be a large disruption to people who walk & cycle. The existing cycling & walking infrastructure must be maintained as much as possible, or reasonable, short, safe and convenient alternatives provided during the construction. In particular the bridge from Markeaton Street to Markeaton Park. Crossing sliproads at the new roundabout should be single phase (not staged) and responsive. The pavements and cycling paths should be adequately connected to the existing network.</p>	<p>As a minimum, the existing level of footway and cycleway provision will be retained and opportunities for appropriate enhancements have been sought. Generally, shared use facilities 3m wide will be provided.</p> <p>Discussions are ongoing with the local cycling interest groups (Sustrans and Derby Cycle Group) and a Statement of Common ground is currently being developed with them.</p> <p>During the construction of the Scheme, it may be necessary to implement short-term diversions of some routes; any detours will be kept to a minimum. Protection in terms of these short-term diversion is secured in the dDCO, see: article 15.</p>
RR-025b	<p>The current crossing for cycling/walking over the Derwent and the railway line is very poor and far below the required width. Given how much construction is planned, this must be improved, so that all road users can benefit from this project equally, not just drivers. At all times, best current practice for cycling & walking must be incorporated. This must be best on consultation with local cycling & walking campaign groups.</p>	<p>Due to space limitations across the railway bridge it may be necessary to have a short length of substandard width footway/ cycleway</p>
RR-026	Simon Morris	
	1 Challenge to the selection of the alignment of the A38 in the current application	
RR-026a	The selection of the present alignment dates back to a public consultation exercise	Please see the response to RR-001a above.

	<p>by the Highways Agency in autumn 2003 in which respondents were invited to vote for one of three possible alignments — Options 1 and 2 located north-west of the present junction and Option 3 to the south-east (approximately the same as the alignment currently proposed).</p> <p>In their report on the consultation exercise in January 2004 (ref DOKHXCC/PM009/41) the Highways Agency's consultants concluded that Option 3 was by far the most popular option, being supported by 296 out of a total of 434 respondents. There were, however, two huge flaws with this analysis</p> <ul style="list-style-type: none">• Many residents of Breadsall expressed their opinion through a petition organised by the Parish Council which gained 329 signatures, yet remarkably this petition was counted by the Highways Agency's consultants as a single vote by the Parish Council.• At the same all other votes were given full weight, including some anonymous votes and numerous votes from residents in locations which would suffer no detriment from any version of the scheme (eg most areas of Allestree) <p>The conclusions of the 2004 report were therefore hugely distorted but from that time onwards the Highways Agency and</p>	
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	<p>Highways England have never seriously entertained any alternative options although the Highways Agency's original proposals from the early 2000s had been equivalent to Options 1 and 2 which were clearly superior in technical highway terms. Options 1 and 2 did involve more complicated land acquisitions but these could have been resolved if addressed early on. Highways England has now created a situation where only one scheme is on offer and the consultation on the DCO application is essentially bogus, being limited to technical details of the proposed scheme. I challenge the selection of Option 3 and ask the Planning Inspectorate to examine the process by which the proposed alignment was selected and to require a reconsideration of other options. If Option 3 is to be pursued I think that it could be based on a tighter radius for the A38 with a 50mph limit, similar to the limit at the other two junctions. This would keep the carriageway further away from Breadsall and mitigate its effects.</p>	
	<p>2 Detailed comments on the current application</p>	
<p>RR-026b</p>	<p>1 The woodland/tree belt on the eastern side of the A38 and the slip road will be important in providing visual screening from the Breadsall direction. I think the following points need considering further:</p>	<p>Please see the response to RR-001b above.</p>

	<ul style="list-style-type: none"> • The section of woodland alongside the ponds at the southern end of the slip road and the adjoining section of the A61 is much narrower than the woodland further north and is quite inadequate. The ponds should be moved further east to create a woodland strip at least 20 metres wide. • The woodland should principally comprise robust evergreen species to ensure reliable year-round screening. This is a higher priority for this section of woodland than the use of native species and other ecological factors. • There must be a guaranteed permanent regime for maintenance of the woodland and replacement of dead or dying species. 	
RR-026c	<p>2 The 2.5m high noise barrier is critical in mitigating noise levels in the Breadsall direction. This must be retained and must be constructed of durable materials and coloured green to give the most harmonious visual impact. I wish to be consulted about the construction specification. As with the woodland the noise barrier must be subject to a reliable permanent maintenance regime.</p>	<p>Please see the response to RR-001c above.</p>
RR-026d	<p>3 The absence of overhead lighting and signage on the A38 is important in protecting Breadsall from light pollution and must be retained in the final design. Lighting must be confined to the</p>	<p>Please see the response to RR-001d above.</p>

	roundabout and the adjoining sections of the slip roads.	
RR-027	Chris O'Donnell	
	I am concerned that the new cycle path passes too close to the end of my property (Redacted). It would respect our privacy if it could be moved just a few metres further away ,this would also preserve several mature trees.	During the Detailed Design stage, the alignment of the footway/cycleway will be reviewed and consideration to this comment given (within the constraints imposed by design standards). Consideration has been given to minimising loss of trees throughout the Scheme.
RR-028	Ken Pendle	
	I wish to give my wholehearted support to the junction improvements which are long overdue. It will speed the journey times from the A50 to the M1 tremendously.	Highways England welcomes Mr Pendle's support for the Scheme.
RR-029	Tony Roberts	
	I would like to register my interest and may wish to make a representation in the future.	Noted
RR-030	Jordanne Romanos	
	I work nearby to Markeaton Island. Whilst by no means will the effects of any improvements and the disruption during the improvements to the Island will affect me personally. I am fully aware and have witnessed many RTCs, had to report RTCs to the police and have witnessed many near-misses at that Island. Improvements ARE needed. The issues I'd like to raise are	We have been developing the proposals for the A38 Derby junctions Scheme for many years and there have been several public consultation exercises where we have sought the public's view on the proposals. Several alternative layouts have been considered for all of the junctions (including Markeaton) since studies into this route improvement commenced in 2002. The alternatives previously considered are included in Chapter 3 of the Environmental Statement, Scheme History and Assessment of Alternatives [APP-041] .

	<p>the following: - No alternative suggestions were provided for Markeaton Island in regards to the improvement scheme of the A38 in Derby. - Having seen the plans proposed - grade-separation would alleviate the majority of problems of local and long-distance traffic 'clashing'. I think it could be done with less expense. I would like to register as an interested party to give my own experience of the traffic on the Island (as a pedestrian) and also to suggest alternatives that may appear 'outside of the box' but have worked elsewhere in the world.</p>	<p>In early 2015 a consultation was carried out and we actively sought the views of the public on the options we were presenting and also invited alternatives to be suggested by the public. Suggestions for alternatives from the public were assessed in accordance with Department for Transport guidance. The outcomes of the assessments were published in 'Alternative Options Assessment' reports.</p> <p>In 2016 the Scheme Assessment Report was produced – this considered the findings of the options assessment work and made recommendations for a preferred route.</p> <p>There was a formal 'Preferred Route Announcement' in January 2018 and this was taken to a further 'statutory' public consultation in September 2018. This is the Scheme that has now been subject to a full Environmental Assessment and submitted for development consent. There is a series of options that should be considered when developing a grade-separated junction, these are (in order of increasing traffic flow level):</p> <ol style="list-style-type: none"> i. diamond or half clover-leaf – simple priority junctions with the minor road; ii. dumb-bell roundabout – junctions with the minor road are provided by two normal roundabouts which are connected by a central link road either under or over the mainline; iii. two bridge roundabout – a single large roundabout with the circulatory carriageway either under or over the mainline; iv. 3 level roundabout – a junction usually between two roads of similar flow. The two mainlines are on the upper and lower levels of the junction with the roundabout on the central level; v. interchange – a junction between major roads with all movements catered for by free-flowing connector roads.
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		The design for Markeaton junction is option (iii) from the above list. 'Outside the box' layouts are not contemplated unless particular flow patterns mean the above options can't be made to work. Other layouts are not favoured as they would be unfamiliar to British motorists and would introduce unnecessary safety risks.
RR-031	Mark Silo	
	As the proposed Little Eaton junction will be raised, I am concerned about any increase in noise pollution to adjacent residential areas. I want to understand what mitigations will be used and reassurance that noise levels won't increase significantly.	<p>A range of mitigation features have been integrated into the Scheme design at Little Eaton junction that aim to minimise potential environmental effects upon nearby residents – including measures to minimise noise effects. Noise mitigation features as illustrated on the Environmental Masterplan Drawings (refer to Environmental Statement (ES) Figures 2.12E – 12.2G) [APP-068] comprise the following:</p> <ul style="list-style-type: none"> • Noise and visual screening barriers: in order to mitigate noise and visual effects, the Scheme design includes the following noise/ visual screening barriers: <ul style="list-style-type: none"> ▫ 2.5m reflective noise/ screening barrier on the southbound diverge slip road to the A61 at Little Eaton junction. ▫ 2.5m reflective/absorptive noise/ screening barrier on the southbound A38 mainline at Little Eaton junction. ▫ 2.5m reflective noise/ screening barrier on the northbound A38 mainline at Little Eaton in the vicinity of the Ford Farm Mobile Home Park. • Low noise surfacing: the Scheme would be constructed throughout with a thin surfacing system (i.e. a low noise surface), which results in lower levels of noise generation than a standard hot rolled asphalt surface. The use of low noise thin surfacing can reduce noise levels by 3dB at speeds of ≥ 75km/hr.

		<p>ES Chapter 9: Noise and Vibration [APP-047] presents an assessment of the Scheme effects upon traffic noise in the vicinity of Little Eaton junction, taking account of the mitigation measures as presented above. This illustrates that there would be:</p> <ul style="list-style-type: none"> • Negligible traffic noise level increases at the worst affected façade of the closest properties within Breadsall; • Mainly negligible traffic noise increases in Little Eaton village, although there would be a minor increase in traffic noise levels along Duffield Road due to traffic flow increases as the reduction in congestion at Little Eaton junction would make this a more attractive route to the A38; • Properties within the Ford Farm Mobile Home Park would generally experience a negligible reduction in noise levels; • In Allestree the closure of the Ford Lane access with the A38 would reduce traffic flows in the eastern half of the housing estate, although there would be a corresponding increase in traffic flows in the western half of the estate as traffic would access the A6 to join the A38 at Palm Court junction. Overall a negligible change in noise levels is anticipated in the majority of Allestree, with small areas experiencing a minor traffic noise level increase.
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