



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

The Examining Authority's first written questions and requests for information

Response on Behalf of Derbyshire County Council

Little Eaton Junction Improvements

(Located within the Administrative Area of Derbyshire)

Question No.	Question	DCC Response
Section1	The Draft DCO	
1.5	<p>a) Please identify where it would be helpful, for example to bring clarity or to help avoid any later misunderstandings, for specific provisions to be included in any Requirements for consultation or agreement to be required with relevant bodies.</p> <p>b) In each case, please clarify why the provisions should be included.</p>	<p>a) and b)</p> <p>There are a number of elements of the scheme where DCC would welcome further clarification and / or consultation from the applicant as follows:</p> <p>DCC is concerned over the surface water attenuation ponds located to the south-east of the Little Eaton roundabout and who would be responsible for their future maintenance. This is required to clarify where the County Council will be required to take on any maintenance responsibilities or liabilities for the surface water attenuation ponds.</p> <p>DCC would be grateful if the applicant could provide clarification that none of the proposed works to Dam Brook (water course diversion etc.) would be likely to increase flood risk further upstream. There have been previous occurrences of internal flooding to properties in Breadsall, in particular, around where the Dam Brook is culverted under Brookside Road and where Boosemoor Brook is culverted under Rectory Lane. This has now been addressed in the applicant's Statement of Common Ground, which confirms that the Dam Brook diversion would not result in increased flood risk up stream but no details have been provided to the County Council.</p> <p>Clarification is required from the applicant regarding who would be responsible for maintaining all the flood alleviation channels relating to the Little Eaton junction scheme (swales etc.). A drawing would be beneficial highlighting who would be responsible for what. This is required to clarify where the</p>

		<p>County Council would be required to take on any maintenance responsibilities or liabilities for the flood alleviation channels.</p> <p>The use of bypass separators is mentioned in the Flood Risk Assessment. Wherever possible, DCC would prefer the applicant to try to avoid the use of these as they are a greater maintenance burden in terms of resources and cost. DCC considers that the water quality element from the highway surface water run-off would be more appropriately achieved through more natural processes (SuDS). Further discussion with the applicant would be welcomed.</p> <p>DCC, as Lead Local Flood Authority, would welcome the opportunity to see and comment on all the hydraulic calculations for the proposed highway drainage system, including attenuation ponds, relating to the Little Eaton junction improvements. This required to assess the robustness of the calculations and their implications for potential flood risk in the area.</p> <p>DCC is responsible for the Public Rights of Way network for that part of the scheme which falls within Derbyshire. DCC would request that the applicant engages in ongoing consultation and discussion with the County Council's Public Right of Way Team regarding any improvements, diversions, stopping up or future maintenance liabilities for the Public Rights of Way network affected by the Little Eaton Junction scheme.</p> <p>DCC would request that the applicant engages in discussions with the Derwent Valley Mills World Heritage Site Partnership to discuss the potential impacts of the Little Eaton junction improvements on the Outstanding Universal Value of the World Heritage Site.</p>
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<p>1.6</p>	<p>Do DCiC or DCC have any comments in addition to those provided in their RRs on the provisions to be secured in the dDCO in their area for:</p> <ul style="list-style-type: none"> • trunk roads; • classified roads; • unclassified roads; • speed limits; • traffic regulation measures; • revocation and variations of existing traffic regulation orders; or • public rights of way? 	<p>DCC has recently completed the scheme to provide a shared cycle/pedestrian footway on the A61 Alfreton Road, Little Eaton (<i>Between Pektron Roundabout and Little Eaton Roundabout</i>). It is the widening of the western side footway to 2.5m and connects into the existing cycling provision on the A38 Abbey Hill via the signal controlled crossing points. It provides a link to the north onto the B6179 into Little Eaton and a link to the west on the A38 and into Ford Lane.</p> <p>One of the issues which has been raised in the past is the current right of way which comes out of Breadsall village (Little Eaton Junction Consultation Brochure Drawing) shown as the Dam Brook trail which runs from the village towards the A38 and then follows the current alignment of the A61 around and comes out at the side of the A61. There is physical evidence through a worn section of grass in the middle of the A61 where pedestrians have been standing in the past to cross over the A61. It would appear that the route is used by people wishing to access the Northbound bus service at the nearby stop provision on the A61.</p> <p>One of the possible ideas was to divert the right of way (Dam Brook) from the back of the village at a perpendicular angle straight to the A61 edge (shortest route), however the scheme drawing showed it being diverted around the back of the surface water management ponds and coming out at a similar location at the A61 to where the current informal crossing type arrangement exists (see above). Irrespective of which route the path takes from Breadsall village, it is expected that this will be constructed to a suitable standard i.e. top trek type material with defined edging. It is likely that,</p>
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		<p>should the right of way be of a good standard, it will encourage an increase in footfall to and from Breadsall village as it will be an improvement on the current provision.</p> <p>An issue in respect of the current proposed arrangement is that the path would come out in close proximity to the roundabout and as the road is of a higher speed limit, vehicles exiting the roundabout/A38 would enter the A61 and be in potential immediate conflict with pedestrians and other vulnerable road user groups crossing at this point, in addition to which at peak times if a controlled crossing was on red for vehicles this could have potential for queuing back onto the roundabout.</p> <p>The proposals previously did not make reference to whether the realignment of the Dam Brook would be of a sufficient width that it could accommodate both pedestrians and cyclists. Nor does it make reference as to what standard of construction it will be. Clarification on these points from Highways England would be welcomed. At this point on the A61 it is evident that the ability to then cross the A61 Alfreton Road to access the western side of the road for recreational purposes (walking, cycling) travel purposes (north bound bus stop and its services) or to pursue a route into Little Eaton village to the South, is restricted.</p> <p>DCC as the Highway Authority recognise the difficulty in people being able to safely cross the A61 and DCC has received many communications from residents and the Parish Council of Breadsall village with regard to this matter. DCC's officers have met with Highways England in respect of the scheme for the A38 and in particular the area around the Little Eaton roundabout. DCC has made representation</p>
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		<p>through the consultation process for this scheme that the County Council would wish to see the implementation of a pedestrian crossing near to the Croft Lane access onto the A61.</p> <p>This would be of a sufficient distance from the roundabout and that approaching vehicles would have sufficient time and distance to react when the crossing point is activated, and reduce the potential for vehicles to be queuing back onto the A61/A38 junction.</p> <p>To facilitate a scheme of this nature would require the need for the construction / continuation of the Dam Brook Trail down the Eastern Side of the A61 from the proposed current end of the facility near the ARMCO barrier as a footpath construction to connect to the existing Bus Stop provision and into the Croft Lane existing cycle/pedestrian footpath would be required. This would then allow for a safe and suitable crossing point that connects both the north and south bound bus stop provision on the A61 and the new shared pedestrian/cycle path on the western side of the A61 that has recently been constructed.</p> <p>The installation of a pedestrian crossing would address the number of enquiries that the County Council has received for consideration to be given for the introduction of a formal crossing arrangement for the A61 Alfreton Road as the perception is that people don't have a safe and suitable facility to cross the busy, high speed dual carriageway of the A61. This improvement to the Dam Brook trail and the highway improvement scheme to the western footway, the shared footpath scheme for the A61 Alfreton Road is likely to</p>
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		<p>encourage/promote an increase in demand for people wanting to cross the A61.</p> <p>In reference to (Little Eaton Junction Consultation Brochure Drawing) the signalised crossings specified in and around the approaches to Little Eaton roundabout the drawing does not specify whether these are toucan crossings that will provide the necessary network links/connectivity to the cycle route provisions within the surrounding area. Clarification would be welcomed from Highways England on this point.</p> <p>To facilitate the provision of a pedestrian crossing on the A61 the existing National Speed Limit would need to be reduced to 50mph to accommodate a Toucan (pedestrian crossing). Highways England have already stated in correspondence they are prepared to fund such provision, and therefore DCC would wish to see a formal design from HE that is acceptable to the Highway Authority.</p> <p>In addition there is a Key Cycle Network, which includes a proposal for Little Eaton Branch Line which would utilise the existing network off the B6179 along Ford Lane, with an intention to create a crossing over the rail line and into an off-road cycle track heading north towards Duffield.</p> <p>In addition DCC undertook improvements to the Public Transport provision on the western side of the A61 at Breadsall during the construction of the shared pedestrian/cycle route. However, the existing bus stop provision on the eastern side of the A61 is in need of a scheme of improvement. The existing bus shelter at the stop is life expired and in need of replacement, in addition to the lay-by not being of a construction/layout that meets current Bus Quality Partnership standards and would need to be</p>
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		<p>amended to meet the current service demands for the residents of Breadsall village which would be encouraged to use when the right of way issues are resolved and a safe and suitable crossing provision of the A61 is implemented. Therefore DCC would look to seek improvements to this location as part of the scheme Little Eaton Junctions Scheme.</p>
1.7	<p>Do DCiC or DCC have any comments in addition to those provided in their RRs on the provisions in their area for:</p> <ul style="list-style-type: none"> • highways to be stopped up for which no substitute is to be provided; or • highways to be stopped up for which a substitute is to be provided and new highways which are otherwise to be provided? 	<p><u>Stopping up of Ford Lane</u></p> <p>Stopping up of Ford Lane at the A38 would result in only a single point of access to one house, a turf business and farmland to the south of the A38 (Talbot Turf), a major Severn Trent Water pumping station on the Derwent to the north and a Network Rail access and maintenance point onto the Midland Mainline. Ford Lane Bridge over the Derwent currently has a structural weight limit of 7.5T and it is known that Talbot Turf regularly access their site with 40T HGV's using the slip roads from the A38. The size of the Severn Trent Water pumping station would also indicate that access for large vehicles and cranes will be periodically needed. The Network Rail access may also be used for heavy plant and equipment and seems to serve a section of track up to a bridge across the River Derwent to the north.</p> <p>If Ford Lane were to be stopped up with no changes to the current situation the above sites would not be safely or legally accessible by the owners / responsible agencies. Ideally access would be maintained onto the A38 or if that is not possible then the Ford lane bridge will need strengthening or replacing by Highways England to safely permit access for all vehicles to the above sites.</p>

		This is an issue that is subject to ongoing discussions between DCC and Highways England.
1.8	Do relevant Affected Persons, DCiC or DCC or have any comments in addition to those provided in their RRs on the provisions in the dDCO for: <ul style="list-style-type: none"> • private means of access to be stopped up for which no substitute is to be provided; or • private means of access to be stopped up for which a substitute is to be provided and new private means of access which are otherwise to be provided? 	DCC's main concern is regard to the stopping up of Ford Lane and its implications for access by the private properties and businesses as detailed above in question 1.7.
1.12	<p>a) Should any other consents, licenses or agreements be added to Appendix A?</p> <p>b) Please provide an up to date position in respect of obtaining the necessary consents, licenses and agreements.</p> <p>c) Is there any reason to believe that any relevant necessary consents, licenses and agreements will not subsequently be granted?</p> <p>d) Where appropriate, can letters of no impediment be provided by the EA and Natural England?</p> <p>e) Please could further updates be provided at each Examination deadline?</p>	<p>a) Yes – Works to be undertaken on or near an ordinary watercourse/culvert would require Land Drainage Consent under Section 23 of the Land Drainage Act 1991 from both DCC and DCiC.</p> <p>b) Consent can be applied for at any time, and lasts 3 years.</p> <p>c) No</p> <p>d) N/A</p> <p>e) Yes</p>
1.13	<p>a) With reference to the NPSNN, are the relevant pollution control authorities satisfied that potential releases can be adequately regulated under the pollution control framework?</p> <p>b) Is it considered that the effects of existing sources of pollution in and around the project are not such that the cumulative effects of pollution</p>	<p>a) N/A</p> <p>b) Provided that the measures to control pollution from the development into the watercourses meet the required standards.</p> <p>c) N/A</p>

	<p>when the Proposed Development is added would make that development unacceptable?</p> <p>c) Is there any good reason to believe that any relevant necessary operational pollution control permits, or licences or other consents will not subsequently be granted?</p>	
Section 2	Legislation and Policy	
2.2	<p>ES paragraph 1.3.17 sets out the Applicant's list of relevant adopted plans.</p> <p>a) Does this constitute the full list of development plans relevant to the Proposed Development?</p> <p>b) Are there any policies in emerging development plans which may be relevant? If so, please supply copies.</p> <p>c) Are there any non-statutory local policies which may be relevant? If so, please supply copies.</p>	<p>a) Yes DCC considers that the Adopted Derby and Derbyshire Waste Local Plan (2005) should also be included in the list of relevant Local Plans. The applicant's Environment Statement: Chapter 11: Material Assets and Waste, appropriately makes reference to the adopted Waste Local Plan as being relevant to the applicant's assessment of the impacts of the generation and disposal of waste materials from the scheme.</p> <p>b) It should be noted that a Review of the Derby and Derbyshire Waste Local Plan is currently being prepared jointly by DCC and DCiC but the plan is at a relatively early stage of preparation (Issues and Options) and a Draft Plan is not anticipated to be published for consultation until Spring 2020, which will include policies on waste.</p>
Section 3	Impact Assessment and Mitigation Methodology	
3.4	<p>a) Are there any comments regarding the other planned developments selected for the cumulative impact assessment?</p> <p>b) Are there any comments on the allowances made for their timing, location and magnitude of impact?</p>	<p>No, None.</p> <p>No, None.</p>

3.8	<p>a) Please could the Applicant: clarify the worst-case parameters for the assessment of the proposed maintenance activities during operation, including removal, replacement or reconstruction works during the operation of the Proposed Development; and</p> <ul style="list-style-type: none"> • demonstrate, with references, how these have been assessed in the ES? <p>b) Would the Local Authorities find it useful for the Maintenance and Repair Strategy Statement to be submitted to the Examination?</p>	<p>b) Yes DCC would find it useful for the Maintenance and Repair Strategy Statement to be submitted to the Examination.</p>
3.10	<p>Do you have any comments on the Applicant's overall approach to assessment and mitigation, including in respect to:</p> <p>a) Consideration given to the potential environmental, safety, social and economic benefits and adverse impacts at national, regional and local levels?</p> <p>b) The detail in the local transport model for the assessment of impacts, whether the modelling is proportionate to the scale and consideration of the impact of uncertainty on project impacts?</p> <p>c) Whether the mitigation measures and provisions in and secured by the dDCO are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, necessary to make the development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the development and reasonable in all other respects?</p>	<p>a) DCC is satisfied that the applicant has undertaken a thorough and comprehensive assessment of the likely safety, environmental, social and economic benefits and adverse impacts of the scheme at a national, regional and local level and has sought to address the negative impacts with appropriate mitigation strategies. DCC has not raised any significant issues with regard to the lack of any supporting evidence, studies or documentation to support the DCO application. DCC's comments relate primarily with the detail of the DCO and Environment Statement and the need for further clarification on a number of matters and issues and concerns that some of the environmental impacts have been under-estimated, particularly relating to impacts on the Outstanding Universal value of the Derwent Valley Mills World Heritage Site (see further comments below).</p> <ul style="list-style-type: none"> • b) The traffic model has been developed to assess the traffic impacts of the proposed scheme(s) over a large section of the wider highway network,

	<p>d) The consideration given to the specifics of the Proposed Development?</p> <p>e) The assessment of significant effects, including cumulative effects with other projects, at all stages of the project?</p> <p>f) How any details of the project that are yet to be finalised are addressed?</p> <p>g) The Applicant's engagement with you in developing the mitigation proposals?</p>	<p>consequently the traffic model may not pick up nuances in travel behaviour on the less well trafficked part of Derbyshire's road network . Overall, however, the County Council are satisfied with the traffic modelling and its 'fitness for purpose'.</p> <ul style="list-style-type: none">• c) DCC raises no significant issues or concerns with the applicant's approach with regard to these matters.• d) DCC raises no significant issues or concerns with the applicant's approach with regard to these matters.• e) DCC raises no significant issues or concerns with the applicant's approach with regard to these matters.• f) DCC would welcome further discussion and engagement with the applicant on a number of matters particularly impacts on the Public Rights of Way network; flood risk and the need for clarification on a number of issues; and impacts of the closure of Ford Lane. (as set out in appropriate responses to questions in this document above and below).• g) the applicant has worked with DCC on an ongoing basis over the last two years or so to assess the relevant environmental impacts of the scheme and address the need for evidence or survey work for preparation of the Environment Statement and need for mitigation. In a number of areas, however, engagement has been limited or lacking particularly relating to Public Rights of Way and flood risk matters. Further engagement would therefore be welcomed with the applicant.
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3.12	<p>a) Do you have any comments as to the degree of independent professional scrutiny that would be applied to signing off the Undertaker's mitigation proposals post-DCO consent, should that be granted? If so, why and how could this be remedied?</p> <p>b) Are there any concerns as to whether the management and mitigation plans, strategies and written schemes referenced by the dDCO and OEMP would ensure that there are no materially new or materially worse adverse environmental effects in comparison with those reported in the ES?</p> <p>c) Should any other plans, strategies or written schemes be identified? If so, why?</p> <p>d) Should any further draft plans, strategies or written schemes be submitted to the Examination? If so, why?</p> <p>e) Please identify the plans, strategies or written schemes on which you would like to be consulted.</p> <p>f) Please identify the plans, strategies or written schemes on which you feel that your agreement is required before it can be authorised.</p>	<p>a) No comments</p> <p>b) No.</p> <p>c) None</p> <p>d) None</p> <p>e) Construction Environmental Management Plan Traffic Management Plan Landscape and Ecology Management Plan Outline Biosecurity Management Plan Heritage Management Plan Archaeological Mitigation Strategy Written Scheme of Investigation Site Specific Written Scheme of Investigation Site Waste Management Plan Waste Management Plan Flood Risk Management Plan</p> <ul style="list-style-type: none"> • F) None
Section 4	Transport Networks and Traffic	
4.4	<p>a) Are the Local Authorities content with the study area used in relation to transport networks and traffic, including for the assessment of driver stress?</p> <p>b) Are the road sections identified in ES Table 12.14 appropriate and representative for the driver stress assessment?</p>	<p>a) Yes</p> <p>b) Yes</p>

4.5	Do the Local Authorities have any more comments regarding the Applicant's consideration of baseline conditions and surveys?	No
4.8	The Applicant refers to the application of professional judgement for the assessment of driver stress significance of effect. Do the Local Authorities have any comments on this approach and on the judgements made?	No.
4.15	Do the Local Authorities consider that: a) Impacts on local transport networks and policies set out in local plans, including local policies on demand management, have been addressed sufficiently? b) Enough account has been taken of local models? c) Reasonable opportunities have been taken to support other transport modes? d) There has been a proportionate assessment of the transport impacts on other networks?	a) Yes b) Yes c) Yes d) Yes In so far as the County Council's transportation networks are concerned.
4.16	Do the Local Authorities have any more comments regarding the Applicant's overall assessment methodology, growth assumptions or modelling techniques?	No
4.17	a) Please could the Applicant summarise how travel patterns have been modelled during construction? b) What feedback from Local Authorities have been incorporated?	c) Construction of the grade separation work to all three Derby junctions would be carried out concurrently and could possibly, extend over a duration of several years and involve 'banned turns' over a period of several months. This will inevitably give rise to changes in travel patterns across a

	c) Please could the Local Authorities comment?	wide area of Derbyshire's road network. Further information to both establish what these effects would be, together with a strategy for their management would therefore be appreciated.
4.18	<p>a) Has the scale provided in Table 12.5 been used to quantify changes in driver stress during construction? If so, how? If not, why not?</p> <p>b) How have the results of the construction traffic model been used to quantify impacts on motorised users?</p> <p>c) Please provide detailed justification of the assessment of "<i>temporary minor adverse effect</i>" during construction in paragraph 12.10.21 and demonstrate how it is evidence-based.</p> <p>d) How does the assessment derive from the application of the methodology, including the significance criteria set out in Table 12.6?</p> <p>e) An overall assessment of significance is provided. Should the significance be identified at different locations, as is typically the case with the assessments in other Chapters of the ES?</p> <p>f) Please could the Local Authorities comment on the Applicant's approach?</p>	a) to f) No Specific Comments.
4.21	<p>The potential is noted for HGV movements outside the 07:00-19:00 working hours in "<i>exceptional circumstances</i>".</p> <p>a) Please clarify what would constitute "<i>exceptional circumstances</i>" and what would be the anticipated frequency?</p> <p>b) How have any potential impacts been assessed?</p>	<p>e) The implication is from a noise perspective to nearby villages, which in the case of Derbyshire will likely be Breadsall and Little Eaton. Working outside of these hours will be disruptive and likely raise significant objection at a localised level.</p> <p>"Exceptional circumstances" might include support vehicles associated with overnight works, abnormal loads that would be unable to access site during normal working hours etc.</p>

	<p>c) Noting that the timings differ to those set out in dDCO Requirement 3(2)(d) and OEMP provision MW-G12, how are these movements permitted by the dDCO and OEMP?</p> <p>d) Should these movements require Local Authority approval in advance?</p> <p>e) Please could the Local Authorities comment?</p>	<p>Each individual event must be assessed individually on its own merits. DCC would reserve the right to refuse permission for unjustifiable HGV usage on the DCC network.</p>
4.22	<p>It is stated that overnight closures of the A38 would be permitted subject to diversion routes being agreed.</p> <p>a) Please could the Applicant:</p> <ul style="list-style-type: none"> • justify the need for such closures; • identify the likely diversion routes; • summarise the predicted impacts; and • clarify the mechanism for diversion routes being agreed and how this is secured through the dDCO? <p>b) Please could the Local Authorities comment?</p>	<p>The need would arise from works that could significantly impact daytime A38 traffic flows; this could include delivery of long / wide / heavy non-divisible items. Common diversion routes on DCC network for A38 closures include B6179 (Little Eaton to Coxbench) and A61 (Little Eaton to city boundary). These routes are considered acceptable for overnight closures but not acceptable for non-emergency daytime closures. Agreement of diversion route usage is achieved through email exchange with DCC, prior to closure TTRO being sealed and advertised by HE.</p>
4.23	<p>Do the Local Authorities have any comments on:</p> <ul style="list-style-type: none"> • the outline TMP; • measures that should be included in the detailed TMP; • the timing of the issue of a detailed TMP; and on the need for the detailed TMP to be agreed with them? 	<p>The TMP must be made available to DCC insofar as the scheme impacts upon DCC network. This includes haul routes, diversion routes, potential need for DCC-created TTROs, and likely general displacement of trunk road traffic. The TMP should be provided to DCC whilst still at the Draft stage.</p>
4.25	<p>An outline TMP was provided with the application but the content is noted as being "<i>conjectural</i>". ES states that a detailed TMP would be prepared and implemented by the construction contractor, based on the outline TMP and would define those measures to be used by the contractor to reduce the impacts from construction traffic.</p>	<p>No information provided to DCC to enable comment (see comments under 4.23 above).</p>

	<p>The Applicant has identified the contractor that they intend to appoint.</p> <p>a) Please can the Applicant advise:</p> <ul style="list-style-type: none"> • whether it is possible for the contractor to now input to the TMP, perhaps under arrangements for early contractor involvement; • when a draft of the detailed TMP will be made available to the Examination; and • whether the detailed TMP should be required to be agreed with the Local Highways Authorities and should this requirement be secured in the dDCO? <p>b) Do the Local Authorities have any comments on:</p> <ul style="list-style-type: none"> • the outline TMP; • measures that should be included in the detailed TMP; • the timing of the issue of a detailed TMP; and on the need for the detailed TMP to be agreed with them? 	
4.29	<p>Do the Local Authorities have any more comments regarding the Applicant's assessment of construction traffic and temporary closures and diversions, including:</p> <p>a) The nature of likely effects on receptors?</p> <p>b) Relevant mitigation measures secured by the dDCO and OEMP?</p> <p>c) Whether any potential to worsen accessibility would be mitigated so far as reasonably possible?</p>	DCC has no further comments to make on a) to h)

	<p>d) The sufficiency of consideration given to mitigation by way of the design, lay-out or construction methods for the Proposed Development?</p> <p>e) Whether the mitigation measures are proportionate, reasonable and focussed on promoting sustainable development?</p> <p>f) Whether the mitigation measures are enforceable, precise, sufficiently secured and likely to result in the identified residual impacts?</p> <p>g) The identification of all significant impacts?</p> <p>h) Road safety during construction?</p>	
4.30	<p>a) Have the average journey speeds provided in Table 12.5 been used to quantify changes in driver stress during operation? If not, why not?</p> <p>b) Table 12.5 shows that driver stress level derives from a combination of peak hourly flow and average journey speed. Tables 12.16 and 12.17 suggest driver stress levels based solely on peak hourly flow. Please justify how driver stress levels can be identified in the absence of average journey speeds.</p> <p>c) Please provide average journey speeds for each road in Tables 12.16 and 12.17.</p> <p>d) How does the assessment of "<i>minor adverse effect</i>" relate to the significances set out in Table 12.6?</p> <p>e) An overall assessment of significance is provided. Should the significance be identified at different locations, as is normal with the assessment in other Chapters of the ES?</p>	<p>DCC has raised no specific issues or concerns with regard to the applicant's assessment of the likely impacts of the scheme on driver stress. No further comments are therefore made on this issue, except to express the view that once complete the likely improvement in journey times and reduced delays and congestion on the network would be likely to have a beneficial impact on driver stress. Increases in driver stress are more likely to be temporary during the construction phase of the scheme.</p>

	<p>f) Please comment on the significance of effect at B5111 Kingsway WB where peak flows are predicted to increase from 338 to 1183 per hour.</p> <p>g) Please could the Local Authorities comment?</p>	
4.34	<p>a) Please could the Applicant summarise how the junction layouts have incorporated feedback from Local Authorities?</p> <p>b) Please could the Local Authorities comment?</p>	<p>The applicant has not engaged in any detailed discussions with DCC's officers on the proposed junction layouts. However, this is a Highways England promoted scheme and so DCC would not necessary expect HE to discuss the detailed design and layout of the scheme with the County Council as a Local Highways Authority. DCC has not raised any issues or concerns with the applicant's approach to this matter through the previous consultation process and has not raised any fundamental concerns with the overall proposed layout of the Little Eaton junction improvements.</p> <p>A number of suggested more detailed improvements have been made by DCC as set out in 1.7 above to the Little Eaton Junction improvements relating to the provision of a new pedestrian crossing on the A61 Alfreton Road south of the existing junction and improvements to the bus shelter and layby on the eastern side of the A61 south of the junction to maximise the operational safety of the junction improvements and wider connectivity.</p>
4.36	<p>Increased journey times are predicted on the Mansfield Road route.</p> <p>a) Please clarify the causes.</p> <p>b) Please comment on the impacts and on the need for mitigation.</p>	<p>No comments – this is a matter for Derby City Council to consider as the Local Highway Authority for the Mansfield Road part of the network.</p>
4.37	<p>a) Please could the Applicant summarise the balance of beneficial and adverse impacts considered in decisions about the adoption of 40</p>	<p>e)There are a considerable number of variables which will have an impact on the speed limits the HE promotes for the A38 following the works.</p>

	<p>mph, 50mph or 70mph speed limits on different sections of the A38?</p> <p>b) Why would there be a 70mph limit through the Little Eaton junction when safety considerations appear to point towards 50mph?</p> <p>c) What difference would a 50mph limit through the Little Eaton junction make to road safety, journey times and noise levels at Ford Farm Mobile Home Park and in Breadsall?</p> <p>d) What difference would a 40mph limit through the Markeaton junction make to journey times and noise levels at the Royal School for the Deaf Derby and at residential properties near the junction?</p> <p>e) Please could the Councils comment?</p>	<p>DCC would require clarification from HE on the following points:</p> <p>Has HE designed the new road alignment based on a particular speed limit in mind?</p> <p>Are HE undertaking a process of installing enforcement cameras to control speeds?</p> <p>Have HE determined whether a collision history along the route has identified clusters where speed is a contributory factor in all or most of the collisions?</p> <p>Have HE considered consulting with the Traffic Management Officer at Derbyshire Constabulary to obtain their views on any proposed speed limits?</p>
4.40	<p>a) Please could the Applicant summarise the alternative options considered for the closure of the existing Ford Lane access to the A38 and the balance of impacts considered for each option?</p> <p>b) What other options are there to discourage the use of Ford Lane as a short cut from the A6 to the A61?</p> <p>c) What is the case against Ford Lane connecting to the A38 slip road and are there any precedents for this?</p> <p>d) Please could the Local Authorities comment?</p>	<p>d) Stopping up of Ford Lane at the A38 would result in only a single point of access to one house, a turf business and farmland to the south of the A38 (Talbot Turf), a major Severn Trent Water pumping station on the Derwent to the north and a Network Rail access and maintenance point onto the Midland Mainline. Ford Lane Bridge over the Derwent currently has a structural weight limit of 7.5T and it is known that Talbot Turf regularly access their site with 40T HGV's using the slip roads from the A38. The size of the Severn Trent Water pumping station would also indicate that access for large vehicles and cranes will be periodically needed. The Network Rail access may also be used for heavy plant and equipment and seems to serve a section of track up to a bridge across the River Derwent to the north. If Ford Lane were to be stopped up with no changes to the current situation the above sites would not be safely or legally accessible by the owners / responsible agencies.</p>

		Ideally access would be maintained onto the A38 or if that is not possible then the bridge on Ford Lane will need strengthening or replacing by Highways England to safely permit access for all vehicles to the above sites.
4.44	<p>Do the Local Authorities have any more comments regarding the Applicant's assessment of operational traffic and permanent road closures, including:</p> <p>a) The nature of likely effects on receptors?</p> <p>b) Relevant mitigation measures in the dDCO?</p> <p>c) Whether any potential to worsen accessibility would be mitigated so far as reasonably possible?</p> <p>d) The sufficiency of consideration given to mitigation by way of the design, lay-out or operation of the Proposed Development?</p> <p>e) Whether the mitigation measures are proportionate, reasonable and focussed on promoting sustainable development?</p> <p>f) Whether the mitigation measures are enforceable, precise, sufficiently secured and likely to result in the identified residual impacts?</p> <p>g) The identification of all significant impacts?</p>	DCC has no further comments to make on this issue.
4.45	<p>The effect of the Proposed Development on bus services is reviewed at ES paragraphs 12.7.17-12.7.22, 12.10.74 and 12.10.76.</p> <p>a) DCC, DCiC, EBC - Are you content that this review fully and accurately reflects the effects of the Proposed Development?</p>	<p>a) Yes. When DCC commented on the Applicant's Preliminary Environmental Information Report (17/10/2018) it raised concerns that the PEIR did not include any significant assessment of the likely impacts on public transport usage relating to the Markeaton and Little Eaton Junction Improvements. DCC is satisfied that the ES now provides a robust assessment of the likely impacts on public transport in</p>

	<p>b) Applicant - Have the proposals been discussed with bus operators and local transport groups? If not, is there an intention to do so? If they have been discussed, what was the response?</p>	<p>respect of the junction improvements at Markeaton and Little Eaton Junctions.</p> <p>For the Little Eaton junction, DCC would comment that bus services going south into Derby from Little Eaton currently struggle to get out of Alfreton Road onto the existing A38 due to the volumes of traffic. The proposed grade separated junction would make it easier for these services to get onto the proposed new island and then head south into the City. Similarly, buses going north bound either to Little Eaton or on the A38 towards Kilburn should also benefit from improved traffic flow over the current roundabout arrangement.</p> <p>For Markeaton junction, DCC would comment that bus services on the A52 heading towards Derby city centre from Ashbourne and outbound from the City towards Mackworth currently get stuck in considerable traffic queues as vehicles go round the current roundabout and through the associated traffic signals. Separating the north / south through traffic from the more local journeys heading into and out of Derby from this direction should be likely to reduce delays and improve the reliability of bus services on this corridor.</p> <p>In both cases, therefore, DCC would concur with the applicant's conclusions that the Markeaton and Little Eaton junction improvements would be likely to have a significant beneficial impact on users of local buses due to improved journey times and journey reliability. It also concurs with the applicant that during the construction phase temporary changes to journey length and reliability for users of public transport would occur.</p>
4.47	Do the Local Authorities have any more comments regarding the Applicant's baseline,	Yes. DCC welcomes the indication in the ES at 12.10.74 and 12.10.76 that bus routes would be taken into consideration

	assessment and mitigation proposals with respect to public transport?	when agreeing diversions and temporary traffic management requirements with Derbyshire County Council prior to construction in order to limit impacts on these users.
Section 5	Air Quality	
5.4	<p>Are the Local Authorities content with the Applicant's assessment with respect to:</p> <p>a) The study area, including consideration of the effects of fleet and traffic volume changes resulting from temporary diversionary routes?</p> <p>b) The baseline data, including the use of the 2015 or the 2016 baseline?</p> <p>c) The receptors selected for the assessment and whether they are considered representative?</p>	<p>a) to c)</p> <p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management. DCC has not raised any issues on this matter with the applicant.</p>
5.5	<p>a) Are the Local Authorities content with the Applicant's conclusion that there is no risk of carbon monoxide, 1,3-butadiene, benzene, lead or sulphur dioxide concentrations exceeding the relevant national objectives?</p> <p>b) Are there any local factors that might lead to an exceedance?</p>	<p>A) and b)</p> <p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management. DCC has not raised any issues on this matter with the applicant.</p>
5.6	<p>The Applicant states that "<i>The PM_{2.5} results are not discussed in this chapter as concentrations are well below the objective and limit value under all scenarios</i>" and that "<i>The change in overall exposure to PM_{2.5} would be the same as for PM₁₀. The Scheme is shown to reduce overall exposure to PM₁₀ (and PM_{2.5}). Therefore, no additional mitigation measures are required to reduce exposure to PM_{2.5}.</i>"</p>	<p>a) and b)</p> <p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management. DCC has not raised any issues on this matter with the applicant.</p>

	<p>a) Are the Local Authorities content with the Applicant's assessment of PM_{2.5}, including in relation to the European Union (EU) Ambient Air Quality Directive?</p> <p>b) Are any additional mitigation measures required for PM_{2.5}?</p>	
5.10	<p>a) Are the Local Authorities and NE satisfied with the Applicant's assessment that no international or nationally designated sites would be affected by the Proposed Development in respect to air quality?</p> <p>b) With reference to the NPSNN, please could the Applicant clarify and summarise potential air quality impacts on other nature conservation sites?</p>	<p>a) Yes</p> <p>b) Question for the Applicant</p>
5.13	<p>Do the Local Authorities or EA have any more comments regarding the Applicant's consideration of baseline conditions or its' overall assessment methodology?</p>	<p>No further comments.</p>
5.21	<p>Do the Local Authorities or EA have any more comments regarding the Applicant's assessment of construction dust and emissions, including the identification of:</p> <p>a) The nature of likely effects on receptors?</p> <p>b) Relevant mitigation measures secured by the dDCO and OEMP?</p> <p>c) Whether the mitigation measures are enforceable, precise, reasonable, sufficiently</p>	<p>a) To d)</p> <p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management and dust emissions. DCC has not raised any issues on this matter with the applicant.</p>

	<p>secured and likely to result in the identified residual impacts? d) All significant impacts?</p>	
5.24	<p>Do the Local Authorities or EA have any more comments regarding the Applicant's assessment of operational vehicle emissions, including the identification of:</p> <p>a) The nature of likely effects on receptors? b) Relevant mitigation measures secured by the dDCO? c) Whether the mitigation measures are enforceable, precise, reasonable, sufficiently secured and likely to result in the identified residual impacts? d) All significant impacts?</p>	<p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management. DCC has not raised any issues on this matter with the applicant.</p>
5.25	<p>a) Do the Local Authorities agree with the areas identified by the Applicant as exceeding EU limit values for NO₂? b) If they do not agree, why not and how do they consider that the areas identified should be amended? c) Which of these areas have been reported to the European Commission as being non-compliant? d) What are the most recent timescales reported to the European Commission for the non-compliant areas to become compliant?</p>	<p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management. DCC has not raised any issues on this matter with the applicant.</p>
5.26	<p>a) Following discussion and agreement with the Local Authorities about non-compliant areas, please could the Applicant clarify where and</p>	<p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air</p>

	<p>when any increases in NO₂ concentrations from the Proposed Development are predicted at any area that is non-compliant with the Air Quality Directive, together with the magnitude of the increase in each case?</p> <p>b) Please could the Applicant and the Local Authorities comment, in detail and with justification, whether they consider that the Proposed Development would affect the ability of any non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision?</p>	<p>quality management. DCC has not raised any issues on this matter with the applicant.</p>
5.27	<p>Would the Proposed Development result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant?</p>	<p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management. DCC has not raised any issues on this matter with the applicant.</p>
5.29	<p>a) Two different analysis methods have been used. Are both methods acceptable for the purposes of Air Quality Directive?</p> <p>b) Increases in NO₂ during construction are predicted at Stafford Street. Could those be reduced or avoided through alternative construction traffic measures?</p>	<p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management. DCC has not raised any issues on this matter with the applicant.</p>
5.30	<p>a) Please could the Applicant summarise the consideration given to mitigation measures such as changes to the route, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions, and speed control?</p>	<p>b) As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management. DCC has not raised any issues on this matter with the applicant.</p>

	b) Please could the Local Authorities comment?	
5.31	<p>The Applicant refers to dust monitoring for locations with higher dust risks. The OEMP provides for the consideration of dust monitoring during the main construction works, but not during the preliminary works, which include activities such as establishment of working areas and compounds and delivery of construction materials, plant and equipment.</p> <p>a) Please could the Applicant justify that no dust monitoring should be considered during the preliminary works?</p> <p>b) Should dust monitoring be a firm requirement rather than something to be considered?</p> <p>c) Please could the Local Authorities comment?</p>	As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management and dust emissions. DCC has not raised any issues on this matter with the applicant.
5.32	<p>The OEMP does not mention any potential for NO₂ monitoring during the preliminary works, construction or operation. However, the assessment identifies cases where NO₂ levels are close to EU limit values and instances of large increases in NO₂ concentrations</p> <p>a) Please could the Applicant justify that no NO₂ monitoring should be considered?</p> <p>b) Should NO₂ monitoring be something to be considered or a firm requirement?</p> <p>c) Please could the Local Authorities comment?</p>	As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air quality management and dust emissions. DCC has not raised any issues on this matter with the applicant.
5.35	Do the Local Authorities or EA have any more comments regarding:	As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for air quality and air

	<ul style="list-style-type: none"> • consideration of and compliance with local policies and plans; or • the Applicant's assessment and mitigation proposals with respect to statutory compliance, monitoring, pollution control or other matters? 	quality management and dust emissions. DCC has not raised any issues on this matter with the applicant.
Section 6	Noise and Vibration	
6.10	Do the Local Authorities have any more comments regarding the Applicant's consideration of baseline conditions, surveys or the overall assessment methodology?	As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for noise and vibration matters. DCC has not raised any issues on this matter with the applicant.
6.24	<p>The Applicant considers that other developments are not expected to affect the construction noise assessment.</p> <p>a) Please could the Applicant clarify how it has considered construction traffic from the other developments in its' assessment?</p> <p>b) Please could the Local Authorities comment?</p>	As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for noise and vibration matters. DCC has not raised any issues on this matter with the applicant.
6.25	<p>Do the Local Authorities have any more comments regarding the Applicant's consideration of construction noise and working hours, including:</p> <p>a) The nature of likely effects on receptors?</p> <p>b) Relevant mitigation measures secured in the dDCO and OEMP?</p> <p>c) Whether the mitigation measures are enforceable, precise, reasonable, sufficiently secured and likely to result in the identified residual impacts?</p> <p>d) All significant impacts?</p>	As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for noise and vibration matters. DCC has not raised any issues on this matter with the applicant.

6.35	<p>a) Please could the Applicant summarise the consideration given to containment of noise generated; adequate distance between source and noise-sensitive receptors; specifying acceptable noise limits or times of use; optimisation of scheme layout to minimise noise emissions; and the use of landscaping, bunds or noise barriers to reduce noise transmission?</p> <p>b) Please could the Applicant summarise the need for the mitigation of impacts elsewhere on the road networks that have been identified as arising from the Proposed Development, according to Government policy?</p> <p>c) Please could the Local Authorities comment on the proposed mitigation measures?</p>	<p>c) As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for noise and vibration matters. DCC has not raised any issues on this matter with the applicant.</p>
6.41	<p>Do the Local Authorities have any more comments with respect to:</p> <ul style="list-style-type: none"> • consideration of and compliance with local policies and plans; • the Proposed Development being undertaken in accordance with statutory requirements for noise; • regard being given to the relevant sections of the Noise Policy Statement for England, National Planning Policy Framework and the Government's associated planning guidance on noise; • whether the Proposed Development sufficiently avoids, mitigates and minimises adverse impacts on health and quality of life and contribute to their improvement; or • any other aspects of the Applicant's assessment and mitigation proposals with 	<p>As a Minerals and Waste Planning Authority, Highways Authority and Lead Local Flood Authority, DCC does not have any statutory responsibilities for noise and vibration matters. DCC has not raised any issues on this matter with the applicant.</p>

	respect to statutory compliance, monitoring, pollution control or other matters?	
Section 7	Flood Risk and Drainage	
7.10	<p>The RR states "<i>Some issues have been raised on flood risk requiring further clarification from the Applicant.</i>"</p> <p>Has there been subsequent discussion with the Applicant? Please expand on any outstanding concerns.</p>	<p>No subsequent discussion has taken place by the applicant with DCC. These issues are being addressed in the Statement of Common Ground between the applicant and DCC.</p> <p>DCC is concerned over the surface water attenuation ponds located to the south-east of the Little Eaton roundabout and who would be responsible for their future maintenance. This required to clarify where the County Council would be required to take on any maintenance responsibilities or liabilities for the surface water attenuation ponds.</p> <p>DCC would be grateful if the applicant could provide clarification that none of the proposed works to Dam Brook (water course diversion etc.) would be likely to increase flood risk further upstream. There have been previous occurrences of internal flooding to properties in Breadsall, in particular, around where the Dam Brook is culverted under Brookside Road and where Boosemoor Brook is culverted under Rectory Lane. This has now been addressed in the applicant's Statement of Common Ground, which confirms that the Dam Brook diversion would not result in increased flood risk up stream but no details have been provided.</p> <p>Clarification is required from the applicant regarding who would be responsible for maintaining all the flood alleviation channels relating to the Little Eaton junction scheme (swales etc.). A drawing would be beneficial highlighting who would be responsible for what. Required to clarify where the County Council will be required to take on any maintenance responsibilities or liabilities for the flood alleviation channels.</p>

		<p>The use of bypass separators is mentioned in the Flood Risk Assessment. Wherever possible, DCC would prefer the applicant to try to avoid the use of these as they are a greater maintenance burden in terms of resources and cost. DCC considers that the water quality element from the highway surface water run-off would be more appropriately achieved through more natural processes (SuDS). Further discussion with the applicant would be welcomed.</p> <p>DCC, as Lead Local Flood Authority, would welcome the opportunity to see and comment on all the hydraulic calculations for the proposed highway drainage system, including attenuation pond, relating to the Little Eaton junction improvements. Required to assess the robustness of the calculations and their implications for potential flood risk in the area.</p> <p>If any further opportunities could be sought by the applicant to make the design of the Dam Brook diversion more naturalised this would be welcomed by DCC. The current design solution is a highly engineered solution that does not blend in well with its current semi-rural location.</p>
7.17	<p>NPSNN paragraph 5.115 states that <i>"Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities can be taken to lower flood risk by improving flow routes, flood storage capacity and using SuDS."</i></p> <p>Does the Proposed Development take the opportunities identified in the NPSNN? Is there anything else that could be reasonably achieved?</p>	<p>DCC has commented on the Dam Brook Diversion as to whether it could be more naturalised, seeking opportunities to enhance the habitat through this watercourse diversion.</p>

Section 8	Biodiversity and Ecological Conservation	
8.1	<p>a) Do you agree with the selection of the sites which have been scoped out of further assessment in this report? If not, why not?</p> <p>b) Are there any sites not listed in the report which should be taken in account?</p> <p>c) Do you agree that the remote sites of minor highway improvement works should be scoped out of further assessment?</p>	<p>a) Yes</p> <p>b) No</p> <p>c) Yes – subject to pre-construction checks by ECoW as per 8.3.29</p>
8.2	<p>Do the Councils/NE have any comments regarding the approach to the surveys undertaken for the ES?</p>	<p>The applicant’s consultants have involved stakeholders extensively and repeatedly over the approach to and scope for surveys, which is welcomed, and the approach can be supported.</p>
8.3	<p>ES Table 8.3 (Regional) refers to the “<i>appropriate Natural Area profile</i>”. However, there is no reference to this in ES Sections 8.2 (legislative and policy framework) or 8.3 (assessment methodology).</p> <p>a) Please provide details of the Natural Area profile.</p> <p>The table also refers to the Highways Biodiversity Action Plan. However, ES paragraph 8.2.2 (10th bullet) confirms that this document dates from 2002 and is out of date.</p> <p>b) Should the reference be to the Highways England biodiversity plan?</p> <p>c) Please confirm whether the table references to the most up to date relevant information.</p>	<p>These are matters for the applicant to address</p>
8.4	<p>ES paragraph 8.3.23 advises that the assessment considers impact avoidance</p>	<p>Noted. The approach to the mitigation hierarchy (avoidance of impacts, mitigation of impacts that cannot be avoided,</p>

	<p>measures, standard mitigation measures and additional specific mitigation measures and only provides an assessment of residential impacts. Paragraph 5.2 of the Chartered Institute of Ecology and Environmental Management guidelines advises that it is good practice to make clear the potential significant effects with and without mitigation, amongst other things, to demonstrate the importance of securing measures through the planning process. The Examination will need to consider whether the proposed mitigation measures can be secured, as well as their effectiveness. Please comment on the approach to assessment in ES paragraph 8.3.23 in the light of these considerations.</p>	<p>compensation for residual impacts) is well understood and articulated in this section. It can be helpful for an ES to spell out the full scope of impacts that would arise without any of these measures being applied, then consider mitigation and compensation proposals for each impact before reassessing the impacts again, for clarity. However, in DCC's experience this can result in significant repetition, and is often seen as an unnecessary exercise because in reality, some mitigation measures are inevitably included in any development proposal.</p>
8.5	<p>ES Table 8.4 Significance of ecological effects: Applicant - ES paragraph 8.3.20 advises that "<i>the ecological significance of an effect is not dependent on the importance of the feature in question</i>". That is consistent with paragraph 5.27 of the Chartered Institute of Ecology and Environmental Management guidelines.</p> <p>a) How is this taken into account in the table?</p> <p>b) How does the table take into account the varying potential characterisations of ecological impacts (ES paragraph 8.3.15) which may occur at each level of significance/importance?</p> <p>c) DCiC, EBC, DCC, EA, NE - Please comment on the approach to determining the significance of ecological effects used in the ES.</p>	<p>a) And b) are matters for the applicant to address</p> <p>c) The principle that the significance of an ecological impact is not <i>solely</i> dependent upon the importance of the feature is a well-established principle. Typically, impact assessment will take account of the scale and severity of impact, the duration and reversibility etc. of the impact, to establish the significance of the impact to be taken into account</p>

8.6	<p>Amongst other things, ES paragraph 8.3.24 advises that aspirational enhancement measures have not been included in the ES assessment, that the No Net Loss (NNL) biodiversity assessment is reported separately and that opportunities to achieve NNL within the Scheme boundary are being sought within the Applicants internal guidelines. However, ES paragraph 8.3.25 states that that chapter details whether the Scheme has met the objective of achieving NNL in biodiversity.</p> <p>a) Applicant - Please clarify the approach to NNL used in the submissions which are the subject of this Examination.</p> <p>b) DCiC, EBC, DCC, EA, NE – Please comment on the Applicant’s approach to NNL in biodiversity.</p>	<p>Derbyshire County Council’s ecologist has had extensive engagement with this scheme over the last few years, via AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be required, assessing the scope for impacts and considering the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council’s ecologist is quite happy with how this has developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.</p>
8.7	<p>ES Table 8.5</p> <p>a) Have the mitigation measures set out in Section 8.9 been agreed?</p> <p>b) Does the Scheme make adequate provision for Green Infrastructure?</p>	<p>Derbyshire County Council’s ecologist has had extensive engagement with this scheme over the last few years, via AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be required, assessing the scope for impacts and considering the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council’s ecologist is quite happy with how this has developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.</p>
8.10	<p>ES paragraph 8.10.10 finds that standard pollution prevention control and best practice</p>	<p>Derbyshire County Council’s ecologist has had extensive engagement with this scheme over the last few years, via</p>

	<p>measures would ensure that the disturbance from construction activities would have a neutral effect. Do you agree with this finding?</p>	<p>AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be required, assessing the scope for impacts and considering the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council's ecologist is quite happy with how this has developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.</p>
8.11	<p>ES paragraph 8.10.15 advises that approximately 30% of the Alfreton Road LWS would be permanently lost, but that the effect would be neutral due to the "<i>relatively small</i>" area affected. It is also stated that the area of most biodiversity interest this not affected by the "<i>construction works</i>". a) Applicant – Does the reference to the area of the "construction work" include the area permanently lost or the area temporarily affected during the construction phase? b) EBC, DCC, NE Do you agree that the effect of the Scheme on the LWS would be neutral?</p>	<p>Derbyshire County Council's ecologist has had extensive engagement with this scheme over the last few years, via AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be required, assessing the scope for impacts and considering the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council's ecologist is quite happy with how this has developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.</p>
8.12	<p>ES paragraph 8.10.21 finds that standard pollution prevention control and best practice measures would ensure that the disturbance from construction activities would have a neutral effect. Do you agree with this finding?</p>	<p>Derbyshire County Council's ecologist has had extensive engagement with this scheme over the last few years, via AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be required, assessing the scope for impacts and considering</p>

		<p>the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council's ecologist is quite happy with how this has developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.</p>
8.14	<p>ES paragraph 8.10.28 finds that standard pollution prevention control and best practice measures would ensure that the disturbance from construction activities would have a neutral effect. Do you agree with this finding?</p>	<p>Derbyshire County Council's ecologist has had extensive engagement with this scheme over the last few years, via AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be required, assessing the scope for impacts and considering the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council's ecologist is quite happy with how this has developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.</p>
8.17	<p>ES paragraph 8.9.9 (habitat creation and biodiversity opportunities associated with watercourses features). Schedule 9 Part 3 gives the EA control over these works. Should the Councils be consulted?</p>	<p>Yes. DCC would welcome consultation.</p>
8.21	<p>ES paragraph 8.9.10 Bats – Are you content that enough information has been provided to properly assess the effect of the lighting proposals on bat roosting, foraging and commuting?</p>	<p>Derbyshire County Council's ecologist has had extensive engagement with this scheme over the last few years, via AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be</p>

		<p>required, assessing the scope for impacts and considering the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council's ecologist is quite happy with how this has developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.</p>
8.22	<p>Are you content that the measures set out in the Outline Biosecurity and Management Plan are robust and have the potential generate a positive effect?</p>	<p>Derbyshire County Council's ecologist has had extensive engagement with this scheme over the last few years, via AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be required, assessing the scope for impacts and considering the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council's ecologist is quite happy with how this has developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.</p>
8.24	<p>NPSNN paragraph 5.23 requires the Applicant to show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. Are satisfied with the approach taken in the Proposed Development to the enhancement of biodiversity and geological conservation interests.</p>	<p>Derbyshire County Council's ecologist has had extensive engagement with this scheme over the last few years, via AECOM, who have worked hard to include the County Council, Derbyshire Wildlife Trust, the Environment Agency and Natural England in the scheme evolution, and particularly in identifying what ecological surveys would be required, assessing the scope for impacts and considering the potential requirements for compensation and mitigation etc. They have been comprehensive in their engagement and positive throughout the process, and Derbyshire County Council's ecologist is quite happy with how this has</p>

		developed. Given the extent of engagement to date and the limited scope for impacts, the potential impacts on ecology have been judged to be relatively low risk.
Section 9	Landscape and Visual Impacts	
9.7	ES paragraph 7.5.3 provides some justification of the choice of representative viewpoints. Are you content that the selected representative viewpoints capture the full effects of the Proposed Development?	DCC is satisfied that the selected representative viewpoints are sufficient to capture the full effects of the proposed development. However, it should be noted that the selected viewpoints are only representative and there will be several visual receptors potentially affected at each location, and several locations in close proximity to the chosen viewpoints where the adverse effects of the proposed development would be experienced. DCC has challenged the precise location of some viewpoints, which don't appear to depict the worst case scenario and the fact that slightly different locations for the same viewpoint have been selected to depict summer and winter scenes. There continue to be no photomontages that demonstrate what the effects would be on completion of the proposed development
9.10	DCC has suggested that the Little Eaton embankment should be replaced by an elegant viaduct. a) DCC - please expand on the justification for this suggestion b) Applicant – please comment on the merits and implications of this suggestion.	With regard to the assessment of landscape effects DCC does not accept the presence of the current A38 junction to be an entirely mitigating factor in itself although it is accepted that there are significant adverse landscape and visual impacts associated with the existing junction. However, the current junction is at grade and as such allows for the appreciation of a valley landscape with a natural floodplain and a corridor that functions as a linear landscape with connected habitats. DCC does not accept that a large embankment crossing the floodplain compounded by proposed planting along these embankments would only have a <u>slight adverse</u> effect when this is clearly an incongruous landscape feature that blocks off the natural connections and functionality of a linear landscape. The construction of an elegant, architect designed structure would

		allow for the natural floodplain landscape to extend below it and to some extent would help to reduce some of the compensatory flood alleviation measures that are required as a result of these large embankments. It is DCC's view that it would be better to have something beautiful to view that would sit sympathetically within the setting of the World Heritage Site rather than the introduction of an incongruous landscape feature that does not accord with the established character of a floodplain landscape.
9.11	DCC has suggested that the flood storage area would be unsympathetic to the landscape of the WHS. a) DCC - please expand on the justification for this suggestion. b) Applicant – please expand on the options for the design of this facility and the rationale for the chosen design.	DCC believes this particular question must relate to the following statement in its original consultation response: <i>“Other environmental mitigation proposals such as noise barriers and flood attenuation measures would also be perceived as alien features in the landscape that would further contribute to adverse landscape effects.”</i> As shown on the supporting drawings the proposed flood storage areas are depicted as highly engineered features that would look distinctly at odds with what is generally perceived as a natural floodplain landscape. Cumulatively these features, as depicted, alongside the proposed new embankment and the extensive screen planting have the potential to add to the overall adverse landscape and visual effects of the proposed development in that they would be at odds with the established character of a floodplain landscape as it is currently perceived at this location.
Section 10	Land-Use	
10.4	a) Do the Councils agree that the policies referred to in Planning Statement paragraphs 2.1.16-2.1.21 amount to full list of the relevant policies? b) If not, what other policies are relevant and why?	DCC has made reference in its Written Representations to the impacts of the scheme on material assets and waste as set out in Chapter 11 of the applicant's Environment Statement. DCC has drawn attention to the policies of the Adopted Derby and Derbyshire Minerals Local Plan (Adopted 2002) and Adopted Derby and Derbyshire Waste Local Plan (adopted 2005).

	<p>c) Please supply the full text of any additional policies.</p>	<p>Policy MP 17 of the Minerals Local Plan is relevant as follows:</p> <p>MP17: Safeguarding Resources</p> <p><i>The Mineral Planning Authority will resist proposals for any development which would sterilise or prejudice the future working of important economically workable mineral deposits where:</i></p> <ol style="list-style-type: none">1) <i>There is an over-riding need for the development and;</i>2) <i>Where prior extraction of the mineral cannot reasonably be undertaken or is unlikely to be practicable or environmentally acceptable.</i> <p><i>Where the development of land for non-mineral purposes is considered essential and proven mineral deposits would be permanently sterilised, planning permission for prior extraction will be granted provided this does not prejudice the timing and viability of the proposed development and does not lead to unacceptable environmental effects.</i></p> <p>Policy W11 of the Waste Local Plan is relevant as follows:</p> <p>W11: Need for Landfill</p> <p><i>Waste disposal by means of landfill will not be permitted unless:</i></p> <p><i>The development is essential to satisfy a need to dispose of locally-generated waste which will not otherwise be met, taking into account the methodology set out in appendix B; and unless any material harm would be outweighed by one of the following:</i></p>
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		<ul style="list-style-type: none"> • <i>The development is necessary to restore land for beneficial use in line with development plan policies;</i> • <i>The development is necessary to improve the land for agriculture;</i> • <i>The development is necessary to achieve farm diversification consistent with the site's location;</i> • <i>The development is necessary to improve the local ecology or landscape.</i>
10.18	Do DCiC or DCC have any comments in addition to those provided in their RRs on the provisions to be secured in the dDCO in their area for public rights of way?	<p>Highways England has engaged in discussions with the County Council's Public Rights of Way Team regarding this issue. DCC understands that the current National Cycle Network Route 54 which follows a shared footway/cycleway adjacent to the A61 carriageway will, more or less, remain on its existing alignment. It is assumed it is still proposed that this will cross beneath the elevated A38 at the reconfigured junction and that the at-grade crossings of the south facing slip roads will be signal controlled. This will ensure the necessary connectivity between the north of Derby City and Little Eaton.</p> <p>In addition, there should also be provision for the proposed Derwent Valley Cycleway (from Haslam's Lane in Derby) using the existing A38 accommodation underpass (also a public footpath) with a connection onto the shared footway/cycleway on the north side of the A38. This will not be as direct as the one which the County Council suggested might be accommodated in the earth works that form the embankment for the flyover and alongside the slip road exit to the B6179, due to the difference in levels.</p>

10.25	Do you have any further comments/concerns regarding the assessment and impacts of severance set out in Chapter 12?	No further comments
Section 11	The Historic Environment	
11.5	<p>Table 7.3 of the Heritage Impact Assessment (page 65) and paragraphs 7.2.5 7.2.13 deal with the impact of the Proposed Development on the Historic Landscape. Amongst other things, they find that the Little Eaton junction is within the setting of the WHS. Reference is made to the visual impact of the embankment.</p> <p>a) Are you content that the Heritage Impact Assessment provides a robust assessment of the effect of the embankment on the character of the "relic landscape" which contributes to the Outstanding Universal Value of the WHS?</p> <p>b) Comment on whether the Heritage Impact Assessment provides a robust assessment of the effect of the Proposed Development from relevant viewpoints?</p>	<p>a) No. The study omits discussion of the importance of the Derwent floodplain as an attribute of the World Heritage Site. The Derwent floodplain is an attribute that manifests Values 1 and 3 in the Statement of OUV (1: 'The successful harnessing of natural energy ...' and 3: 'A 'relict' industrial landscape, where late 18th and early 19th century industrial development may be seen in an 18th/19th century agricultural landscape ...'). In this location the floodplain boundary is the World Heritage Site boundary. The proposed embankment as an intrusive engineered landform will detract from the authenticity of the Derwent floodplain landscape in this location. The study therefore understates impacts to the World Heritage Site ('negligible'/slight adverse/not EIA significant). It is DCC's view that the proposals will result in a 'minor adverse' impact upon an asset of 'very high' value, thus producing a 'moderate adverse' effect which would be viewed as EIA significant.</p> <p>b) Aside from the visual impacts to OUV of the World Heritage Site (see above), DCC considers that the range of viewpoints is adequate and the assessment in relation to other assets is robust.</p>
11.8	ES paragraphs 6.15.33 and 6.15.34 summarise the effects of the proposal on the settings Breadsall Conservation and the Church of All Saints.	DCC has raised no issues in respect of this matter.

	Are you content that the effects of the embankment in terms of its height and siting, associated slip road and signage and the lighting at the junction Little Eaton junction have been adequately considered?	
Section 12	Other Policy and Factual Issues	
12.6	<p>a) With reference to NPSNN, would the carbon footprint of the Proposed Development be "<i>unnecessarily high</i>" and, if so, what further measures should be considered or taken to reduce it?</p> <p>b) Should carbon footprint targets be set or should monitoring, or reporting be considered during detailed design, construction or operation?</p>	DCC has no further comments to make on this question.
12.7	<p>The Applicant identifies the potential for the Proposed Development to create statutory nuisance in relation to dust arising on business premises, artificial light emitted from premises, noise emitted from premises and noise emitted from or caused by a vehicle, machinery or equipment in a street. It then states that with the mitigation measures secured by the DCO, none of the statutory nuisances are predicted to rise. The ES predicts significant noise and vibration effects during construction and operation.</p> <p>a) Are there any comments regarding the assessment of the potential for statutory nuisance?</p>	DCC does not have any statutory responsibilities for air quality and air quality management, dust emissions or noise and vibration matters. DCC has not raised any issues on this matter with the applicant.

	b) Are the dDCO provisions for defence to proceeding in respect of statutory nuisance necessary and appropriate?	
12.8	<p>The Applicant has identified the major utilities works and temporary connections required during construction.</p> <p>a) Are any other major diversion or relocation works anticipated within the boundary of the Proposed Development?</p> <p>b) Are any other works proposed through permitted development rights likely to affect the Proposed Development?</p> <p>c) Is there any reason to suggest that any of those works would be likely to cause an impediment to the planned delivery of the Proposed Development?</p>	<p>a) None</p> <p>b) None</p> <p>c) None</p>
12.10	<p>Please comment on:</p> <p>a) The ability of the local waste infrastructure to satisfactorily deal with waste from the Proposed Development?</p> <p>b) Whether any adverse effect is anticipated on the capacity of existing waste management facilities to deal with other waste arisings in the area?</p>	<p>A) and b)</p> <p>DCC'S Officers have reviewed the applicant's Environment Statement and assessed the implications of the Little Eaton junction part of the scheme for waste generation and disposal. In this respect, DCC notes the conclusions of the ES in 11.10.3 that construction of the scheme is expected to generate approximately 17,961 tonnes of non-hazardous construction and demolition waste, which is expected to require management off site.</p> <p>Para 11.10 concludes that based on a worst case assumption that all of the non-hazardous construction and demolition waste requiring management off site is disposed of to landfill, then the approximate 15,965 m³ of waste would</p>

		<p>utilise approximately 0.03% of the permitted regional landfill capacity.</p> <p>Para 11.10.5 concludes that it is anticipated that some cut material from the Kingsway and Markeaton junctions may not be re-suable and a total of approximately 45,130m³ of material would need to be landfilled. This would utilise approximately 0.08% of the permitted regional landfill capacity.</p> <p>DCC is satisfied that the applicant's assessment above is robust and on that basis DCC considers that the local waste infrastructure has more than adequate capacity to satisfactorily deal with waste from the proposed development; and that there are unlikely to be any adverse effects as a result of available capacity in existing waste management facilities to deal with waste arising from the proposed development.</p>
12.11	<p>a) With reference to NPSNN, please could the Applicant summarise the steps taken to identify any potential effects on civil or military aviation and/or other defence assets and whether it considers that any are likely to be affected?</p> <p>b) If any may be affected, please could the Applicant summarise the consultations with the Ministry of Defence, Civil Aviation Authority, National Air Traffic Services and any aerodrome – licensed or otherwise – likely to be affected, and the proposed mitigation measures?</p> <p>c) Are the Local Authorities aware of any civil or military aviation and/or other defence assets that might be affected?</p>	<p>A N/a B N/A C No.</p>

12.12	<p>a) Are there any comments about whether enough opportunities been taken to improve road safety, including introducing the most modern and effective safety measures where proportionate?</p> <p>b) Should any other opportunities be considered or taken? If so, what?</p>	<p>A) None B) None</p>
12.15	<p>Are there any other comments with respect to:</p> <ul style="list-style-type: none"> • climate change adaptation and carbon emissions • common law nuisance and statutory nuisance • utility infrastructure • waste management • civil and military aviation and defence • safety, security and major accidents and disasters • cumulative and combined effects; and • any other policy and factual issues? 	None
Section 13	Compulsory Acquisition	
13.21	<p>Are there any comments regarding:</p> <p>a) The nature, extent and scope of land, rights and other compulsory powers sought, including access for maintenance, temporary possession, powers to override easements and rights under streets?</p> <p>b) Whether the powers sought are required for the development to which the development consent relates, whether they are legitimate, necessary and proportionate?</p>	<p>a) None b) None</p>

13.28	<p>a) Please provide details of any assessment made of whether the open space for which CA is proposed is surplus to requirements?</p> <p>b) If such an assessment has not been undertaken recently, is there a case for it to be done now?</p> <p>c) Could such an assessment potentially result in a reduction in the need for CA?</p>	DCC does not have any statutory responsibilities for the provision or maintenance of public open space and no comments or concerns have been raised by the County Council.
13.29	Are there any comments on whether reasonable alternatives have been explored sufficiently?	DCC does not have any statutory responsibilities for the provision or maintenance of public open space.
13.58	<p>The Applicant identifies various land plots within the Order limits as open space.</p> <p>Please confirm that no other land within the Order limits comprises land forming part of a common, open space or fuel or field garden allotment.</p>	DCC confirms that it has no land ownership affected by the Little Eaton junction scheme that comprises, a common, open space, field or garden.
13.68	<p>a) Have potential impediments to the development been properly identified and addressed?</p> <p>b) Are there concerns that any matters either within or outside the scope of the dDCO for the development to become operational may not be satisfactorily resolved, including acquisitions, consents, resources or other agreements?</p> <p>c) Should triggers be required to secure any acquisitions, consents or other matters before CA should be permitted under the dDCO?</p>	DCC raises no concerns or issues in respect of questions a) to c).