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To: All Interested Parties

Our Ref: TR010022

Date: 12 November 2019

Dear Sir/ Madam

The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 14, 16 and 17

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

Procedures for Hearings, Accompanied Site Inspections and Request for Information

My letter of 29 October provided notification of hearings in December 2019 included information on their timings and location and provided headings of discussion topics.

I am now writing to all Interested Parties to provide an update of topics for Issue Specific Hearings to be held in December 2019; to request parties to participate in hearings in December 2019; to inform you of our decision about the requirement for Accompanied Site Inspections; and to request further information.

Rule 14 Update of Topics for Issue Specific Hearings in December 2019

Here is an update to the topics to be discussed at Issue Specific Hearings 2 and 3.

Topics for Issue Specific Hearing 2 on 11 December 2019

- a) Transport networks and traffic
 - Traffic management during construction
 - Impacts on local highways during construction, haul and diversion routes
 - Local Highway Authority involvement and key stakeholder engagement during construction
 - Speed limit at Little Eaton junction
 - Permanent stopping up of highways
 - Traffic flow on local highways, including Mansfield Road, during operation
 - A6 Duffield Road / Ford Lane junction
 - Ford Lane bridge weight restrictions
 - Car parking at Cherry Lodge children's residential care home
 - Impacts on public transport

<p>b) Air quality</p> <ul style="list-style-type: none"> • Assessment methodology and professional judgement • Dust impacts and monitoring during construction • NO₂ increases during construction and operation • NO₂ compliance in and beyond Stafford Street during construction • NO₂ modelling methodology for EU Directive compliance reporting • Potential for new instances of non-compliance, including receptors within 10m of roads anticipated to have a notable increase in traffic • Monitoring and requirements for action to ensure NO₂ compliance • Communication, management of complaints
<p>c) Noise and vibration</p> <ul style="list-style-type: none"> • Assessment methodology and professional judgement • Construction noise and vibration, uncertainties • Approval of construction works to be carried out outside core hours • Impacts and mitigation for the Royal School for the Deaf Derby • Monitoring • Communication, management of complaints
<p>d) Land use, social and economic impact</p> <ul style="list-style-type: none"> • The effect of the proposal on the viability and convenient and safe operation of the McDonalds and Euro Garages facilities at Markeaton junction • The effect of the proposal on the trading patterns of retail businesses in the area during the construction phase • Whether the proposals for footpath diversions at the Little Eaton junction are safe and convenient • Whether the proposal makes adequate provision for non-motorised users during the construction and operational phases • Whether the proposed route at the Little Eaton junction adequately balances environmental and socio-economic impacts
<p>e) Landscape and visual impact</p> <ul style="list-style-type: none"> • Whether the methodology used in the landscape and visual assessment properly reflects the impacts of the proposals • The effect of the Little Eaton junction on the character and appearance of the area • The effect of the Little Eaton junction on the openness of the Green Belt
<p>f) The historic environment</p> <ul style="list-style-type: none"> • The effect of the Little Eaton junction proposals, including the flood compensation works, on the Outstanding Universal Value of the Derwent Valley Mills WHS • Whether the impact on heritage assets has been adequately quantified and whether public benefits of the scheme outweigh that harm

Topics for Issue Specific Hearing 3 on 12 December 2019
<p>a) The Draft Development Consent Order; other consents, permits and licenses</p> <ul style="list-style-type: none"> • Part 1 Preliminary • Part 2 Principal Powers • Part 3 Streets • Part 4 Supplemental Powers • Part 5 Powers of Acquisition • Schedule 2 Requirements • Schedule 9 Protective Provisions • Management and mitigation plans, strategies and written schemes – consultation and/or agreement • Other consents, permits and licenses
<p>b) The water environment</p> <ul style="list-style-type: none"> • The effect of the proposals on flood risk at the Markeaton and Little Eaton junctions • Whether the proposal makes adequate use of sustainable urban drainage solutions
<p>c) Biodiversity and ecological conservation</p> <ul style="list-style-type: none"> • Whether the proposal accords with national policy with regard to the enhancement of biodiversity • Whether the proposals would lead to unacceptable disturbance of mammals by reason of the severance of routes
<p>d) Other policy and factual issues</p> <ul style="list-style-type: none"> • Carbon footprint, including embodied carbon • Carbon footprint targets and/or limits • Use of recycled materials and waste materials

The list of topics is for guidance and is not designed to be exclusive or exhaustive. The Examining Authority reserves the right to rearrange the agendas on the day; may add other issues; or may alter the order in which issues are considered.

Rule 14 - Attendees Invited to Participate in Hearings in December 2019

It will assist us in our Examination if specific parties could please attend the hearings.

1) The following parties, or their representatives, are requested to participate in **Compulsory Acquisition Hearing 1 on Tuesday 10 December 2019:**

- The Applicant
- Affected Persons at 257 and 259 Ashbourne Road
- Affected Persons at 2, 6, 8, 10, 12, 14, 16, 18, 24, 26, 30 and 32 Queensway
- Affected Persons at 253 Ashbourne Road, 1 Sutton Close, 14 Sutton Close and Sutton Turner House(s)
- Affected Parties at other residential properties
- Royal School for the Deaf Derby
- Haven Care Group Ltd / Cherry Lodge children’s residential care home

- Euro Garages Limited
- McDonald's Restaurants Limited
- Millennium Isle of Man Limited
- Network Rail Infrastructure Limited
- Derby City Council
- Derbyshire County Council
- Erewash Borough Council
- Statutory Undertakers with interests in the affected area
- Other parties benefiting from statutory protections that may be affected
- Other Affected Persons
- Other Interested Parties who consider that their rights may be affected by Compulsory Acquisition (CA) or Temporary Possession (TP)

These parties are specifically invited because they have raised objections to the Applicant's request for CA or TP, because their rights may be affected by CA or TP and/or because they are local authorities for the affected area.

2) All Interested Parties and the Applicant are invited to attend the **Open Floor Hearing on Tuesday 10 December 2019.**

Participation will be of most relevance to Interested Parties who wish to raise matters that do not come under the agendas that will be published on 3 December 2019 for Issue Specific Hearings 2 and 3 and Compulsory Acquisition Hearing 1.

3) The following parties, or their representatives, are requested to participate in **Issue Specific Hearing 2 (ISH2) on Wednesday 11 December 2019** and/ or **Issue Specific Hearing 3 (ISH3) on Thursday 12 December 2019:**

- The Applicant (ISH2 and ISH3)
- Derby City Council (ISH2 and ISH3)
- Derbyshire County Council (ISH2 and ISH3)
- Erewash Borough Council (ISH2 and ISH3)
- Breadsall Parish Council (ISH2)
- Environment Agency (ISH2 and ISH3)
- Natural England (ISH3)
- Historic England (ISH2)
- Derwent Valley Mills World Heritage Site Partnership (ISH2)
- Royal School for the Deaf Derby (ISH2)
- Haven Care Group Ltd / Cherry Lodge children's residential care home (ISH2)
- Euro Garages Limited (ISH2)
- McDonald's Restaurants Limited (ISH2)
- Derby Cycling Group (ISH2)
- Simon Morris (ISH2)
- Severn Trent Water (ISH2 and ISH3)

- Other Statutory Undertakers with interests in the affected area (ISH3)
- Other Interested Parties with interests in specific issues (ISH2 and/or ISH3)

These parties are invited because they are public bodies and others who are named in the draft provisions within the draft Development Consent Order; because they have raised specific issues that the Examining Authority would like to consider in the hearings and/or because they are local authorities or statutory undertakers for the affected area.

If you plan to attend any of these hearings (even if you do not wish to speak), please let the Planning Inspectorate's Case Team know using the details set out at the top of this letter. Please confirm this no later than **Tuesday 3 December 2019**.

When notifying the Case Team, it will assist us if you could please inform them of:

- the hearing(s) that you will attend, whether you wish to speak and the matter(s) that you would like to speak about; and
- any special requirements you may have, e.g. disabled access, hearing loop, need for a British Sign Language interpreter, etc.

Agendas for the hearings to be held in December 2019 will be published to the project website on **Tuesday 3 December 2019**. The project website can be found at:

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

If any of the hearings are no longer required, reasonable notice will be provided to Interested Parties of our decision to cancel them.

Rule 16 - Accompanied Site Inspections

Item 9 of the Examination Timetable contained in Annex B of the (Rule 8) letter of 11 October 2019 reserves time for an Accompanied Site Inspection, if required. Following consideration of submissions made to the Examination to date, we have decided that we do not require an Accompanied Site Inspection on 9 December 2019.

We will continue to undertake Unaccompanied Site Inspections as we see fit during the remainder of the Examination.

Rule 17 - Request for Further Information

Following our selective review of draft Development Consent Order Schedules 5 and 7, the Applicant is requested to provide further information:

- responses to queries itemised in the table published to the project website at <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010022/TR010022-000830-A38%20Derby%20Junctions%20Table%20for%20Rule%2017%20Request%20Regarding%20dDCO%20Schedules%205%20and%207%20FINAL.pdf>
- any necessary updates to the draft Development Consent Order, Book of Reference, Statement of Requirements, Land Plans or Works Plans;

- whether the Applicant considers that it should audit draft Development Consent Order Schedules 5 and 7; and
- whether the Applicant considers that it should audit draft Development Consent Order Schedules 3 and 4?

The Applicant is asked to respond by **Deadline 2, on Tuesday 19 November 2019**.

Any comments on the responses are requested by **Deadline 3, on Thursday 19 December 2020**.

Please contact the Case Team if you have any questions about this letter.

In the meantime, we look forward to continuing to work with all parties in the examination of this application.

Yours faithfully

Stuart Cowperthwaite

Stuart Cowperthwaite, Lead Member of the Panel

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