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To: All Interested Parties

Our Ref: TR010022

Date: 18 November 2019

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Dear Sir/ Madam

## **The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 13 and 14**

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

#### **Notification of Cancellation of Hearing and Procedures for Hearings**

On 29 October 2019 I wrote to provide notification of timings, locations and topics for hearings to be held in December 2019. I then provided an update of the topics for the Issue Specific Hearings and requested parties to participate in the hearings in my letter of 12 November 2019. In both of those letters I advised that reasonable notice would be provided to Interested Parties of our decision to cancel any of the hearings if they were no longer required.

I am now writing to cancel an Issue Specific Hearing; to provide a further update of topics for an Issue Specific Hearing; and to provide an update of parties requested to participate in an Issue Specific Hearing.

#### **Rule 13 - Notification of Cancellation of Hearing**

Following my letter of 29 October 2019 that gave notification of Issue Specific Hearing 3 on 12 December 2019, a General Election was then called for 12 December 2019. Last week both Derby City Council and Erewash Borough Council advised that their officers would not be able to attend Issue Specific Hearing 3, due to their resources being required to staff polling stations and ensure the smooth running of the election.

We have therefore further considered the topics that we consider it necessary to cover at Issue Specific Hearings 2 and 3; the time required; and the likely participants.

#### **Following this review, we have decided to cancel Issue Specific Hearing 3.**

We are satisfied that there are enough opportunities for the matters before us to be addressed during Issue Specific Hearing 2 and the remainder of the Examination.

Issue Specific Hearing 2 will continue to go ahead on 11 December 2019, although we are making some changes to the procedures for that hearing to accommodate the cancellation of Issue Specific Hearing 3. The changes are set out below.

## Rule 14 - Update of Topics for Issue Specific Hearing 2

Here is an update to the topics to be discussed at Issue Specific Hearing 2.

<b>Topics for Issue Specific Hearing 2 on 11 December 2019</b>
<p>a) Transport networks and traffic</p> <ul style="list-style-type: none"><li>• Traffic management during construction</li><li>• Impacts on local highways during construction, haul and diversion routes</li><li>• Local Highway Authority involvement and key stakeholder engagement during construction</li><li>• Speed limit at Little Eaton junction</li><li>• Permanent stopping up of highways</li><li>• Traffic flow on local highways, including Mansfield Road, during operation</li><li>• A6 Duffield Road / Ford Lane junction</li><li>• Ford Lane bridge weight restrictions</li><li>• Car parking at Cherry Lodge children's residential care home</li><li>• Impacts on public transport</li></ul>
<p>b) Land use, social and economic impact</p> <ul style="list-style-type: none"><li>• The effect of the proposal on the viability and convenient and safe operation of the McDonalds and Euro Garages facilities at Markeaton junction</li><li>• The effect of the proposal on the trading patterns of retail businesses in the area during the construction phase</li><li>• Whether the proposals for footpath diversions at the Little Eaton junction are safe and convenient</li><li>• Whether the proposal makes adequate provision for non-motorised users during the construction and operational phases</li><li>• Whether the proposed route at the Little Eaton junction adequately balances environmental and socio-economic impacts</li></ul>
<p>c) Air quality</p> <ul style="list-style-type: none"><li>• Assessment methodology and professional judgement</li><li>• Dust impacts and monitoring during construction</li><li>• NO<sub>2</sub> increases during construction and operation</li><li>• NO<sub>2</sub> compliance in and beyond Stafford Street during construction</li><li>• NO<sub>2</sub> modelling methodology for EU Directive compliance reporting</li><li>• Potential for new instances of non-compliance, including receptors within 10m of roads anticipated to have a notable increase in traffic</li><li>• Monitoring and requirements for action to ensure NO<sub>2</sub> compliance</li><li>• Communication, management of complaints</li></ul>
<p>d) Noise and vibration</p> <ul style="list-style-type: none"><li>• Assessment methodology and professional judgement</li><li>• Construction noise and vibration, uncertainties</li><li>• Approval of construction works to be carried out outside core hours</li><li>• Impacts and mitigation for the Royal School for the Deaf Derby</li><li>• Monitoring</li><li>• Communication, management of complaints</li></ul>

<p>e) Landscape and visual impact</p> <ul style="list-style-type: none"> <li>• Whether the methodology used in the landscape and visual assessment properly reflects the impacts of the proposals</li> <li>• The effect of the Little Eaton junction on the character and appearance of the area</li> <li>• The effect of the Little Eaton junction on the openness of the Green Belt</li> </ul>
<p>f) The historic environment</p> <ul style="list-style-type: none"> <li>• The effect of the Little Eaton junction proposals, including the flood compensation works, on the Outstanding Universal Value of the Derwent Valley Mills WHS</li> <li>• Whether the impact on heritage assets has been adequately quantified and whether public benefits of the scheme outweigh that harm</li> </ul>
<p>g) Other policy and factual issues</p> <ul style="list-style-type: none"> <li>• Carbon footprint, including embodied carbon</li> <li>• Carbon footprint targets and/or limits</li> <li>• Use of recycled materials and waste materials</li> </ul>
<p>h) Biodiversity and ecological conservation</p> <ul style="list-style-type: none"> <li>• Whether the proposal accords with national policy with regard to the enhancement of biodiversity</li> <li>• Whether the proposals would lead to unacceptable disturbance of mammals by reason of the severance of routes</li> </ul>
<p>i) The water environment</p> <ul style="list-style-type: none"> <li>• The effect of the proposals on flood risk at the Markeaton and Little Eaton junctions</li> <li>• Whether the proposal makes adequate use of sustainable urban drainage solutions</li> </ul>
<p>j) The Draft Development Consent Order; other consents, permits and licenses</p> <ul style="list-style-type: none"> <li>• Part 1 Preliminary</li> <li>• Part 2 Principal Powers</li> <li>• Part 3 Streets</li> <li>• Part 4 Supplemental Powers</li> <li>• Part 5 Powers of Acquisition</li> <li>• Schedule 2 Requirements</li> <li>• Schedule 9 Protective Provisions</li> <li>• Management and mitigation plans, strategies and written schemes – consultation and/or agreement</li> <li>• Other consents, permits and licenses</li> </ul>

The agenda for Issue Specific Hearing 2 will be published to the project website on **Tuesday 3 December 2019** and will provide further detail on the topics to be covered. It will also identify matters, including some of the topics noted above, that we will request be covered in post-hearing submissions rather than during the hearings themselves.

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

## **Rule 14 - Attendees Invited to Participate in Issue Specific Hearing 2**

It will assist us in our Examination if the following parties could please attend and participate in Issue Specific Hearing 2 on Wednesday 11 December 2019:

- The Applicant
- Derby City Council
- Derbyshire County Council
- Erewash Borough Council
- Breadsall Parish Council
- Environment Agency
- Natural England
- Historic England
- Derwent Valley Mills World Heritage Site Partnership
- Royal School for the Deaf Derby
- Haven Care Group Ltd / Cherry Lodge children's residential care home
- Euro Garages Limited
- McDonald's Restaurants Limited
- Derby Cycling Group
- Simon Morris
- Severn Trent Water
- Other Statutory Undertakers with interests in the affected area
- Other Interested Parties with interests in specific issues

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 we would like to consider in the hearing and/or because they are local authorities or statutory undertakers for the affected area.

If you plan to attend this hearing (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**.

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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