

Question No.	Reference	Response
5	guillotines	<p>We have nervousness about such short deadlines and given the complexity, with consultation and possible political briefings and debate. Suggest a more reasonable and realistic time period of up to 42 days would be more palatable. The nature of the question will depend on the time taken to give a response.</p> <p>DCiC expects Highways England to carry out legal work and advertising to an agreed standard, and for Highways England to carry out appropriate consultation.</p>
13	Disapplication of legislative provisions	<p>Article 3. Disapplication of legislation provisions.</p> <p>We have significant concern that the Disapplication of the Land Drainage Act removes the Lead Local Flood Authority (LLFA)'s ability to influence the culvert alterations and implementation of the flood risk storage areas. It is the LLFA's duty under the Floods and Water Management Act to manage flood risk from ordinary watercourses. We would ask that if the proposal is to be implemented that Lead Local Flood Authority is consulted on all alteration to works associated with ordinary watercourse including culvert alterations.</p>
19	enter all of the streets within the Order limits	<p>DCiC does not agree. DCiC will require the Traffic Management Act Noticing procedures to be observed, including full compliance with Derby City Council Permit Scheme. This is essential for coordination and management of the adjacent road network.</p>
21	Section 4 of the Highways Act would be affected	<p>Covered in 19 above, in the SoCG, LIR or written submissions</p>
29	Traffic Regulation matters not agreed	<p>Where Highways England are not the Highway Authority. DCiC request further</p>

		consultation to agree appropriate TRO processes.
30	discharges to non-main river watercourses.	Article 20. Discharge of water. This clause appears to offer the DCiC some protection over the discharge of water to the watercourse and drains in its ownership. It also provides a requirement for reasonably practicable water treatment. It is not clear if this if this paragraph includes existing outfalls.
53	Derby City Council will consider and respond on 53(c).	Yes – the thrust of this point is referred to in answer to questions raised elsewhere
56	timescales in Requirement 4.	Yes – standard consultation is 28 days and thereafter compilation, consideration and reporting would take responses to some 42 days
58	Requirement 9, the OEMP and the Heritage Impact Assessment to ensure consistency of terms and requirements.	Need to use of the ICOMOS guidance on HIA. It is being covered in the SoCG response but until DVMWHS partnership has fed into the process there is concern about the use of the guidance and inconsistency
65	omission of the identified model provisions	<p>DCiC is aware that these model provisions have been repealed and are not in force – as such, aspects relating to these three issues are dealt with elsewhere in the dDCO and the associated Requirements (e.g. Requirement 5 (Landscaping), Requirement 10 (Protected species), Requirement 3 (Construction Environmental Management Plan)).</p> <p>In detail for instance dust emissions associated with construction are controlled under the CEMP, which is a requirement under the dDCO in any case.</p> <p>Specific provisions for dust control would appear to be duplication. In addition, specific provisions may actually be less flexible depending upon how cleverly the wording has been done.</p>

		DCiC would prefer to deal with dust under the CEMP, as long as we have some degree of control/approval over what goes in it.
67	concerns regarding Schedule 3	Although we have not received a formal response on the points initially raised, it is expected that these questions will need to be addressed as part of the detailed design. We would welcome further detail and the opportunity to be engaged in the Traffic Regulation Order (TRO) making process, this will allow us to keep our Councillors up to date and ensure that we hold current and accurate data, ensuring sufficient enforcement
1.5	Requirements 1-21 Provisions for consultation and agreement	<p>Req^t 3 (CEMP) – current dDCO wording fine.</p> <p>Req^t 8 (Land and Groundwater Contⁿ) – This section only requires “a contamination risk assessment in respect of controlled waters”. The DCO should also include a requirement for risk assessment in respect of risks to human health, especially arising from ground gases.</p> <p>Req^t 11 (Traffic Management) – would recommend a specific requirement for further consultation and prior agreement in relation to any unforeseen changes to the agreed construction traffic management plan, which may be required as necessary during the construction phases of the development. This should have reference to consideration of the changes in terms of potential impacts upon local air quality and noise.</p> <p>Need to consult with DVMWHS Partnership.</p> <p>Need to consult with DCiC Structures on how our asset management plans, policies, and procedures will be directly affected due to the physical works, or</p>

as a result of the constraints and effects of the scheme on the local network, or both. The following points below could possibly also cover a number of other questions such as 4.4, 4.5, 4.17, 4.21, 4.25b, 4.27a, 4.29, 4.38, 4.44 etc. rather than just this section.

- From an inspection/maintenance/awareness perspective we would need to understand the impact of the works on the following:

Existing HE/Non DCC Structures within the site extents and within the area(s) expected to be directly affected by the works:

- I. Existing - Unaffected
- II. Existing - Demolished
- III. Existing - Demolished – Replaced
- IV. Existing – Modified

Existing DCC Structures within the site extents and in the area(s) expected to be directly affected by the works:

- I. Existing - Unaffected
- II. Existing - Demolished
- III. Existing - Demolished – Replaced
- IV. Existing – Modified

We would also need to know details of the following:

New HE/DCC Structures within the site extents:

- I. Bridges
- II. Footbridges
- III. Culverts and drainage structures
- IV. Retaining Walls

		<p>V. Sign/signal gantries VI. Others: including temporary structures</p> <p>We would need add/delete/modify all the affected entries on our asset management system (BridgeStation) for all the above. We would need to understand which, if any need AIP's (I'd suggest any structures carrying/spanning DCC adopted highway will need one).</p> <ul style="list-style-type: none">• From a traffic modelling/network resiliency perspective we would need to understand the following: <p>General Traffic</p> <p>How will general traffic be affected in the temporary case(s) (assuming multiple phases with different effects) and in the modelled permanent case, and what changes will these scenarios create to the existing traffic profiles over/under structures (especially DCC structures) on signed diversion routes and on local roads we anticipate being more heavily used?</p> <p>Could this create additional maintenance issues/costs (deterioration of surfacing, joints, etc.)?</p> <p>Abnormal Loads</p> <p>How will abnormal load movements on the A38 be managed in the temporary case? Which of our structures are most likely to be affected, which may need protection (through TRO's, TTRO's etc.)? Which structures may need monitoring or more frequent monitoring during the works?</p>
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		<p>Requirement 12 Detailed Design We would request the consultation should include the Lead Local Flood Authority for requirements 12(1) and (2). (see notes requirement 13 and 14 below).</p> <p>Requirement 13 As discharge rates from the surface drainage infrastructure can affect the flood risk in any receiving ordinary watercourse, we would ask that the requirement 13(1) and (2) include consultation with the Lead Local Flood Authority (LLFA).</p> <p>Greater clarity could be given by stating the discharge rates for each outfall.</p> <p>We would also request that all outfalls include a minimum level of water treatment (a petrol interceptor) to protect the wider water environment and not to place a burden on downstream land owners. (NOTE - In considering the placement of Petrol Interceptors, consideration should be given to the future maintenance of these elements.)</p> <p>Requirement 14 It has been agreed that for the flood model for the Kingsway Island a climate change allowance of 40% is adopted. This is because the model hydrology is based on rainfall runoff not normal fluvial catchment descriptors. This is believed to be the more conservative approach at this location due to the high degree of surface runoff produced by the catchment. DCiC would therefore suggest that Requirement 14 be amended to reflect the differing climate change allowances for peak river flow and peak rainfall intensity.</p>
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		The Lead Local Flood Authority has the responsibility for managing flood risk from surface runoff and watercourse. We would therefore ask the Requirement 14(1) be amended to included consultation with the Lead Local Flood Authority.
1.6	Classification of roads, etc.. dDCO [APP-016] Schedule 3 Parts 1-7 dDCO [APP-016] Part 3 Article 14	Although we have not received a formal response on the points initially raised, it is expected that these questions will need to be addressed as part of the detailed design. We would welcome further detail and the opportunity to be engaged in the Traffic Regulation Order (TRO) making process, this will allow us to keep our councillors up to date and ensure that we hold current and accurate data, ensuring sufficient enforcement. Our Rights of Way Officer has confirmed that he doesn't have any issues.
1.7	Highways to be stopped up dDCO [APP-016] Schedule 4 Parts 1-2 dDCO [APP-016] Part 3 Article 16	From drawing HE514503 ACM DCO A38 SWPRZZ DRDCC0021 Rev C01 we note that a private access is to be constructed at 56 Brackensdale Avenue. It may be preferable for this access to be constructed directly adjoining the existing curtilage to number 56, rather than being separated by a proposed footway. Highway Authority recommends that a Turning Head is provided at the end of Raleigh Street, adjacent number 25
1.8	Private means of access to be stopped up dDCO [APP-016] Schedule 4 Parts 3-4 dDCO [APP-016] Part 3 Article 16	In relation to the 2nd bullet point details of any new accesses to the public highway will need to be approved by the Highway Authority and that those details should be provided during in the detailed design.
1.12	Consents, licenses and agreements Consents and Agreements Position Statement [APP-019] Appendix A	DCiC will require consents/agreement for anything that involves a modification/alteration/demolition of a DCC highway asset, and AIP's for any

		<p>structures that will span or support DCC adopted highway.</p> <p>Any potential exposure for the Council to compensation for works carried out on our road network will need confirmed indemnity from HE</p> <p>Appendix: (A) There are currently fishing rights in existence on Markeaton Lake, Mill Pond & Mill Dam granted to the Earl of Harrington Fishing Club. Furthermore, we are aware that there are in existence covenants attaching to the site of Markeaton Park which were imposed by the Mundy Family when the land was handed over to the City of Derby. This is currently administered by Annie Clarke Maxwell on behalf of the Mundy family. Is HE able to confirm if the above two interested parties have been consulted in relation to the proposed works?</p>
1.13	<p>Pollution control permits and licenses ES Chapter 5 – Air Quality [APP-043] ES Chapter 9 – Noise and Vibration [APP-047] ES Chapter 11 – Material Assets and Waste [APP-049] ES Chapter 13 – Drainage and Water [APP-051] NPSNN paragraphs 4.48 and 4.55-6</p>	<p>a) The main pollution controls during construction will be the CEMP and any statutory controls in place. The Env Pollution Team at DCiC is satisfied that the existing and proposed framework is sufficient.</p> <p>b) If interpreted correctly, this seems to be a very fundamental and all-encompassing question around the interpretation of environmental impacts as assessed under the ES. Would refer to the SoCG between HE and DCiC for details on what has been agreed regarding environmental impacts.</p> <p>c) Not that DCiC is aware of.</p> <p>In the drainage strategy, not all outfalls are proposed to have any treatment. The method used in the ES to assess the requirement for treatment is the HAWRAT a Highway England assessment tool. However this does not accord well with the requirement of the NPSNN and NPPF which is to use SuDS where</p>

		<p>possible. This implied that all outfalls should have some treatment. DCiC are particularly concerned that the cumulative effects of silt and other pollutants for the existing and proposed outfalls into Mill Pond will cause significant issues. The Mill ponds are impounded water features with very low flow during dry periods and as such are very sensitive water features. The fishing club that fish the ponds have previously complained about a build-up of silt and lack of oxygen for the fish in the water body.</p>
2.2	Environmental Statement (ES) Chapter 1 [APP-039]	<p>a) To the best of DCiC knowledge, yes.</p> <p>b) Currently developing an Air Quality Action Plan (AQAP) and also a Noise Action Plan. Neither of these documents has gone through public consultation yet, so they are not yet available to be published unfortunately. [To note these documents have been discussed informally with the applicant however and shouldn't have any significant/material impacts upon the current development proposals.]</p> <p>c) None that DCiC is aware of that are of significant relevance.</p>
2.4	Devt/regen opportunities	<p>There are a number of planning applications capped at specific housing numbers until this scheme is implemented. The capped housing growth DCiC is aware of is:</p> <p>(9/2017/0349 Newhouse Farm) 1450 houses capped at 317 with other schemes that would release 250 and 330. All in South Derbyshire.</p> <p>In Amber Valley there are 600 houses off Radbourne Lane that is currently in assessment but having similar impacts and also likely to be capped.</p>
3.4	Cumulative impact assessment ES Chapter 15 – Assessment of Cumulative	<p>a) see 2.4 above</p> <p>b) None..</p>

	Effects paragraphs 15.5.2-5	
3.8	Would the Local Authorities find it useful for the Maintenance and Repair Strategy Statement	DCiC would find it very helpful for a Maintenance and Repair Strategy to be submitted. The LFFA is particularly concerned about the degree of proposed maintenance on the drainage infrastructure of the scheme. Adequate inspection and maintenance is seen as key to ensuring that flood risk and pollution do not increase as a result of inadequate maintenance. Of particular concern are all SuDS features, vortex flow controls, petrol interceptors, culverts, any trash screens affecting protecting culverts.
3.10	Impact assessment and mitigation strategy NPSNN paragraphs 4.3-4, 4.6, 4.9-10, 4.15, 4.18-20, 5.2	<p>At international level DCiC do not think the ICOMOS guidance has been used accurately to demonstrate the significance of effect. This is highlighted as part of the SoCG. Is there further mitigation that could be achieved in terms of the design of the flyover structure or positives achieved as part of the DVMWHS?</p> <p>It is disappointing that mitigation has been presented as a finished proposal rather than something that could be worked on /improved through collaboration.</p> <p>On EHO grounds - Please see SoCG between HE and DCiC. This sets out broad agreement on the impact assessment and mitigation strategy described under the ES and OEMP, with the only outstanding point of note being uncertainty around the management and control of construction-related impacts under the CEMP, which are not yet clearly defined. The proposed process for development of the CEMP is however generally agreed at this stage.</p> <p>In detail</p> <p>a) Markeaton Park is a major visitor attraction for Derby with over 1.6m visitors to the park per year. There are also around 100 events that take place in the park every year attracting visitors from the city and across the region. The scheme is likely to have a major impact on the numbers of visitors to the park</p>

		<p>over the duration of the works and this will consequently have an adverse impact on income for Derby City Council. This has not been given sufficient consideration in the assessment of economic impact of the scheme at local level.</p> <p>The Applicant refers to potential enhancements over and above environmental mitigation to be delivered as part of the scheme, including improvements to Markeaton Park Lake and Mill Pond delivered through a HE designated fund application but this is outside of the DCO process and there has been limited consideration as to what these additional enhancements could be, how they could be delivered and by whom.</p> <p>e) The Parks team would like to be consulted on the CEMP and HEMP particularly with regard to the Applicant's long term commitment to after care, monitoring and maintenance of the environmental mitigation measures and replacement public open space.</p> <p>f) The CEMP and HEMP.</p> <p>g) The Applicant has undergone a thorough engagement process and approach to the assessment and mitigation of environmental and ecological impacts of the scheme. Meetings with DCiC and other statutory consultees have taken place since 2015. This approach has focused primarily on mitigation for the impacts of the scheme on biodiversity. There are fewer opportunities identified for the delivery of additional benefit through the enhancement of existing assets, particularly the improvement of existing park infrastructure to mitigate the impact of the scheme on park users.</p> <p>The National Planning Policy Framework is clear that pursuing sustainable development includes moving from no net loss of biodiversity to achieving net</p>
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		<p>gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. It is unclear how those net gains would be evidenced. In its simplest form this could be to a replacement like for like 2 for 1 policy for trees that will be lost.</p> <p>Additional planting to that which is already proposed as part of the mitigation for the loss of trees could be undertaken within both Markeaton and Mackworth Parks with DCiC agreement.</p>
3.12	<p>Management and mitigation plans, strategies and written schemes</p>	<p>There is a need to sign off scrutiny of any recommendations/conditions. This is covered in the SoCG. This should be informed by the Conservation Officer where heritage is involved e.g. agreeing method statements, schedule of work, Plans of elevation and section, material samples, etc. e.g. for Markeaton Park wall and wall to Royal School for the deaf.</p> <p>There may be a need for a mitigation plan for the flyover to Little Eaton regarding the DVMWHS.</p> <p>All archaeology should be covered (as we have a SLA with) by the Archaeology Team at Derbyshire County Council.</p> <p>On EHO grounds - a) DCiC can't see any need to secure anything over and above normal planning requirements i.e. appropriate qualification and experience of person providing information and scrutiny provided by relevant personnel within the LA, on behalf of the SoS or other relevant agency.</p> <p>b) As has been mentioned before, there is an outstanding concern regarding construction-related impacts arising from the development, due to the level of detail known at this stage. This is especially relating to dust, noise and also traffic impacts (and subsequently local air quality arising from traffic impacts). The construction programme will inevitably have to be an iterative process</p>

		<p>which responds to issues as and when they occur throughout the programme of works. As a result, it may be beneficial to outline the trigger points at which some sort of response is required relating to noise, dust, traffic etc. This will also rely on continuous monitoring. I would however expect that this is all laid out within the CEMP.</p> <p>c) and d) None suggested</p> <p>e) and f) It is essential that DCiC are consulted on, and our agreement is sought on, the CEMP. DCiC should also be consulted in relation to any circumstances which affect the successful delivery of the CEMP throughout the period of construction as and when any changes occur.</p>
4.1	<p>DCiC traffic measures for Stafford Street ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.9 and 9.5.1</p>	<p>See SoCG and</p> <p>a) DCiC's traffic management measures to improve air quality are predicted to be supported by the completed A38 Scheme – thus, following A38 Scheme opening, such traffic management measures are not anticipated to be required, however this is subject to ongoing monitoring and evaluation.</p> <p>b) DCiC has reviewed the air quality impact assessment as reported in the ES Chapter 5: Air Quality [APP-043 / Volume 6.1] and is content that the assessment indicates that Scheme construction is not anticipated to have an adverse effect on air quality on Stafford Street during the construction phase. However, DCiC note that air quality effects on Stafford Street will need to be monitored during the Scheme construction phase and that the A38 construction contractor will need to liaise with DCiC to ensure that adverse effects are avoided.</p>
4.2	Changes to local traffic management	This is a question mainly for the applicant.

	RR by DCiC [RR-003]	<p>a) To be clear DCiC are not proposing any traffic management changes on Kedleston Road or Five Lamps.</p> <p>b) From the Strategic transport model DCiC has identified that there are significant changes in traffic patterns as a result of the development. However, the impact of these has not been assessed in any detail to understand whether the changes in traffic are material, require changes to the signals timings or physical changes to the highway to manage them.</p>
4.4	<p>Study areas and road sections ES Chapter 12 – People and Communities [APP-050] paragraph 12.6.3 and Table 12.14 ES Figures 12.1A-D [APP-142, 143, 144 and 145]</p>	Yes
4.5	Baseline conditions and surveys	No.
4.8	<p>Driver stress assessment and the use of professional judgement ES Chapter 12 – People and Communities [APP-050] paragraphs 12.3.16, 12.10.21, 12.10.32 and 12.10.34</p>	No.
4.15	<p>Local plans, other transport modes and other networks NPSNN paragraphs 5.203, 5.205-6, 5.211-2, 5.215-7</p>	<p>a) The principle set out in LTP3 is to only support new infrastructure that is targeted, which make best use of the available road capacity. The A38(T) Derby Junctions will improve the efficiency of the highway network by reducing congestion, from both the trunk road and local network, and the social, economic and environmental impacts that this has.</p> <p>b) Highways England has built a bespoke transport model to test their scheme. They chose this approach over up-dating the Derby Area</p>

		<p>Transport Model (DATM). However, they did incorporate the DATM SATURN highway network into the A38(T) model.</p> <p>c) DCiC welcome the cycle improvements proposed as part of the scheme and the HE has consulted DCiC on these. However, there is a question over whether there are reasonable opportunities to provide any public transport improvements.</p> <p>Regarding the scheme supporting modal shift, this is very much a judgement call. Overall, the scheme is designed to improve traffic flows and increase vehicle capacity along the A38 trunk road through Derby. Broadly speaking therefore, the scheme could encourage more people to drive. There are however benefits to the local transport network of moving trips onto the A38 and away from local roads and the application includes a number of proposed cycle infrastructure proposals which support modal shift, which wouldn't otherwise be delivered without the scheme.</p> <p>It is of course always worthy of consideration to evaluate whether further supporting measures/schemes that can encourage modal shift, over and above those already proposed, may be feasible within the development constraints.</p> <p>Examples could include consideration of park & ride (cycle) facilities or improved public transport services into and out of the City.</p> <p>d) See answer to 4.2 b)</p>
4.16	Overall assessment methodology	<p>Please refer to comments made in DCiC's Local Impact Report</p> <p>b) Regarding concerns around noise, all overnight closures to allow construction work at night should be avoided where possible. Currently, there is insufficient detail about the construction programme to be able to determine</p>

		all of the night closures that may be required and subsequently, the impacts that would arise. DCiC accepts that the process will be subject to change and therefore at this stage, the process for ensuring each phase of construction is properly managed under the CEMP is of primary importance. DCiC are satisfied that their involvement and approval with the development of the CEMP is an appropriate level of control at this outline stage. It is also agreed that the OEMP is a good basis for the CEMP design.
4.17	Travel patterns Transport Assessment Report [APP-253] Section 9 Consultation Report [APP-023] paragraph 4.2.7	c) DCiC has not directly provided comments on the outputs of the construction traffic modelling. The modelling of the impacts of construction is welcomed. However, as with any strategic traffic, which is a generalised view of the real world, the outputs need to be considered against any limitations of the model. As such, it is a tool that assists in the prediction of impacts. Further, the applicant has stated that the Traffic Management Plan (TMP) is subject to change as and when BAM Nuttall has been appointed.
4.18	Driver stress assessment ES Chapter 12 – People and Communities [APP-050] paragraphs 12.3.15-18 and 12.10.18-21; Tables 12.5 and 12.16	f) DCiC doesn't have any comments on the Driver Stress Assessment.
4.21	ES Chapter 12 – People and Communities [APP-050] Paragraph 12.9.2	e) DCiC do not have an issue with HGV movements outside of the 07:00-19:00 hours. However, we want adherence to Derby City Council's Environmental Weight Limit and not route HGVs through the City Centre.
4.22	Overnight closures Transport Assessment Report [APP-253] Table 9.1	b) There is provision for the applicant to do this under the Highways Act. We would only permit the use of strategic diversion routes and not local routes. For example, A50, M1, A52/A61 and A38. Strategic local diversion

		<p>routes have previously been agreed with HE for non-planned events. The priority will be to ensure use of these routes when overnight closures of the A38 are in place.</p>
<p>4.25</p>	<p>Detailed TMP Outline TMP [APP-254] paragraphs 1.1.7 and 1.3.2 OEMP [APP-249] Table 2.1, Ref MW-TRA2</p>	<p>See SoCG.</p> <p>a) Please see response to 4.17. Yes, it is important that the TMP is agreed with DCiC and secured in the Development Consent Order (DCO).</p> <p>b) DCiC has not directly provided written comments on the TMP. Comments have only been made in response to the Inspectors in August 2019 under the Regulation 9 and 16 Consultation. The letter raised the following questions about the plan:</p> <p>Haulage construction traffic in works areas and how this will be managed and interface with adjacent running lanes.</p> <ul style="list-style-type: none"> • A clear picture of how phasing sequences at all three junctions will interlink. • Detailed traffic management plans showing site layouts. • Clarification on speed limits as the document says it will be 'at least' 30mph during construction phases. • More detail is required on the coordination of other works in the City as the document makes reference to this. Traffic and Transportation require a clear understanding of Highways England's expectations. Derby City Council does not operate a Road Space Booking system as referenced in the Construction Traffic Management document. • Incident management strategy. • More detail on pedestrian management for example controlled crossing points.

		<p>DCiC has raised questions about the construction Traffic Management Plan (TMP) at broad meetings with representatives from Highways England. However, the applicant has stated that the TMP is subject to change as and when a contractor (BAM Nuttall) has been appointed. As such, DCiC are unsure how far the TMP will differ. For example, from the 8 phases that has been proposed. This will be a difficult scheme to build and will cause delays on both the Trunk Road and local network.</p> <p>DCiC feel that the applicant needs to have more detailed discussions with DCiC with our Network Management Co-ordinator.</p> <p>As mentioned above, the EHO is satisfied that, provided we are involved in the design and approval of the development of the CEMP/TMP, this should be an appropriate level of control at this outline stage and the OEMP is a good basis for the CEMP design.</p> <p>See also response to 4.27 below.</p>
4.27	<p>Significance of effects ES Chapter 16 – Summary of Residual Effects RR by DCiC [RR-003]</p>	<p>a) It is accepted that management of impacts during construction will be an iterative and constantly evolving process. The most important aspects to managing construction-related impacts will be:</p> <ul style="list-style-type: none"> • Regular consultation with, and a requirement for approval from, DCiC with respect to the development of the CEMP; • Setting agreed monitoring requirements and triggers for action within the CEMP e.g. for dust and noise; • A clear hierarchy of all potential responses to complaints/incidents*;

		<ul style="list-style-type: none">• A robust local awareness, communications and warning system in advance of all phases of potentially problematic works*;• Putting in place a co-ordinated complaints/response system*;• Timely response to issues as and when they occur throughout the construction programme*. <p>[*this can be assisted by dedicated resource deployed by HE within the City Council]</p> <p>This should all be laid out in detail within the CEMP and Construction TMP.</p> <p>Key stakeholders were invited to a meeting at DCiC with representatives from the HE. They verbally raised a number of concerns about the impacts of construction on the operation of bus services. Further, businesses such as INTU also raised concerns at the meeting about the construction impact of the A38(T) on accessibility to the City Centre.</p> <p>As such, communication and flexibility will be key in managing the movement of traffic through and around Derby. To this end it is critical that Highways England continue to liaise with key stakeholders and Traffic and Transportation over the Traffic Management Plan. However, the Council will struggle to meet this demand and we would like to explore with Highways England any resources they could provide to facilitate this function through the construction programme.</p> <p>For example, DCiC has identified that a Communications Officer will have to work in Derby ahead of the scheme, primarily working with the Local Travel Behaviour Change group, which includes key stakeholder from the city centre, Marketing Derby, public transport operators and the Hospital. The Council will provide access to the business contact and engagement plan that we have developed over several years, and are prepared to work closely with</p>
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		<p>an HE Communications Officer. The Council will welcome the Communications Officer spending some of their time based in the Council House, and being available to work with city centre stakeholders.</p> <p>Further, DCiC has also identified that some accommodation works may be necessary on the local road network, to accommodate changes in traffic patterns, and to support public transport during the construction period. For example, changes to traffic signal sequences and potentially changes to the current allocation of road space.</p>
4.29	<p>Construction traffic and temporary closures and diversions assessment, impacts and mitigation NPSNN paragraphs 5.215-7</p>	<p>See SoCG.</p> <p>As mentioned above, EHO is satisfied that, provided we are involved in the design and approval of the development of the CEMP/TMP, this should be an appropriate level of control at this outline stage and the OEMP is a good basis for the CEMP design.</p> <p>See also response to 4.27.</p>
4.30	<p>Driver stress assessment ES Chapter 12 – People and Communities [APP-050] paragraphs 12.3.15-18 and 12.10.22-32; Tables 12.5 and 12.16</p>	<p>In response to f), there appears to be an issue with the model in this area. Some of the 2015 observed flows don't reflect the level of base flows in the model. Further, the turning movements around the Kingsway retail park do not seem logical and suggest that there is an issue with the demand data or matrices.</p> <p>This issue is only seen within the 2015 base year model and the Do minimum models. DCiC have noticed this issue within the PM2 time period but not the AM2. A comparison of the Do something turning movement and a recent survey conducted at the Kingsway Retail Park roundabout shows that the turning proportions within the DS model are logical. The issue creates the vast</p>

		difference in flow on this link.
4.34	Junction layouts Consultation Report [APP-023] paragraph 4.2.11-12	Although DCiC has not had a formal response from Highways England on the points raised in paragraphs 4.2.11 and 4.2.12, it is expected that these questions will need to be addressed as part of the detailed design. DCiC would welcome further details on those issues raised in paragraphs 4.2.11 and 4.2.12.
4.36	Increased journey times on the Mansfield Road route Transport Assessment Report [APP-253] Tables 4.5 and 4.6	a) DCiC colleagues noted to the applicant that the Junction of Bishops Drive and the A608 was incorrectly coded as a priority T Junction instead of a priority roundabout. The roundabout junction appears to have been coded into the junction of Nearwood Drive and the A608. The large journey time delay is only seen in the AM2 time period, in which a large flow increase is seen on Mansfield Road SWB. It is unclear as to whether it is the miscoded junction or the increase in flow during this time period that has caused the large increase in delay.
4.37	A38 speed limits ES Chapter 2 – The Scheme [APP-040] ES Chapter 12 – People and Communities [APP-050] paragraph 12.9.6 RR by Breadsall Parish Council [RR-001]	c) The main safety benefit of the scheme will be the removal of conflict between strategic traffic on the A38(T) and local traffic crossing the A38(T). As such, the difference in speed between the current 40mph and proposed 50mph is unlikely to be material. d) DCiC is aware that this has been modelled by AECOM on behalf of HE. The reduction in noise arising from a reduction in speed limit from 50mph to 40mph through the Markeaton Junction would be around 0.5dB at the road. This translates to a negligible reduction and not something that would be noticeable in practice when considered at the nearest receptors. There seems no notable benefit in reducing the speed limit in this location on noise amenity grounds.

4.38	Traffic Regulation Measures and Stopping Up RR by DCiC [RR-003] dDCO [APP-016] Schedule 3	a) DCiC will go through schedule 3 as directed by Question 1.6. b) DCiC is referring to Part 3 Streets, Article 13.
4.40	Closure of the existing Ford Lane access to the A38 ES Chapter 2 – The Scheme [APP-040] paragraphs 12.8.3 and 12.9.6 ES Chapter 12 – People and Communities [APP-050]	d) DCiC understand the desire to close Ford Lane from a safety perspective. Ford Lane is used by drivers avoiding the delays and queuing northbound from the Abbey Hill Junction. Residents will have to use the A6 route in future. As such, it is probably ‘neutral’ in the change of traffic as it re-routes.
4.41	Changes to local traffic management RR by DCiC [RR-003]	a) To be clear DCiC are not proposing any traffic management changes on Kedleston Road or Five Lamps.
4.42	Traffic flow changes RR by DCiC [RR-003]	a) The applicant has not specifically assessed the wider impacts of the development of the local road network. b) From the Strategic transport model DCiC has identified that there are significant changes in traffic patterns as a result of the development. However, the impact of these has not been assessed in any detail to understand whether the changes in traffic are material, require changes to the signals timings or physical changes to the highway to manage them. At present DCiC has some concerns about traffic flow changes along the Duffield Road and Kedleston Road corridors following the completion of the scheme, but this has not been tested.
4.44	Operational traffic and permanent road closures assessment, impacts and mitigation	The concern is that DCiC don't know what mechanism the roads are to be stopped up or what issues have been raised by local residents and businesses.

4.45	ES Chapter 12 [APP-050]	The information about bus services appears to be comprehensive. Further information is required regarding journey time delays for services. The bus companies have requested further information on how the journey time delays have been calculated as they expect a greater impact. They are willing to meet with the applicant to discuss the delays that are currently experienced.
4.46	Impacts during operation Transport Assessment Report [APP-253] Section 7.2	In principal this appears to work, however, further detail is required in order to discuss this with the bus company providing this service for the university. It is expected that this will be detailed in the traffic management plan and detailed design phase.
4.47	Public transport assessment, impacts and mitigation ES Chapter 12 – People and Communities [APP-050] paragraphs 12.7.17-22	In addition to the notes above, the bus companies have investigated potential bus priorities could be implemented to help mitigate the delays during the works. Further information regarding the protection of journey times for buses during and after the works is required.
5.2	DCiC traffic measures for Stafford Street ES Chapter 5 – Air Quality [APP-043] paragraphs 5.2.20, 5.5.9, 5.10.44	The Stafford Street Traffic Management (TM) Scheme comprises of a series of measures. It is unlikely that the whole set of measures will simply be ‘removed’ at some point in the future. In practice, some elements will be retained, some may be removed and some may be amended. Unfortunately, it is not possible to confirm the future situation at this stage as the process will be iterative. In terms of the relationship with the A38 Derby Junctions Scheme however, the modelling suggests that the completed A38 Scheme has the potential to reduce traffic volumes on Stafford Street, but this does not necessarily mean that it single-handedly resolves the issue on Stafford Street to the extent that the Stafford Street TM Scheme is no longer needed. This will be decided based on continuous monitoring and evaluation.

		<p>That said, given that a net reduction in traffic is predicted to result from the <i>completed</i> A38 Scheme, this should only impact upon the Stafford Street TM Scheme in a positive way and therefore DCiC has no concerns in this regard.</p> <p>The only area of outstanding concern is the potential impact upon the Stafford Street TM Scheme during the A38 Scheme construction. The current modelling suggests a negligible impact, but given the lack of certainty around the construction scenarios proposed in the ES, there is concern that impacts could still arise if not properly managed. See DCiC answer to question 5.26 below for further details on this.</p> <p>As mentioned previously, DCiC will need to be involved in the design of the CEMP and associated TMP. Furthermore, DCiC must receive reports of the continuous monitoring of the implementation of the CEMP and TMP throughout the construction phases of the development. Ideally, agreement should be sought from DCiC before each phase of construction and also in connection with any remedial actions taken to address problems that arise throughout the programme of works.</p> <p>As DCiC will be a first point of contact for complaints in the majority of cases, a robust 'receive, respond and act' *system will need to be in place, co-ordinated by HE, but with significant DCiC input.</p> <p>[*this can be assisted by dedicated resource deployed by HE within the City Council]</p>
5.3	Changes to local traffic management RR by DCiC [RR-003]	See earlier Highways response regarding this.

5.4	Study area, receptors and baseline data ES Chapter 5 – Air Quality [APP-043] sections 5.6 and 5.7 ES Appendix 5.2 – Air Quality Methodologies [APP-171] table 2	See SoCG.
5.5	Carbon monoxide, 1,3-butadiene, benzene, lead and sulphur dioxide ES Chapter 5 – Air Quality [APP-043] paragraph 5.3.4	a) Based on available evidence, yes. b) Not that DCiC is aware of.
5.6	PM _{2.5} assessment ES Chapter 5 – Air Quality [APP-043] paragraph 5.35 and Table 5.5.	See SoCG. b) The only other measures that could assist with PM _{2.5} mitigation would relate to measures incorporated into the CEMP e.g. in relation to the choice of NRMM (Non-Road Mobile Machinery) or the use of diesel generators. Such matters should be discussed as part of the CEMP development in any case and DCiC are satisfied with this approach for management.
5.10	Biodiversity impact assessment ES Chapter 5 – Air Quality [APP-043] paragraph 5.8.14 and table 5.10 NPSNN paragraphs 5.11	The issue of potential air quality impacts on nature conservation sites is outside of DCiC area of expertise and in such cases we are guided by the views of Natural England
5.13	Baseline conditions and overall assessment methodology	See SoCG.
5.21	Construction dust and emissions assessment and mitigation	See SoCG. a) and b) Some degree of construction dust impacts arising from a scheme of

		<p>this scale and nature are inevitable. They are however hard to predict accurately as there are many unknown variables involved e.g. arising from different meteorological conditions. In practice, construction dust impacts will be controlled through robust management/mitigation measures, which must be implemented rigorously throughout the duration of all high risk works. This has to be laid out in detail in the CEMP, along with measures for monitoring and associated urgent action/responses where the monitoring reveals an issue.</p> <p>c) The OEMP is a useful guide for development of the CEMP; however this question cannot be answered until such time as the CEMP has been fully detailed as the detailed measures are not yet confirmed.</p> <p>d) The approach used to identify where the most significant impacts might occur is agreed by DCiC, however that should not be taken to mean that the predictions provide certainty. They are merely modelling/assessment outputs.</p>
5.24	Operational vehicle emissions assessment, impacts and mitigation	See SoCG.
5.25	Exceedances of EU limit values for NO ₂ , reporting of non-compliance and timescales to achieve compliance ES Chapter 5 – Air Quality [APP-043] paragraphs 5.7.3-8 NPSNN paragraph 5.13	<p>See SoCG.</p> <p>a) and b) Currently, this is not fully agreed. In terms of the methodology used in the ES for compliance-checking against the EU AQ Directive for annual average NO₂, there is an underlying disparity between it and the methodology used to predict potential exceedances of the EU Limit Value for annual average NO₂, as prescribed by DEFRA. This relates to the location of modelled receptors, which is standardised in the DEFRA methodology to a point exactly 4 metres from the kerb, whereas the approach utilised within the ES uses a point at the façade of the closest receptor to the kerb.</p>

		<p>In the majority of cases, the A38 Scheme ES approach will be more conservative and therefore is of little concern regarding a potential EU Directive exceedance, however further sense-checking is needed in relation to some of the modelled receptor points against the DEFRA methodology, utilising a modelled point at 4m from the kerb. This would need to include any receptors which:</p> <ul style="list-style-type: none"> • Are located adjacent to a road link which is predicted to experience a notable increase in traffic volume AADTs post-scheme completion; AND • Which are located between 4m and 10m from the kerb; AND • Which already experience annual average NO₂ concentrations close to, or higher than, 40µgm⁻³. <p>c) There is a single location on Stafford Street which has been reported to DEFRA as being in potential non-compliance with the EU Directive in 2020/21.</p> <p>d) Compliance is expected to be achieved as a result of the Derby Roadside NO₂ Plan Traffic Management Scheme, due to be implemented by the end of 2020.</p>
5.26	<p>Increases in NO₂ concentrations in non-compliant areas ES Chapter 5 – Air Quality [APP-043] section 5.10 NPSNN paragraph 5.13</p>	<p>a) and b) There is only one location in Derby City currently predicted to be non-compliant with the EU Directive and that is at Stafford Street. In terms of the completed scheme (described in the ES as ‘operational impacts’), the scheme is predicted to reduce the volume of traffic on Stafford Street and therefore is expected to have a positive impact i.e. causing a reduction in annual average NO₂ concentrations. When considering the completed scheme, DCiC welcomes the scheme in this regard.</p>

		<p>When considering impacts upon Stafford Street during construction, the picture is less clear. Whilst the modelling currently suggests negligible impacts upon Stafford Street during construction, it is our understanding that the current construction traffic management scenarios 'could' be subject to change following appointment of the construction contractor or indeed, in response to changing circumstances throughout the construction programme.</p> <p>Nonetheless, once the DCiC <i>Local Roadside NO₂ Traffic Management Scheme</i> (DCiC TM Scheme) has been implemented, any potential impacts on Stafford Street arising from the A38 Scheme's construction should in theory be controlled by the DCiC TM Scheme. This is because the fundamental aim of the scheme is to control the flow of traffic along Stafford Street.</p> <p>However, it is worth highlighting that, although the DCiC TM Scheme is due to be implemented by the end of 2020, there is still some uncertainty as to the precise completion date. Consequently, there is a risk that the A38 scheme construction could begin prior to full delivery of the DCiC Scheme and as such, increases in emissions along Stafford Street caused by diverted traffic due to the A38 Scheme construction, could occur. How long this occurs for before implementation of the DCiC TM Scheme is crucial to the significance of any impacts upon potential compliance with the EU Directive in 2020 or 2021, which is of course measured/modelled on an <i>annual average</i> basis.</p> <p>With respect to construction-related impacts potentially causing any new exceedances of the EU Directive beyond Stafford Street, again, this is less clear due to the uncertainties around the A38 construction programme. At this stage, DCiC accepts that this can only be managed through continuous discussion and design throughout the process, which both HE and DCiC are already committed to. See also DCiC response to question 5.2.</p>
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5.27	Compliant areas becoming non-compliant ES Chapter 5 – Air Quality [APP-043] section 5.10 NPSNN paragraph 5.13	<p>Derby City is already reported as being in non-compliance, therefore there is no risk of this occurring in relation to Derby. In terms of any new locations within Derby City becoming non-compliant, that are currently compliant, then DCiC would add the following comments:</p> <p>Scheme Construction Phase – Yes, there is some risk to this. The current modelling suggests this should not be the case, however DCiC understands that the construction traffic management scenarios are not fully confirmed in detail at this stage. Furthermore, making accurate predictions through traffic and AQ modelling for the various construction scenarios will never be completely accurate.</p> <p>Completed Scheme (Operational Impacts) – As highlighted in DCiC’s answer to question 5.25, there is still some uncertainty around whether the scheme could cause a new non-compliance beyond Stafford Street, especially in relation to the A38 itself and any other roads that are predicted to see an increase in traffic volumes post-completion.</p> <p>DCiC understands that HE is looking into this in more detail.</p>
5.28	NO ₂ compliance at Stafford Street RR by DCiC [RR-003]	<p>b) Completed Scheme (Operational Impacts) – DCiC does not see any merit in any specific requirements or measures being identified and secured through the DCO in relation to NO₂ compliance at Stafford Street, since the completed scheme is predicted to have a net benefit on emissions on Stafford Street.</p> <p>Scheme Construction Scheme – See answers to questions 3.12, 4.25, 4.27, 4.29, 5.2 and 5.26 and 5.27. DCiC would recommend that regular consultation</p>

		<p>on the CEMP is required, with a further requirement for approval of the CEMP from DCiC.</p> <p>It would also be helpful if DCiC (or the SoS) had the power to <i>require</i> action from HE to make changes to the construction arrangements where monitoring suggests that the existing situation could be putting compliance with the EU AQ Directive at risk.</p>
5.29	<p>NO₂ analysis method and increases at Stafford Street ES Chapter 5 – Air Quality [APP-043] paragraphs 5.10.9, 25, 30 and 44 NPSNN paragraph 5.13</p>	<p>a) See SoCG and answer to question 5.25.</p> <p>b) See SoCG and answer to question 5.26 regarding potential uncertainties in predicting NO₂ during construction.</p> <p>Whether alternative construction measures are feasible can only be considered following detailed joint discussions between transport and AQ personnel at both HE and DCiC once the construction contractor has been appointed.</p>
5.30	<p>Mitigation measures ES Chapter 5 – Air Quality [APP-043] section 5.9 NPSNN paragraph 5.15</p>	<p>b) With respect to the completed scheme, overall, the impacts resulting from the scheme are beneficial to local emissions. The only exceptions to this are any receptors located close to the A38 carriageway (of which there are very few) and some other locations expected to see an increase in traffic volumes post-completion.</p> <p>DCiC accepts that the modelling does not predict any significant impacts on local AQ arising from the completed scheme and therefore does not consider that further mitigation measures are necessary based on the information in the ES.</p>
5.31	Dust monitoring during preliminary	c) DCiC acknowledges that there are fairly significant costs associated with dust

	<p>works and main construction works ES Chapter 5 – Air Quality [APP-043] paragraphs 5.9.4-6 OEMP [APP-249] tables 3.2a and 3.2b</p>	<p>monitoring and are satisfied that dust monitoring need only be carried out in relation to certain works which have a greater potential of creating dust and at certain times of year. As an extreme example, there is little benefit in monitoring dust during very wet weather in winter for line painting activities.</p> <p>The necessity for dust monitoring in relation to certain activities in certain locations at particular times, should be outlined in the CEMP and as mentioned above, this should be agreed with DCiC. For example, dust monitoring will be essential in respect of works in close proximity to residential dwellings, or other relevant receptors, especially during drier periods in the summer.</p> <p>It is considered that there are certain higher risk activities that will ‘require’ dust monitoring, some medium risk activities where monitoring should be ‘considered’ and other low risk activities where it may ‘not be necessary’. DCiC would further recommend that monitoring is required in response to any complaints about dust.</p> <p>*this is where an HE resource dedicated and based with DCiC would assist greatly</p>
5.32	<p>NO₂ monitoring OEMP [APP-249] tables 3.2a and 3.2b</p>	<p>c) DCiC already carries out a fairly extensive network of NO₂ diffusion tube monitoring within the area of most concern. Whilst NO₂ monitoring is useful, it is important to note that, although monitoring provides a good guide to the overall concentrations of NO₂, it does not provide any useful information to ascertain the sources of NO₂.</p> <p>Furthermore, for NO₂ monitoring to be useful, it should be considered as part of a long-term survey, ideally involving years of data, to be able to determine trends.</p>

		<p>Consequently, whilst further NO₂ monitoring during the scheme may be interesting, DCiC does not see additional NO₂ monitoring as an essential requirement in relation to the scheme.</p> <p>Post-scheme completion monitoring may, however, be more useful, in order to assist in evaluating the impacts of the completed scheme. This would need to be in conjunction with historical monitoring locations in order to be able to ascertain long-term trends.</p>
5.35	Statutory compliance, monitoring, pollution control and other matters	DCiC have no further comments, other than those already outlined.
6.1	Changes to local traffic management RR by DCiC [RR-003]	a) and b) See highways comments provided elsewhere regarding modelling at this junction
6.2	DCiC traffic measures for Stafford Street ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.9 and 9.5.1	<p>See answer to question 5.2 above and also SoCG.</p> <p>DCiC do not consider there to be any significant implications arising from this in relation to noise and vibration, based on the information available.</p>
6.3	Study area, receptors and baseline data ES Chapter 9 – Noise and Vibration [APP-047] sections 9.6 and 9.7; paragraphs 9.7.17-27 ES Figures 9.1A [APP-128] and 9.1B [APP-129]	See SoCG.
6.4	Lowest Observed Adverse Effect Level (LOAEL) Significant Observed Adverse Effect Level (SOAEL) and	a), b) and c) DCiC do have concerns over the LOAEL and SOAEL levels proposed for operational traffic noise, as these are higher than those normally accepted for applications through the planning system and therefore, in theory, have the potential to cause detriment to local amenity from noise. This is bearing in

	<p>ES Chapter 9 – Noise and Vibration [APP-047] tables 9.2-7; paragraphs 9.3.17 and 9.3.49-50</p>	<p>mind particularly, the evidence around observed effects from road noise reported by the World Health Organisation (WHO).</p> <p>DCiC do however acknowledge that the proposed LOAEL and SOAEL levels are consistent with comparable highway schemes elsewhere and they also align with the Noise Insulation Regulations criteria.</p> <p>Furthermore, DCiC accepts that the existing levels of noise around the A38, as reported in the ES baseline analysis, already exceed WHO criteria in many cases and therefore it might be unreasonable to expect the scheme to significantly reduce A38 road noise to a level below the WHO criteria.</p> <p>Fundamentally, given that local residents are already accustomed to high levels of noise from the A38, significant impacts arising from the scheme are only likely to occur in practice where the scheme causes a significant increase in noise levels over and above those that already exist.</p> <p>Consequently, DCiC accepts the approach for determination of noise impacts outlined in the ES and the associated process for mitigation appraisal.</p> <p>See also SoCG.</p>
6.10	Baseline conditions and surveys	See SoCG.
6.13	<p>The use of professional judgement ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.23 and 9.3.52</p>	<p>Whether any particular noise causes annoyance to an individual is highly subjective and dependant on a range of factors. A noise assessment can never be taken to be confirmation as to whether significant impacts will or won't occur, but they are a useful guide to use as a basis for professional judgement.</p>

		<p>The ES comments on judgement appear reasonable; however there will inevitably be a degree of disagreement with respect to professional judgment.</p> <p>DCiC acknowledges that potential nuisance arising from construction activities will have to be managed continually throughout the process, via implementation of the agreed CEMP. It would be inappropriate to make any decisions at this stage as to when significant impacts will and won't occur and the predictions in the ES and CEMP are at best used as a guide, which is considered to be an acceptable approach.</p> <p>When considering post-completion traffic impacts, as has already been outlined in the answer to question 6.4, DCiC accepts the approach for determination of noise impacts outlined in the ES and the associated process for mitigation appraisal.</p>
6.14	<p>Definition of significant effect ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.3.23 and 9.10.5; table 9.2</p>	<p>d) See SoCG and answer to question 6.4 above.</p>
6.19	<p>Night-time and weekend working ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.8.5 OEMP [APP-249] tables 3.2a and 3.2b</p>	<p>a) DCiC acknowledges that construction works carried on outside of core construction working hours are unavoidable in some cases. Question a) is a useful question and is one that DCiC are keen to see the response to.</p> <p>b), c) and d) DCiC considers that all work to be carried out outside core construction working hours should be subject to prior approval from DCiC as part of the CEMP design and ongoing implementation thereof. Any approvals will need to be subject to detailed information to allow proper consideration of:</p> <ul style="list-style-type: none"> i, the necessity for the works; ii, the date, duration and nature of the works;

		<p>iii, full and proper public notification of the works;</p> <p>iv, detailed measures to mitigate noise as far as possible; and</p> <p>v, contingency arrangements in the event of issues with noise.</p>
6.20	<p>Best Practicable Means and a management plan rather than specific limits and s61₂ consent</p> <p>ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.4.2</p>	<p>a) DCiC considers that the main issue with setting noise and vibration limits fails to take account of all of the other variables which contribute to perceived annoyance/nuisance from noise e.g. duration, frequency, intermittency, time of day, tonal characteristics and so on. Noise levels are useful as an initial guide, but DCiC would prefer to avoid outright limits in order to allow for greater flexibility to deal with issues as and when they arise.</p> <p>b) See SoCG. DCiC believes that the primary function of the CEMP will be to outline BPM and therefore, if this has been agreed, then inherently BPM will have been agreed between DCiC and the applicant.</p> <p>c) See answer to a).</p> <p>d) DCiC does not see a need for using the Section 61 process to agree BPM. DCiC believes that a CEMP is an appropriate method of securing suitable noise control for the proposed construction works, provided that DCiC's agreement is sought on the CEMP.</p>
6.21	<p>Temporary noise barriers</p> <p>ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.9.3, 9.9.6 and 9.12.1</p>	<p>a) DCiC doesn't see a need for this as this can be agreed through the CEMP. In any case, there are already other legislative provisions to prevent noise and nuisance that can be used.</p> <p>b) This sounds sensible if practical and feasible.</p>
6.22	<p>Community liaison</p>	<p>It is very likely that local residents will contact their local councillor or DCiC in</p>

	ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.9.5	<p>the first instance. It would be extremely helpful to all concerned to have robust communications and flexibility to manage movement of traffic in and through Derby.</p> <p>Working with DCiC ahead of the scheme a communications resource funded by HE and primarily working with the ‘Local Travel Behaviour Change’ group will maximise engagement particularly if some time is spent based within the city council.</p> <p>See SoCG regarding OEMP and CEMP.</p> <p>DCiC sees these as elements to be agreed under the CEMP at a later date.</p>
6.24	Cumulative impact assessment ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.7.30	b) See Highways comments on whether construction traffic has been appropriately considered or not.
6.25	Construction noise and working hours assessment, impacts and mitigation	This has already been covered above and in SoCG. All to be dealt with in CEMP.
6.30	Operational noise and vibration assessment, impacts and mitigation	See SoCG. This has all been agreed with DCiC.
6.31	Derby Local Transport Plan, LTP3 2011-2026	<p>DEFRA have published a National Noise Plan in accordance with their commitments under the EU Noise Directive.</p> <p>As the development relates to a road which is under the control of HE, noise controls are covered under HE’s Noise Action Plan, not DCiC’s. Whilst DCiC are currently developing a Noise Action Plan, this only relates to road links highlighted under the National Plan, otherwise known as Noise Important</p>

		<p>Areas (NIAs).</p> <p>DCiC does not believe that this scheme will have any material impact upon any of DCiC's NIAs and therefore there are no perceived conflicts with DCiC's developing local Noise Action Plan.</p>
6.32	<p>Noise Important Areas ES Chapter 9 – Noise and Vibration [APP-047] paragraph 9.4.4 NPSNN paragraph 5.200</p>	<p>a) Unfortunately, it is not currently possible to confirm the timescales for publication of DCiC's Local Noise Action Plan, however as mentioned in answer 6.31 above, DCiC does not believe that the A38 scheme will have any material impact upon any of DCiC's NIAs and therefore there are no perceived conflicts with DCiC's developing Local Noise Action Plan.</p>
6.34	<p>ES Chapter 9 – Noise and Vibration [APP-047] paragraphs 9.11.1-2 OEMP [APP-249] tables 3a and 3b</p>	<p>To be agreed and secured through CEMP. See also answer to question 6.20.</p>
6.35	<p>Mitigation measures ES Chapter 9 – Noise and Vibration [APP-047] section 9.9 NPSNN paragraphs 5.194 and 5.198</p>	<p>c) See SoCG.</p>
6.36	<p>Mitigation measures NPSNN paragraph 5.196</p>	<p>See SoCG. The evidence produced in the ES to demonstrate the appropriateness of the proposed mitigation measures is not questioned by DCiC.</p>
6.41	<p>Statutory compliance, monitoring, pollution control and other matters NPSNN paragraphs 5.193 and 5.195</p>	<p>See SoCG. No issues identified by DCiC, subject to the process of CEMP agreement and implementation.</p>
7.3	<p>ES Chapter 13 [APP-051] ES Appendix 13.2A [APP229]</p>	<p>DCiC as FFLA are satisfied that the model used for the FRA for Kingsway Island can adequately assess the revised climate change projection from the EA and</p>

		<p>we understand that the new climate change predictions have been assessed.</p>
<p>7.17</p>	<p>Sustainable Drainage Systems (SuDS) ES Chapter 13 [APP-051]</p>	<p>In order to mitigate the loss of public open space at the Markeaton and Kingsway junctions, the Applicant proposes replacement open space at Queensway and Brackensdale Avenue. The open space at Queensway will accommodate two Highway drainage attenuation tanks of 935m³ and 2300m³ for catchment 10 in addition to a forebay/wet sedimentation pond which forms part of the Applicant's environmental mitigation. The pond has a volume of 273m³.</p> <p>The use of these drainage attenuation tanks, the larger of which occupies the full width of the proposed replacement open space, restricts the type of vegetation to amenity grassland and shrubs. It also excludes the provision of larger open water features and tree planting which could provide visual screening and improve conditions for wildlife and amenity. There is a potential opportunity to create a larger pond in this location which could enhance the benefits for biodiversity and environmental benefits for pedestrians and cyclists using the open space.</p> <p>There are also two main areas where the LLFA believe opportunities exist within public open space to lower flood risk and increase the use of SuDS.</p> <p>There is a further drainage attenuation tank proposed for the Kingsway junction for catchment 2 of 1210m³ situated within Mackworth Park. The construction of this tank would necessitate clearance of existing trees and future access provision from the A38 for maintenance. For the Kingsway junction there are however significant opportunities in Mackworth Park to introduce Natural Flood Manage (MFM) techniques to reduce surface runoff and slow the flow in watercourses. There may be an opportunity to provide a</p>

		<p>pond in this location to replace the buried underground tank. A buried tank would restrict the finished treatment of the ground surface whereas a pond which would provide greater wildlife and public amenity within the open space and potentially limit tree loss and benefits that this would provide for screening from the road. The introduction of tree planting (to increase catchment roughness and increase evapotranspiration) introduction of leaky dams into the tributaries of the Bramble Brook (to slow the flow) and introduce NFM catchment storage. These techniques are seen as low cost methods of reducing flood risk and can deliver significant biodiversity benefits.</p> <p>The original proposal for the Kingsway junction <u>was</u> to use SuDS features within Mackworth Park (ponds) to provide attenuation and water treatment. These appear to have been replaced by a tank, which offer no treatment, amenity or biodiversity gains. It is not clear why the strategy was amended.</p> <p>At Markeaton Junction there is a proposed new public open space. Sited within the POS are various drainage structures including two large tanks and a small pond. It is our view that the system could be improved by combining the two tank structures and providing a large pond structure. This would provide better water treatment and enhance both amenity and biodiversity. It is however not really useable public open space to mitigate the losses elsewhere.</p>
8.1	<p>ES Chapter 8 [APP-046] paragraphs 8.3.29 and 8.7.2, tables 8.9 and 8.10 ES Appendix 8.17: Designated and non-designated sites [APP-214]</p>	<p>a) We agree that the selection of sites that has been scoped out of further assessment as detailed in Appendix 8.17 is appropriate.</p> <p>b) We are not aware of any further sites that should be taken into account.</p> <p>It is acceptable that the remote sites of minor highway improvements have been scoped out of further assessment but the approach to such works, including precautionary measures as detailed in paragraph 8.3.29, is considered</p>

		to be appropriate and welcome
8.2	ES Chapter 8 [APP-046], ES Appendices 8.3-8.15 [APP-180-212]	The survey work has considered the relevant species groups and has been informed by an appropriate desk study. The survey work has been carried out in accordance with current published guidance and is both comprehensive and thorough in nature. Where necessary, the surveys appear to have been updated to respond to changes in the scheme.
8.3	ES Chapter 8 [APP-046]	<p>a) The scheme runs through two Natural Character Areas – Needwood and South Derbyshire Claylands (68) and Derbyshire Peak Fringe and Lower Derwent (50). The key characteristics of these natural area profiles include key and priority habitats that need to be taken into account although they are generally replicated by the priority habitats identified in the UK and local BAP.</p> <p>b) There should be reference to the Highways England Biodiversity Plan. We are satisfied that Table 3 references the most up to date relevant information.</p>
8.4	ES Chapter 8 [APP-046]	We consider the approach to assessment of impacts in paragraph 8.3.28 to be generally acceptable as it appears to include standard mitigation measures in line with the mitigation hierarchy as well as considering the significance of any residual impacts. However assessing impacts should relate not only to habitat type and the extent of loss but also to other considerations, including distinctiveness, rarity, condition, associated species populations, location, impact on site and local green infrastructure. To this end we would consider that the use of a Biometric Accounting metric would provide a transparent and consistent approach and note that this is touched upon in paragraph 8.3.24. We would welcome this approach but would add that the NPPF now aspires to a net gain for biodiversity rather than no net loss.

		<p>A robust replacement policy, particularly as DCiC will be losing some prominent and mature trees along the edge of Markeaton Park. There is scope for additional tree planting to be included within the Park and at Mackworth and this could tie in with the Trees for Derby Group's aspirations for more tree planting and offset some of the air quality impacts of the scheme.</p>
8.5	ES Chapter 8 [APP-046]	<p>c) In relation to the contents of Table 8.4 and paragraph 8.3.20, while it is appreciated that the term significance is used in relation to EIA regulations, the NPPF aspires to providing net gains for biodiversity. It is therefore implied that any biodiversity loss could fail the NPPF's sustainable development principle and constitute significant harm. We are of the view that 'significant harm' should not solely refer to priority habitats or designated sites as impacts to 'non-priority' habitats which also contribute biodiversity value may also be considered significant enough to require compensation.</p>
8.6	ES Chapter 8 [APP-046]	<p>b) Further clarification should be provided in respect of demonstrating that the scheme has achieved no net loss through the use of a recognised Biodiversity Metric Calculator. We would add that the NPPF 2019 now aspires to a net gain for biodiversity rather than simply no net loss.</p>
8.7	ES Chapter 8 [APP-046]	<p>a) The avoidance measures incorporated in to the design are welcomed and the mitigation measures outlined in section 8.9 are considered to be appropriate. Environmental mitigation measures for impact of the scheme on biodiversity have been largely agreed including translocation of soils from Kingsway LWS to Markeaton Park. However Chapter 8 of the ES, section 8.9 also refers to the scheme design aiming to maximise opportunities for biodiversity associated with other mitigation measures such as the scheme highway design. There is</p>

		<p>further opportunity to enhance the agreed mitigation measures through consideration of the drainage design particularly the use of ponds to replace highway drainage attenuation tanks in areas of public open space.</p> <p>b) Consultation with statutory consultees including Natural England, within the scoping opinion, identifies that the proposed development is in an area that could benefit from enhanced Green Infrastructure. Consideration should be given to what existing features on and around the site can be retained or enhanced or what new proposals can be incorporated into the development proposal.</p> <p>DCiC comments on 16/10/18 suggested two new ponds to be created in Mackworth Park with associated wildlife and habitat benefits. It is disappointing to note that these have now been removed and replaced with an underground attenuation tank with limited opportunity to enhance the existing open space and improve the biodiversity of the park.</p> <p>There is additional scope for improvement to existing Green Infrastructure through enhancements to the major open spaces of Markeaton Park, Mill Pond and Mackworth Park which are impacted upon by the scheme but these enhancements are not considered to be within the scope of the DCO submission.</p>
8.10	ES Chapter 8 [APP-046]	The implementation of standard pollution prevention control measures and best practice measures to control dust during construction activities are suitable to avoid disturbance effects on national and local statutory designated sites.

8.12	ES Chapter 8 [APP-046]	The implementation of standard pollution control measures and best practice measures to control dust during construction activities are suitable to avoid disturbance effects to local non-statutory designated sites.
8.14	ES Chapter 8 [APP-046]	The implementation of standard pollution control measures and best practice measures to control dust during construction activities are suitable to avoid disturbance effects to non- designated sites of interest.
8.15	ES Chapter 8 [APP-046] RR by the EA [RR-005]	On the basis of a site visit conducted on 29 th October 2019 DCiC and DWT agree that Tree References DWT3 and DWT20 do not qualify as veteran trees. It is possible that the location of DWT3 Common Oak is a grid reference error for the same tree identified as M36 which is an obvious veteran. There is another Common Oak nearby at grid reference SK 33731 37143 which although very mature it would not be considered to be a “true” veteran. We confirm that DWT20 is not a veteran tree and there are no veteran Alders or veterans of any tree species at this location.
8.17	ES Chapter 8 [APP-046]	DCiC would wish to be consulted on these works where these works are on DCiC land.
8.21	ES Chapter 8 [APP-046]	We advise that sufficient information has been provided in respect of lighting impacts on roosting, foraging and commuting bats as detailed in sections 8.8.10 and 8.9.12 of the ES.
8.22	ES Chapter 8 [APP-046] paragraph 8.9.9	We agree that the measures detailed in Appendix B Outline Biosecurity Management Plan are robust and their implementation has potential to

	OEMP [APP-249] Appendix 2.1 Outline Biosecurity and Management Plan	generate a positive effect.
8.24	ES Chapter 8 [APP-046]	We are broadly supportive of the approach taken in respect of biodiversity enhancement but it should include measures to secure the protection and enhancement of the fields to the south of Alfreton Road Rough Grassland LWS which have developed significant ornithological interest. This site was put forward during meetings and discussions with AECOM as part of discussions to identify suitable biodiversity enhancement opportunities. This scheme presents a good opportunity to secure the protection and enhancement of this wider site, particularly when part of the LWS is to be lost to the proposal.
9.7	ES Chapter 7 [APP-045]	Need to look at some additional viewpoints, as referred to in the SoCG and in relation to the DVMWHS (some of those used for the North Ave Public Inquiry) - views to the earthwork to form the flood compensation area and to demonstrate the impact of flyover on the OUV of the DVMWHS at Little Eaton.
10.1	ES Chapter 12 [APP-050] ES Figure 2.9 [APP-065]	<p>Since the Preferred Route Announcement the scheme design has been developed in a way to minimise the loss of public open space. Due to the loss of 7,788m² overall as a result of the Kingsway and Markeaton junction works, there is a requirement to provide replacement open space that is equal or greater than the area lost to the scheme.</p> <p>At Kingsway junction, the area to be lost currently forms part of Mackworth Park and Greenwich Drive South open space and is required for the proposed Kingsway junction western roundabout embankment. This will be replaced by the area of former carriageway left vacant as part of the removal of the Brackensdale Avenue access onto the A38.</p> <p>This section of carriageway separates the area of grassland adjacent to the A38 from the residential area of Brackensdale Avenue. Removal of this section of</p>

		<p>road will allow the new area of replacement open space to be amalgamated with this currently inaccessible area of amenity grassland. In terms of usage this will create a larger and more viable area of open space, easily accessible to the residents in the immediate residential area.</p> <p>It is noted that this area will incorporate new semi-mature tree planting, species rich grassland and woodland planting for visual screening and separation of the space from the A38 as part of the environmental masterplan proposals.</p> <p>At Markeaton junction the scheme design will mean the loss of existing public open space and mature trees along the boundary of Markeaton Park which are an integral part of the park. These mature trees currently provide a buffer and visual screening to park users from the road. Proposed new tree planting to replace some of those trees to be lost will take time to reach maturity. Narrow strips will also be lost adjacent to the carriageway either side of the A38 and for the changes to the access arrangement to Markeaton Park from the A52.</p> <p>Replacement open space is being offered on the Eastern side of the A38 at Queensway where existing properties are to be purchased and a linear area between the A52 Ashbourne Road and the new footbridge crossing will be laid out as open space. This new area is not contiguous with Markeaton Park and will only be connected to the park via the new footbridge.</p> <p>It is noted that this footbridge will be closed for a period of 18 months which if the open space is laid out at the start of the programme will mean that connection between the replacement area of open space and Markeaton Park will be compromised in the short term.</p> <p>The replacement open space forms a relatively narrow, linear space and will</p>
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		<p>accommodate proposed attenuation tanks for the highway drainage and a footpath/cycle link to Ashbourne Road connecting with the new Markeaton footbridge. The larger of the two attenuation tanks, accommodating 2300m³ of storage will extend to the full width of the new open space and effectively sterilises this area of the open space in terms of vegetation, restricting it to amenity grassland and shrub planting.</p> <p>Due to the linear nature of the space and its proximity to the carriageway, DCiC believe that it functions more as a green corridor for pedestrians and cyclists to pass through rather than an area of space that people will visit for informal recreation. It cannot therefore be reasonably described as 'replacement open space' that mitigates the loss of parkland open space. Rather than land left over from the highway works proper replacement and mitigation should be promoted by HE.</p> <p>In the latest draft iteration of the SoCG (30 October) it states that the area of replacement open space at Queensway to mitigate for the loss of POS at Markeaton Park will retain in HE ownership, whereas the replacement POS on the park side will transfer to DCiC. What guarantee is there that this POS still in HE ownership will be retained as POS in the future?</p> <p>There needs to be further discussion as to whether some mitigation features and drainage attenuation are compatible with a POS designation. If it is found that this is not the case, then there is further scope for enhancements to be undertaken within Markeaton Park and Mill Pond to compensate for this.</p>
10.2	ES Chapter 12 [APP-050] ES Figure 2.9 [APP-065]	<p>a) The land was acquired by the DoE from DCiC in 1985.</p> <p>b) It does not amount to open space at the current time.</p> <p>c) It could be transferred to DCiC as replacement land for loss of open space, but isn't really practical as useable open space - see response to question 13.61</p>

		– Special Category land.
10.4	ES Chapter 12 [APP-050] Planning Statement [APP-252]	a) Yes these are the policies relevant to Derby city
10.7	ES Chapter 12 [APP-050] Planning Statement [APP-252]	Housing growth There are a number of planning applications capped at specific numbers until this scheme is implemented. The capped housing growth DCiC is aware of is: (9/2017/0349 Newhouse Farm) 1450 houses capped at 317 with other schemes that would release a further 250 and 330. All in South Derbyshire yet immediately to the west of Mickleover. In Amber Valley there are 600 off Radbourne Lane that is currently in assessment but having similar traffic impacts should also be capped. This site lies to the north west of Markeaton junction and would access the A52.
10.18	dDCO [APP-016] provisions for public rights of way; Part 3 Article 14; Schedule 3 Part 7	There are no public rights of way in DCiC
10.25	ES Chapter 12 [APP-050]	The strategic routes from the north and west of Derby (A52, A6 and A38) converge on the 3 junction's scheme where any work at these junctions will have a severance effect during construction for users. Alternative routes will emerge and careful coordinated diversion routes both locally and further afield will need to be in place and responsive to demand. It will need an iterative approach with continuous monitoring to ensure accessibility into the city centre. Alternative vehicular routes will be explored and potentially suffer as a consequence of the severance experienced during construction. HE resource support is requested to help coordinate and mitigate these impacts. The resource must be responsive and ideally based in Derby. Mitigation measures will need to be responsive to local demand and usage with diversion routes

		<p>reactive and agreeing with DCiC to ensure local knowledge is employed. Public transport routes will need careful attention/monitoring and given preference as movements/habits unfold.</p> <p>The loss of the Markeaton footbridge for one and a half years during construction is of significant concern given that this is one of the major links for pedestrians and cyclists between the Markeaton Park/university campus and the city centre which also hosts extended university facilities.</p> <p>DCiC is unsure why a new signalised junction is proposed at the junction of Ford Lane and Duffield Road where other more suitable alternatives might be more appropriate given that the A6 is a strategic corridor.</p> <p>Appropriate design of construction phase traffic management systems is absolutely key to ensuring vehicular movements along and crossing the A38. Of concern is the statement that 'journey times on some radial routes could be longer'. Delays on those radial routes will impact on the movements across the City centre. Priority ought to be given to public transport along such radial routes to help reduce private car numbers and encourage use of alternative forms of travel.</p>
11.6	<p>ES Chapter 6 [APP-044] Additional Submission by DCiC [APP-017] ES Figure 2.10 [APP-66]</p>	<p>Concern about the possible inconsistency of approach in relation to the North Avenue Public Inquiry and the areas of development within the DVMWHS which affect it's OUV in particular the impact on the 'relict' agricultural rural landscape and the use of the ICOMOS guidance on HIA. Suggested that views identified for the North Avenue Planning inquiry are looked at to confirm whether there is a visual impact on these and others from the DVMWHS to the flyover.</p>
12.6	<p>Climate change adaptation and carbon emissions Carbon footprint</p>	<p>a) The environmental statement on climate is very detailed in trying to quantify the schemes impacts. It concludes that the impact across all three climate</p>

	<p>ES Chapter 14 – Climate Change Section 14.10 NPSNN paragraph 5.19</p>	<p>aspects is largely acceptable for the ‘do-something’ scenario. Taking into account the immense challenge faced by society in hitting the 2050 zero carbon target any increase in GHG emissions is taking us in the wrong direction. This additional GHG burden needs to be mitigated through an extensive tree planting scheme and making better provision for cycling and cycles routes along with procuring goods and services in the construction phase that are less carbon intensive. Opportunities for decentralised, renewable energy could also be investigated within the vicinity of the scheme in the form of large scale wind, hydro and solar.</p> <p>b) It would be useful (and relatively straight forward) to set a maximum acceptable footprint for the detailed design and construction phase which needs to be challenging to ensure that best practice is followed to drive down the GHG burden. The operation of the scheme is far more difficult to effectively monitor/manage and rests with the behaviour of the public along with advances in vehicle technology with electric vehicles and cleaner fuels (including hydrogen) driving down tail gate emissions.</p>
12.7	<p>Common law nuisance and statutory nuisance Statutory Nuisance Statement [APP-248] ES Chapter 9 – Noise and Vibration [APP-047] dDCO [APP-016] Article 43</p>	<p>a) DCiC agrees that there is still underlying concern that nuisance may occur as a result of construction works. In fact, some degree of disturbance is inevitable due to construction works from a scheme of this scale and nature.</p> <p>See answers 4.25, 4.26, 4.27, 4.29, 5.2, 5.21, 6.13, 6.19, 6.20 and 6.25 above regarding the OEMP and CEMP, the main purpose of which will be to avoid/mitigate noise and dust nuisance and provide a process for dealing with and acting on complaints of nuisance.</p> <p>See also SoCG.</p>

		<p>b) Notwithstanding agreement to the CEMP, should nuisance occur, there is nothing in the dDCO which would prevent DCiC being able to take enforcement action in respect of nuisance.</p> <p>The defence highlighted under the dDCO relates only to nuisance action taken by private individuals, not the Local Authority (LA). In this regard, it is unclear why the provisions are necessary, since the LA can act on behalf of a resident where a statutory nuisance exists in any case.</p> <p>Furthermore, the applicant and any construction contractors working on their behalf would already benefit from a BPM defence under the Act itself, again questioning the purpose of the amendment to the provisions under the Act.</p> <p>With respect to the provisions created under the dDCO for appeals under the Control of Pollution Act, DCiC notes that an extended period is provided to the undertaker in order to be able to lodge an appeal as compared to the Act itself (42 days versus 21 days), however no such extension is provided to the LA in relation to its submission of a response to the appeal (which is limited to 10 days). DCiC would request that an extension is provided for within the DCO to allow for equivalent allowances to deal with an appeal by the LA, as it has been for the applicant.</p>
12.8	Utility infrastructure ES Chapter 2 – The Scheme [APP-040] paragraph 2.6.86-92	In the Markeaton Junction there are a number of public sewers running through the scheme. It is not clear how these will be managed or their effects on the work programme.
12.10	Waste management ES Chapter 11 – Material Assets and	For our road schemes we use: Earth Solutions

	<p>Waste [APP-049] NPSNN paragraph 5.43</p>	<p>Chequers Rd DE21 6EP</p> <p>Head Office address: 10 Goldsmith Way Eliot Business Park Nuneaton CV10 7RJ</p> <p>Occasionally we have spoil collected that goes to JC Balls at Ambergate</p>
12.11	<p>Civil and military aviation and defence NPSNN paragraphs 5.55-7</p>	<p>Not that we are aware of</p>
12.12	<p>Safety, security and major accidents and disasters Safety NPSNN paragraphs 3.10, 4.60</p>	<p>The HE within their Transport Assessment have conducted surveys and noted the number of Personal Injury Collisions (PIC) and have used DfT approved methods to monetise the saving/ reductions in PIC's. It is logical that the reduction of conflicting traffic at the junctions and reduction of traffic on routes adjacent to the A38 will provide a safety benefits. Both of these are a direct result of the scheme.</p> <p>The scheme is also set to provide safer routes for pedestrians and cyclists through the provision of new crossing points at the junctions and the identification of opportunities such as lighting that can be provided for sections of footpaths and cycleways.</p> <p>It is unclear as to what opportunities other than the direct benefits of the scheme have been identified.</p>

12.15	Other policy and factual issues	<p>The proposals cross legislative LPA boundaries so the DVMWHS partnership are best placed to advise the impact on the DVMWHS OUV on the DVMWHS overall.</p> <p>DCiC is aware that there is a potential project considered for the de-stilting of Markeaton Lake. A preliminary report has been completed and this states that the silt taken out of the lake is not contaminated and could be deposited on site.</p> <p>The area which has been suggested for the deposition is the same area that has been proposed for the translocation of soil from the Kingsway LWS as mitigation for the loss of this site as part of the junction works.</p> <p>If the mitigation goes ahead this could compromise our ability in the future to de-silt the lake and HE may have to propose a new location for the translocated soil.</p>
13.5	Accuracy of the BoR, SoR & Land Plans	<p>Agreed that the contents generally appear accurate although it was generally accepted that DCiC do not have sufficient time or the necessary resources to check the content in any detail.</p>
13.21	The need for the CA and the minimisation of need	<p>DCiC require clarification on whether the 'Land Used Temporarily and Rights to be Acquired Permanently' is proportional and can HE indicate exactly how much land will be used temporarily and what rights will be acquired. In particular, what are HE's temporary land use proposals for the two large parcels of land at Markeaton Park and Mackworth?</p> <p>Work 16. - With particular reference to the above, further clarification is needed in relation to the permanent emergency vehicle egress needed from</p>

		<p>Markeaton Park.</p> <p>In terms of access to maintain environmental features within DCiC land, what are HE's proposals in terms of how such intrusion is to be minimised and reinstated following completion of works, and during the subsequent 5 year maintenance period? In addition, clarification is required in relation to the 4m high noise attenuation barrier situated between DCiC land and the Royal School for the Deaf. In particular, where will ownership of said land reside and any access required over DCiC land for future maintenance?</p>
13.28	Open space surplus to requirements NPSNN paragraphs 5.166, 5.167 and 5.174	<p>1.4 Special Category – Open Space Land to be Used Temporarily – DCiC is seeking clarification as to what the land is to be used for and indeed, the extent of the land to be used.</p> <p>In relation to 'Permanent Rights' what is HE's definition?</p>
13.29	Alternatives to CA and TP	No aspects under consideration from DCiC Estates perspective
13.58	Identification of Special Category land SoR [APP-020] table 7.1	None to the best of our knowledge
13.61	Open space and replacement land	<p>Agreement has been reached in principle on the suitability of replacement land for the proposed loss of open space but further discussions are required in relation to such aspects as drainage attenuation systems to be placed within the proposed new areas of POS. It should be noted that land shown on Figure 2.9 shows the area of the Markeaton footbridge as a loss of public open space. This is included within land that was transferred to DoE in 1985 as part of the Allestree link road stages 1 and 2. As such it is not held as public open space and cannot be considered a loss. The whole area beneath the footbridge which was transferred to the DoE and is now held by the DoT could be offered up as</p>

		open space in addition to the small area of replacement land shown on the footprint of the existing footbridge on figure 2.9 but for reasons outlined elsewhere isn't really useable mitigation open space. This requires further clarification from the Applicant.
13.68	Identification and addressing of potential impediments before CA	<ul style="list-style-type: none"> a) DCiC are content that all impediments have been identified. b) DCiC have some question connected with acquisitions with land and property that will need prior clarification. <p>Where the proposed acquisitions or consents might involve third parties, trigger mechanisms should be introduced to ensure suitable notice is allowed to prepare for VP.</p>
Abbreviations		Suggest adding DVMWHS and DVMWHS Partnership onto list

Statement by, Derby City Lead Local Flood Authority on the drainage outfalls to Ordinary Watercourses.

Discharge Rates and Flood Risk

Due to an increase in the catchment area of the drainage network there is a high risk that flood risk could be increased if discharge rates from the drainage networks are not controlled.

The drainage strategy does not appear to provide the details of both the existing discharge rates and the proposed discharge rates from the drainage infrastructure.

The normal method of determining if the drainage from a scheme of this nature will increase flood risk is to compare the discharge rates from the existing highway and those from the proposed highway. As an absolute minimum we would expect no net increase in discharge rates and ideally a substantial reduction.

The NPSNN states:-

"5.102 The Secretary of State should expect that reasonable steps have been taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure and others".

We would therefore ask that both the existing and proposed discharge rates be established and effort made to reduce the overall discharge rates to each individual receiving waterbody. This should help meet the aspiration of the NPSNN to reduce flood risk to others, from the drainage infrastructure.

We had requested that discharge rates be limited to greenfield runoff rates. This is to comply with the recommendation in the Non Statutory Technical Standards for Sustainable Drain Systems (Publish by DEFRA). This states in paragraph S3:-

"For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event."

Greenfield runoff rates have been achieved on some outfalls but some are set at existing discharge rates, it is not therefore clear if an overall reduction of discharge rate has been achieved.

It would be very helpful to agree the discharge rates for each outfall and have these incorporated into the DCO. This would provide clarity for the detailed design stage of the project.

Any increase in water discharge to Mill Ponds is a significant concern. These are impounded water features. It forms part of the Markeaton Lake/Mill pond reservoir complex. It is our view that the reservoir panel inspector should be consulted on the outfalls proposed in this water feature. It should also be note that part of the dam forming the Mill Ponds breached in 1977.

Water Quality

In the drainage strategy not all outfalls are proposed to have any treatment. The method used in the ES to assess the requirement for treatment is the HAWRAT a Highway England assessment tool. However this does not accord well the requirement of and NPSNN and NPPF which is to use SuDS where possible. This implied that all outfalls should have some water treatment. Our view is the SuDS Manual (C753) Published by Ciria should be used to determine the level of treatment that should be provided.

We are particularly concerned that the cumulative effects of silt and other pollutants for the existing and proposed outfalls into Mill Pond will cause significant issues. The Mill ponds are impounded water feature with very low flow during dry periods as such this is a very sensitive water feature. The fishing club that fish the ponds have previously complained about a build-up of silt and lack of oxygen for the fish in the water body.

Highway Authority general points

It would be useful to get reassurance and clarification on the compensation arising from the temporary and permanent stopping up provisions in articles 15(5) and 16(6). As these closures will relate to roads that we are highway authority for we just need to ensure that any claims for such will be covered by the HE, in effect that this secures indemnity from HE, from potential for claims to be made against the City Council. (This might come under the Land Compensation Act.)