

A38 Derby Junctions

TR010022

**8.27 Statement of Common Ground with
Little Eaton Parish Council**

Planning Act 2008

Rule 8 (1)(e)

Infrastructure Planning (Examination Procedure) Rules 2010

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

A38 Derby Junctions
Development Consent Order 202[]

Statement of Common Ground
Little Eaton Parish Council

Regulation Number	Rule 8 (1)(e)
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Author	Highways England (A38 Derby Junctions Project Team) and Little Eaton Parish Council

Version	Date	Status of Version
WIP	N/A	Deadline 1 submission

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Little Eaton Parish Council.

Signed.....

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Project Manager on behalf of Highways England

Date: []

Signed.....

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[] on behalf of Little Eaton Parish Council

Date: []

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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the proposed A38 Derby Junctions ('the Application') made by Highways England Company Limited ('Highways England') to the Secretary of State for Transport ('Secretary of State') for a Development Consent Order ('the Order') under section 37 of the Planning Act 2008 ('PA 2008').
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/ or the Planning Inspectorate's website¹.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the Applicant and Little Eaton Parish Council (LEPC).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1st April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency to be conferred upon or assumed by Highways England.
- 1.2.3 LEPC consists of ten councillors who serve for a four-year term and all councillors are voluntary. The administrative area of LEPC generally comprises the village of Little Eaton, land between Eaton Bank and the B6179, the A38 (north of Little Eaton junction) and land to the west and east, including Drum Hill woodland. The existing Little Eaton roundabout is not within LEPC's administrative boundary.

1.3 Terminology

- 1.3.1 Section 3 of this SoCG sets out the issues that are considered material to LEPC. The table indicates whether an issue is 'Not Agreed'; is 'Under Discussion' where points will be the subject of on-going discussion: wherever possible these will be resolved or refined; and 'Agreed' where an issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to LEPC, and therefore have not been the

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to LEPC.

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2 Record of Engagement

2.1.1 A summary of key meetings and correspondence that has taken place between Highways England and LEPC in relation to the Application is outlined in Table 2.1.

Table 2.1: Record of engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
03.02.15	Meeting	Meeting with LEPC to discuss the forthcoming Public Consultation exhibitions.
January and February 2015	Non-Statutory Consultation Public	Members of LEPC attended the non-statutory public consultation undertaken in 2015.
17.08.15	Email	From LEPC to HE. LEPC confirmed they were not supportive of the 3 alternatives being assessed by HE (Option 3A, Southern Sweep and Option 2).
29.09.15	Little Eaton Reference group Meeting	LEPC represented in the Little Eaton Reference Group as formed by Highways England as means of communicating Scheme development plans with the local authorities. Presented outcomes of public consultation and assessment of alternative options following consultation.
03.03.16	Little Eaton Reference group Meeting	Meeting to discuss footpaths, cycleways, environment and traffic modelling.
11.03.16	Email to LEPC	Two additional options presented (Options 2A and 2B) by Breadsall Action Group considered within the options assessment, in order to maintain a transparent and consistent process.
04.04.16	Email to Highways England	Requests a meeting to discuss additional options presented by Breadsall Action Group. Meeting was held.
18.05.16	Little Eaton Reference group Meeting	Meeting to discuss Options 2A and 2B as proposed by the Breadsall Action Group; these were variations on Option 2 from the 2003 consultation which entailed the junction being located on the opposite side of the A38 to Breadsall village.
10.06.16	Email to LEPC	Email stating that an options appraisal assessment has been undertaken on Option X, which was one of the two additional options presented in the email of the 11.03.16, and that no further work will be undertaken on this option as it has been found that overall it performs worse than the Scheme presented option. Following this a further option was presented by Breadsall Parish Council and the A38 Breadsall Action Group, Option X1.
08.07.16	Email from Highways England	Email sets out that Option X1, submitted by Breadsall Parish Council and Action Group, will not be taken forward for further consideration due to a number of technical constraints.
12.10.16	Little Eaton Reference group Meeting	Meeting to present details of potential environmental effects of the Scheme and associated mitigation measures.
30.01.17	Telephone call	Call to clerk of LEPC to inform them that Highways England would be meeting with a representative of the mobile homes to

		gauge their opinions on the alternative proposals put forward as part of the public consultation.
Preferred Route Announcement delayed 13 months following meeting with Transport Minister, local MP and Action group – further option (Option 2C) assessed and stakeholder engagement suspended.		
30.01.18	-	Preferred Route Announced.
19.04.18	Meeting with Little Eaton Neighbourhood Plan Steering group	To discuss - noise, pollution and possible mitigation; future housing needs and suitability of the land parcel immediately adjacent to the Little Eaton junction; and cycle movements.
28.06.18	Meeting with Little Eaton Neighbourhood Plan Steering group	To discuss the proposed construction compound and its access – Friends of Little Eaton Canal attended (FLEC).
21.11.18	Email to Highways England	Email stated that LEPC endorsed the concerns raised by the FLEC in regard to the Scheme and its impact on the historic line of the former Little Eaton Canal.
25.06.19	Email to Highways England	Confirms that LEPC are in receipt of the DCO materials.
04.11.19	Email from LEPC to Highways England	Confirms that the deadline 1 submission version of the SoCG is acceptable to LEPC.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between Highways England and LEPC in relation to the issues addressed in this SoCG.

3 Issues

3.1 Issues related to Scheme Design

Document (if relevant)	Paragraph Ref (if relevant)	Sub-Section (if relevant)	Comment	Highways England Response	Status
Scheme alignment at Little Eaton junction	-	-	LEPC are in support of the Preferred Route as announced in January 2018 and were not in favour of any of the alternative options (as supported by the Breadsall Action Group - Option 3A, Southern Sweep, Option 2, Option X, Option X1 and Option 2C).	Highways England acknowledges LEPC's support for the preferred route at Little Eaton junction.	Agreed
Relevant Representation made by the Friends of Little Eaton Canal and endorsed by Little Eaton Parish Council*	-	a	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 Chapter 6: Cultural Heritage [APP-044] published April 2019.	<p>The assessment presented in the Preliminary Environmental Information Report (PEIR) was updated and reported in the Environmental Statement (ES) as submitted with the DCO application. The former Derby Canal is referred to in several sections of the ES where relevant, whilst the ES also includes details as to how impacts upon the former canal would be avoided and minimised.</p> <p>ES Chapter 6: Cultural Heritage [APP-044] details the history of the former canal in Sections 6.8,</p>	Under discussion

Document (if relevant)	Paragraph Ref (if relevant)	Sub-Section (if relevant)	Comment	Highways England Response	Status
				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.	
Relevant Representation made by the Friends of Little Eaton Canal and endorsed by Little Eaton Parish Council*	-	b	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.	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] : <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> In order to install this temporary access over the former canal into	Under discussion

Document (if relevant)	Paragraph Ref (if relevant)	Sub-Section (if relevant)	Comment	Highways England Response	Status
				<p>the proposed compound, a strip of trees (approximately 8m wide) would need to be cleared. As detailed in ES Chapter 2: The Scheme, paragraph 2.6.104 [APP-040] “On completion of the works, the temporary bridge would be removed and the area appropriately restored”. As such, following removal of the temporary bridge system, the area of tree clearance would be replanted as native woodland planting.</p> <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.</p>	
Relevant Representation made by the Friends of Little Eaton Canal	-	c	The canal, which still contains some of the original wall stones within its basin, dates back to 1796 and its continued existence	As detailed above, the Scheme will not have direct effects upon the former canal or any associated original structures at the crossing	Under discussion

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and endorsed by Little Eaton Parish Council*			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 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.	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.	
Relevant Representation made by the Friends of Little Eaton Canal and endorsed by Little Eaton Parish Council*	-	d	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 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	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 restored, with the land being returned to the land owner. The approximate 8m 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 Figure 2.12G [APP-068].	Under discussion

Document (if relevant)	Paragraph Ref (if relevant)	Sub-Section (if relevant)	Comment	Highways England Response	Status
			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>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 policies. However, it is stressed that the access into the compound area will be removed at the end of the Scheme construction phase.</p> <p>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).</p> <p>The footpath along Alfreton Road which crosses the access into the proposed compound would remain open during the construction phase, with appropriate health and safety controls at the crossing point.</p>	
Relevant Representation made by the Friends	-	e	Furthermore, the area needed to site the main construction compound uses greenbelt land	The proposed construction compound has been subject to a range of ecological surveys as	Under discussion

Document (if relevant)	Paragraph Ref (if relevant)	Sub-Section (if relevant)	Comment	Highways England Response	Status
of Little Eaton Canal and endorsed by Little Eaton Parish Council*			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.	detailed in ES Chapter 8: Biodiversity [APP-046]. The layout of the compound has been defined taking advice from the ecology team in order to minimise the loss of species-rich grassland, retain areas scrub and trees, and retain a buffer of vegetation around the site to enable continued foraging and commuting by badger. Following completion of the works, the areas affected by the compound will be appropriately restored - restoration 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 [APP-046], taking account of the proposals to appropriately reinstate and replant the site.	
* https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37027					