

**A38 Derby Junctions**

**TR010022**

**8.7 Statement of Common Ground with  
Derby City Council**

Planning Act 2008

Rule 8 (1)(e)

Infrastructure Planning (Examination Procedure) Rules 2010

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

**A38 Derby Junctions**  
Development Consent Order 202[ ]

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**Statement of Common Ground**  
**Derby City Council**

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**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Derby City Council.**

Signed .....

[     ]

Project Manager on behalf of Highways England

Date: [     ]

Signed.....

[     ]

[     ], on behalf of Derby City Council

Date: [     ]

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Appendix A: The Planning Inspectorate Statement of Common Ground Issues List (Annex E, Rule 6 Letter)

# 1 Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the proposed A38 Derby Junctions ('the Scheme') made by Highways England Company Limited ('Highways England') to the Secretary of State for Transport ('Secretary of State') for a Development Consent Order ('the Order') under section 37 of the Planning Act 2008 ('PA 2008').
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/ or the Planning Inspectorate's website<sup>1</sup>.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the Applicant and Derby City Council (DCiC).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1<sup>st</sup> April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency to be conferred upon or assumed by Highways England.
- 1.2.3 DCiC is a unitary authority (including highway authority) and is responsible for planning and land use decisions within the City of Derby. The majority of the Scheme (including both Kingsway and Markeaton junctions) is located within the administrative boundary of DCiC.

## 1.3 Terminology

- 1.3.1 In the tables in the Issues chapter (Section 3) of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" is where points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to DCiC, and therefore have not been the subject of any discussions between the parties.

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

## 2 Record of Engagement

2.1.1 A summary of key meetings and correspondence that has taken place between Highways England (and AECOM as Highways England’s design consultant) and DCiC in relation to the Scheme is outlined in Table 2.1.

**Table 2.1: Record of engagement**

| Date     | Form of Correspondence  | Key topics discussed and key outcomes  |
|----------|---|--|
| 19.01.15 | Meeting between, Atkins, DCiC, Derbyshire County Council and Environment Agency | Meeting to discuss drainage and flood risk issues associated with the Scheme. Included a review existing knowledge, model and model requirements; discussion regarding the interactions between the proposed drainage and flood risks; to gain an understanding of the scope of the flood defences proposed by the EA at Little Eaton and the implications for the A38 Scheme; to agree the scope of the Flood Risk Assessment; and to identify and discuss any new project risks and issues.  |
| 24.09.15 | Meeting between Derbyshire Wildlife Trust, DCiC and the Environment Agency      | Meeting to discuss baseline ecological survey data, survey requirements, and outline mitigation details.   |
| 03.11.15 | Telephone conversation (AECOM to DCiC) and Email from DCiC to AECOM             | Telephone conversation and confirmation e-mail regarding the scope of the noise impact assessment to be reported in the Environmental Statement and discussion regarding Noise Important Areas (NIAs) in the vicinity of the scheme. Confirmation with DCiC as follows: <ul style="list-style-type: none"> <li>• no particular concerns regarding noise complaints/sensitive receptors along the scheme;</li> <li>• no standard DCiC policy on construction noise;</li> <li>• standard construction hours 7:30-18:00 weekdays, 8:00-13:00 Saturdays with no working on Sundays and Bank Holidays;</li> <li>• preference to control construction noise through BPM and a Construction Environmental Management Plan (CEMP) rather than limits or a Section 61 application; and</li> <li>• no information on actions for DCiC NIAs available.</li> </ul> |
| 03.11.15 | Meeting between AECOM and DCiC  | Meeting to discuss flood risks and drainage associated with the Scheme – included a review of the Flood Risk Assessments (FRAs) for Kingsway junction and Markeaton junction, plus a discussion regarding highway drainage proposals.  |
| 17.05.16 | Email from AECOM to DCiC  | Email containing draft Non-Motorised User (NMU) provision drawings. DCiC asked to provide comment.   |
| 15.06.16 | Email from DCiC to AECOM  | Email containing comments on draft NMU provision drawings.   |
| 22.09.16 | Site meeting between AECOM, Environment Agency,                                 | A site visit to discuss potential ecological enhancement opportunities in the vicinity of the Scheme.  |

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|----------|---|---|
|          | Derbyshire Wildlife Trust, Derwent Wise, Highways England Area 7  |   |
| 31.11.16 | Meeting between AECOM and DCiC  | Meeting was held to discuss the design of the Markeaton Park access. The meeting focused on swept path analysis, tree removal, NMU access and facilities and the removal of small parts of the historic wall surrounding the park.  |
| 03.03.17 | Meeting between DCiC, Derbyshire County Council, Derbyshire Wildlife Trust, Environment Agency, Natural England and Highways England Area 7 | Meeting to provide a Scheme update, ecology survey data, survey requirements, and mitigation proposals.   |
| 26.06.17 | Meeting between AECOM and DCiC  | Meeting to discuss statutory undertaker corridor near to Markeaton Park, the internal road and bus turning circle, and the A52/ Esso & McDonald's junction.   |
| 20.07.17 | Email from DCiC to AECOM  | DCiC responding to AECOM comments on flood risk modelling assumptions at Kingsway junction, including climate change assumptions.   |
| 16.10.17 | Meeting between DCiC and AECOM  | Meeting to discuss Public Open Space (POS) and land that could be exchanged for the use of existing POS.  |
| 26.10.17 | E-mail from Atkins (DCiC's flood modelling team)  | Provision of updated flood risk model for Kingsway junction.  |
| 15.11.17 | E-mail from Atkins (DCiC's flood modelling team)  | Provision of Technical Note detailing updates made to the flood risk model for Kingsway junction.   |
| 16.03.18 | E-mail from DCiC to the Planning Inspectorate   | Review of the heritage section of the EIA scoping/screening report. Identified a number of incorrect or missing policy document references. It also drew attention to various assets and asset types that should be highlighted and assessed, including Markeaton Park, listed buildings, locally listed buildings and nearby conservation areas. It also mentioned the potential impact of proposals on the OUV of the Derwent Valley World Heritage Site, its buffer and wider setting. |
| 23.03.18 | Meeting between DCiC, Derbyshire Wildlife Trust, Environment Agency and   | Meeting to provide a Scheme update, ecology survey data, survey requirements, licence requirements and mitigation proposals.  |

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|          | Highways England Area 7        |  |
| 08.05.18 | Meeting between AECOM and DCiC | <p>Meeting to discuss the preliminary drainage design ahead of the public consultation. The following points were discussed with DCiC Water team and the Parks team:</p> <ul style="list-style-type: none"> <li>• The use of Mackworth Park land for attenuation of highway water. Agreed the proposed pond is too large and AECOM to look at alternative solutions to maintain POS in the park.</li> <li>• DCiC Water team raised concerns with flooding within Mackworth Park, AECOM agreed to review the flood model information in this area and adapt the drainage design accordingly.</li> <li>• DCiC happy with proposal to throttle the Bramble Brook culvert and the flood management within Kingsway junction.</li> </ul> <p>DCiC raised a concern over the provision of SuDS within the design. AECOM agreed to develop the design further but advised that there would have to be a strong correlation and balance with the POS exchange provision within the Scheme where DCiC were indicating the changes at Markeaton.</p>  |
| 07.06.18 | Meeting between AECOM and DCiC | <p>Meeting to get an update on the progress of DCiC's requirement to implement a Clean Air Zone (CAZ) and to discuss DCiC's noise and air quality comments on the EIA Scoping Report.</p> <p><b>Noise Outcomes:</b></p> <ul style="list-style-type: none"> <li>• Confirmation would be a requirement for a CEMP to be produced;</li> <li>• Agreement to discuss selection of construction noise and vibration receptors with DCiC prior to submission of the ES;</li> <li>• Confirmation some night time working would be required, likely to be limited but awaiting confirmation from the contractor;</li> <li>• Confirmation DCiC prefer Section 61s to not be included in CEMP as a mandatory requirement for the contractor;</li> <li>• Explanation of Highway England's operational traffic noise Significant Observable Adverse Effect Level (SOAEL) including confirmation that this is standard for all Highways England projects;</li> <li>• Confirmation that short term and long-term operational traffic noise magnitude of change criteria are as per DMRB;</li> <li>• Agreement that a preliminary Noise Insulation Regulations assessment will be provided in the ES, a final assessment will be completed following DCO approval and once the scheme design is finalised; and</li> <li>• Confirmation from DCiC that their proposals for their Noise Important Areas (NIA) will be available later in the year.</li> </ul> <p><b>Air Quality Outcomes:</b></p> <ul style="list-style-type: none"> <li>• Confirmation construction air quality impact assessment will include targeted modelling of impacts associated with temporary traffic management;</li> <li>• Confirmation no DMRB methodology for assessing PM2.5. Action for AECOM to discuss further with Highways England;</li> </ul> |

|           |  |   |
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|           |  | <ul style="list-style-type: none"> <li>• DCiC advised their Low Emission Strategy should be available later in the year; and</li> <li>• Confirmation 2015 will be used for baseline verification. The air quality assessment will look at future assessment years. DCiC agreed no change to baseline year required.</li> </ul>  |
| 20.06.18  | Email from DCiC to AECOM   | E-mail containing details of interim air quality option analysis outputs regarding Clean Air Zone (CAZ) proposals.  |
| 03.07.18  | Meeting between AECOM and DCiC   | Meeting to discuss the heritage impact assessment to be reported in the Environmental Statement. Minutes of this meeting are available (received 11/7/18). Proposals tabled and potential negative impact of proposals on the OUV of the DVMWHS were highlighted and strongly suggested consultation with the DVMWHS Partnership direct (this would enable them to check to see whether they needed to refer the application to UNESCO/the International Council on Monuments and Sites (ICOMOS)).  |
| 23.08.18  | E-mail from DCiC to AECOM  | E-mail detailing how consultation responses will be taken into account as part of defining CAZ proposals.   |
| 29.08.18  | Meeting between DCiC, Derbyshire County Council, Derbyshire Wildlife Trust and Highways England Area 7 | Meeting to provide a Scheme update, discuss points raised by Natural England, ecology survey data, mitigation requirements, environmental assessment methodologies and Highways England Designated Fund proposals.  |
| 16.10.18  | E-mail from DCiC to AECOM  | Review of the heritage section of the Preliminary Environmental Information Report. Drew attention to the importance of the stone wall heritage asset that encloses Markeaton Park and as much of it should be retained or reused adjacent as possible. The potential negative impact of proposals on the OUV of the DVMWHS (Internationally important designated heritage asset) was raised as was the outcome of the recent North Avenue Planning Public Inquiry (near to the current proposals) which was dismissed on the impact of proposals on the OUV of the DVMWHS. The attributes are listed within the DVMWHS Management Plan (all 1 to 4 values and attributes are relevant) and these include within this area; the flood plain topography/relationship with the river, the 'rural landscape', 'a relict industrial landscape, where late 18 <sup>th</sup> and early 19 <sup>th</sup> century industrial development may still be seen in an 18 <sup>th</sup> /19 <sup>th</sup> century agricultural landscape...', and that this is 'arrested in time' etc. Please see the scoping report of the HIA. It was suggested that the DVMWHS Partnership are consulted direct on any proposals by Highways England (so they can refer to UNESCO if necessary). The proposals, in the conservation officer's view, will have a harmful impact on the OUV of the DVMWHS as a result of the formation of the solid flyover structure (instead of something of more lightweight design), the impact of the groundworks and on the landform and new flood area (the floodplain compensation area) adjacent to the A38 within the City Boundary. |
| 0.7.11.18 | Meeting between DCiC and AECOM   | Meeting to discuss construction traffic management. Agreed to meet approx. fortnightly in Derby. Discussed, Ford Lane and Derwent Avenue assessment; Mackworth traffic impacts; Markeaton traffic   |

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|          |  | signals review; alternative travel during construction; and road safety audits.   |
| 29.11.18 | E-mail from DCiC to AECOM                              | E-mail detailing potential air quality issues associated with the DCiC traffic management measures to improve air quality. These include the acceptability of the use of 2015 as the base year for the ES and that the DCiC traffic management measures were not expected to be in place when the A38 Scheme is completed as Stafford Street was expected to be compliant in 2024 due to the overall improvement in traffic emissions.  |
| 17.12.18 | E-mail from DCiC to AECOM                              | E-mail regarding DCiC traffic management measures based around Stafford Street, and selection of sensitive receptors to be considered in the Environmental Statement air quality impact assessment.   |
| 17.12.18 | E-mail from DCiC to AECOM                              | E-mail regarding the implementation programme of DCiC traffic management measures to improve air quality and that the preferred option was expected to be in place until 2025, one year after compliance was expected.  |
| 17.12.18 | Email from DCiC to AECOM                               | E-mail containing the 2017 and 2018 Air Quality Annual Status Reports   |
| 18.12.18 | E-mail from DCiC to AECOM                              | <p>E-mail regarding the implementation of DCiC traffic management measures to improve air quality. DCiC considers that in a worst-case scenario, their preferred option is that the current traffic management regime will remain in place until the A38 scheme is complete. At the point when the Scheme is fully opened, the traffic management of the area will need to be updated accordingly, so it is not representative to test them together. In reality, DCiC proposed a dynamic traffic management scheme so that it can evolve between 2020 and 2025 as required to manage air quality and ensure that DCiC achieves and maintains compliance on Stafford Street without creating new exceedances elsewhere.</p> <p>DCiC added that including their preferred option in the construction period for the Scheme will be very relevant, as it constrains the traffic volume on Stafford Street and the resultant re-routing uses capacity on some other local routes that may interact with the outcomes of some of the Scheme's construction related re-routing/diversions.</p> |
| 28.12.18 | E-mail from DCiC to AECOM                              | E-mail regarding the Our City Our River proposals.  |
| 10.01.19 | Telephone discussion and E-mail between AECOM and DCiC | Telephone discussion with the Environmental Protection Team and confirmation e-mail regarding DCiC's plans for their Noise Important Areas (NIAs) to be published later in the year, details of the construction noise and vibration assessment methodology confirmed, proposed construction noise and vibration receptors provided, details of initial operational traffic noise results & mitigation provided and further comments made on the DCiC responses to the noise and vibration sections of the scoping report.  |
| 11.01.19 | E-mail from DCiC to AECOM and AECOM to DCiC            | E-mail from the Environmental Protection Team responding to the confirmation e-mail sent 10.1.19 confirming acceptance of proposed construction noise and vibration receptors, construction noise and vibration assessment methodology and proposed operational mitigation. Confirmation that DCiC would recommend an operational   |

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|          |  | traffic noise Significant Observable Adverse Effect Level (SOAEL) of 55 dB LAeq,16h (free-field), instead of 63 dB LAeq,16h as used by Highways England. Confirmation that the operational assessment methodology does address noise impacts appropriately overall and so is deemed appropriate. |
| 23.01.19 | E-mail from DCiC to AECOM                          | E-mail regarding construction phase work hours.  |
| 30.01.19 | E-mail from DCiC to AECOM                          | E-mail regarding developments to be considered within the cumulative impact assessment as reported in the Environmental Statement.   |
| 31.01.19 | E-mail from DCiC to AECOM                          | E-mail regarding construction phase work hours.  |
| 05.02.19 | E-mail from DCiC to AECOM                          | E-mail regarding developments to be considered within the cumulative impact assessment as reported in the Environmental Statement.   |
| 13.02.19 | E-mail from DCiC to AECOM                          | E-mail confirming that DCiC happy for ecological mitigation works in Mackworth Park and Markeaton Park.  |
| 14.02.19 | E-mail from DCiC to AECOM                          | E-mail regarding ecological mitigation in Mackworth Park.  |
| 28.02.19 | E-mail from DCiC to AECOM                          | E-mail confirming that DCiC happy for soil translocation from Kingsway junction to Markeaton Park to create new species-rich grassland.  |
| 22.03.19 | Meeting between AECOM and DCiC                     | Meeting to present DCiC with the drainage strategy and design ahead of the DCO submission. DCiC agreed to review the information and provide a response.   |
| 25.03.19 | E-mail from AECOM to DCiC                          | E-mail sending the FRAs across for review along with the Drainage strategy following the meeting 22.03.19.   |
| 25.07.19 | E-mail from DCiC to AECOM                          | Email confirming and acknowledging that the loss of POS and provision of replacement land was consistent with the historically agreed approach. No further comments to add.  |
| 01.08.19 | Regulation 9 and Regulation 16 Consultation Letter | Letter confirming DCiC's position in regard to traffic and transportation and land drainage aspects of the application.  |
| 05.09.19 | Telephone discussion between AECOM and DCiC        | DCiC has confirmed that there are no quiet areas or any areas valued for their tranquillity or acoustic environment in the vicinity of the Scheme (within DCiC's administrative area).   |
| 22.03.19 | Meeting between AECOM and DCiC                     | Meeting to discuss the potential noise and air quality impacts of the Scheme and control mechanisms.   |
| 22.03.19 | Meeting between AECOM and DCiC                     | Meeting to discuss the potential heritage impacts of the Scheme and mitigation requirements.   |

|          |                                |  |
|----------|--------------------------------|--|
| 22.03.19 | Meeting between AECOM and DCiC | Meeting to discuss the proposed highway drainage system and potential flood risks. |
|----------|--------------------------------|--|

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

DRAFT

## 3 Issues

### 3.1 Introduction and General Matters

3.1.1 This chapter sets out the ‘issues’ which are agreed, not agreed, or are under discussion between DCiC and Highways England.

3.1.2 The letter provided to Highways England by The Planning Inspectorate on the 23<sup>rd</sup> of August 2019 under Section 88 of the Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6 (hereafter referred to as the ‘Rule 6 Letter’), sets out the issues that The Planning Inspectorate want Highways England and the relevant parties to address in their SoCG. Specifically, Annex E sets out the parties that The Planning Inspectorate wants Highways England to produce a SoCG with and the issues that they want to see addressed. This bullet point list has been replicated using a numbered list and is available at Appendix A of this SoCG. The issues set out below refer to this numbered list, making it clear which issues have been addressed.

3.1.3 It is noted that issues mentioned in the Rule 6 Letter not covered by the below are as follows, together with reasons why:

- **A.23** (Safety impact assessment and consistency with relevant highways safety frameworks): Safety matters are embedded in the design of the Scheme and conform with the relevant highways safety frameworks. DCiC and Highways England have not engaged specifically to discuss safety impact assessments or consistency with highways safety frameworks. It should be noted that Highways England has internal governance processes that assess the safety of proposed schemes (which the Scheme has been subject to). Hereafter, safety impact assessments and consistency with highways safety frameworks are not discussed, however, some issues and/or points of discussion may relate to highways safety matters.
- **A-D.17** (The identification of consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted): not used as this is generally outside of the remit of DCiC (with regard to the Scheme).
- **A-D.21** (Any other relevant matters included in the Initial Assessment of Principal Issues in Annex B): not used as at present no issues outside of the Initial Assessment of Principal Issues have been identified.
- **A-D.22** (Any other relevant matters and important considerations): not used as at present as no other relevant matters or important considerations have been identified.
- **A-D.23** (Any other matters on which agreement might aid the smooth running of the Examination): not used as all matters agreed or under discussion are covered by other specified issues.

3.1.4 It is noted that where the DCiC requests changes to the draft DCO Requirements, we will work with the DCiC and propose new Requirement wording.

3.1.5 Highways England acknowledges that DCiC have provided relevant representation comments. Where these comments present additional issues or points of discussion to those provided during the drafting of draft DCO, Highways England has addressed these within this SoCG. Where it is considered that these comments have been addressed within the draft DCO submission, these comments have not been addressed within this SoCG. Notwithstanding this, Highways England will provide a response to all of the relevant representations made by DCiC through the production of a relevant representation response document.

### ***Legislation, Policy and Land Use Change***

3.1.6 The Planning Statement [APP-252] and the Environmental Statement [APP-039 to 240] identify the relevant policy framework set out within the National Policy Statement for National Networks (NPSNN), as outlined in Appendix A of the Planning Statement [APP-252] and within section 1 of Chapters 5 to 15 of the Environmental Statement [APP-039 to 055]. The Planning Statement also sets out compliance with the policies of the NPSNN. From our discussions with DCiC, they are content with the approach that Highways England has taken in this regard (Issues ref A.1).

3.1.7 In addition, the applicable legislation and policies (from the relevant local development plans) considered by the Highways England, during the production of the DCO documents, are set out within Chapter 1, 4 and 5 to 16 of the Environmental Statement [APP-039 to 055]; and Chapter 6 and Appendix A of the Planning Statement [APP-252] (Issues ref A.1).

3.1.8 Highways England and DCiC have undertaken numerous discussions in regard to land use change, both temporary and permanent, in the lead up to the submission of the Application. DCiC and Highways England agree on the extent and the need for the proposed land use change, as set out within the Land Plans [APP-006] (Issues ref: A.5).

### ***Need for the Scheme***

3.1.9 The need for the Scheme is set out within Chapter 6 of the Planning Statement [APP-252] (Issues ref: A.2). In addition, the economic case for the Scheme is set out within Chapter 4 of the Planning Statement [APP-252] (Issues ref A.4). The key need aspects as set out within the Planning Statement can be summarised as follows:

- *“The NPSNN places a strong emphasis on the need to improve and integrate the strategic highway network and the Scheme would deliver against this national objective.*
- *The need for the Scheme is recognised by Central Government in the Roads Investment Strategy published by the Department for Transport. The A38 Derby Junction Scheme is included as a committed Scheme in the Highways England Roads Investment Strategy which provides the long term programme for improvement of motorways and Major A roads.*
- *Paragraphs 2.1 to 2.11 of the NPSNN set out the summary of need for improvements to the road and rail network. The critical need to improve the national networks to address road congestion and support economic growth is identified. Development of*

*the national road network including the A38 Derby Junctions Scheme would support and promote national and local economic growth and regeneration by reducing congestion and journey times, increasing capacity and improving journey times. The NPSNN recognises that improving transport links is key to facilitating growth and the Scheme would allow for greater movement of people and goods along the strategic highway network with increased efficiency.*

- *The Scheme would provide journey time benefits to all vehicles, including local traffic and those travelling along this strategic route during peak and off-peak periods. There would also be benefits to many local trips (including buses), which would result from the overall increase in the capacity of these junctions and resolve conflicts between local traffic and strategic movements using the A38. The junction improvements offer the potential to remove conflicts between walkers and cyclists and vehicles using the A38 to the benefit of both.*
- *The capacity issues associated with the existing A38 Derby junctions and requirement for improvements to the junctions is acknowledged in a number of Local Development Plan documents including the Derby City LTP3, DCC Local Transport Plan, the City of Derby Local Plan Review and the Derby City Local Plan Part 1 – Core Strategy. It is collectively acknowledged in these Development Plan documents that the A38 Derby junctions are currently congested and that this may constrain economic growth and the construction of new homes in the future.”*

3.1.10 In their Relevant Representation comments, DCiC stated that:

*“the Scheme will have clear benefits for Derby’s local highway network. It will optimise route choices and reduce delays and congestion as a result of traffic that currently uses the local road network to avoid congestion on the A38 Trunk Road. Further, the grade separation of the A38(T) will remove the current delays at the three Derby junctions, improving journey times and reliability for Derby’s residents and business users, and regional and national connections via the wider strategic road network.*

*The grade separation will also improve road safety as a direct result of separating A38(T) traffic from local traffic, and from the removal of traffic that is currently using inappropriate local routes to avoid congestion on the A38(T).”*

3.1.11 DCiC recognises that the Scheme will have implications for the traffic on the local network, generally, in the short-term, however DCiC agrees with Highways England that there is strong and overriding case that supports the need for the Scheme (Issues ref: A.2), taking account of the policy framework in place at the national and local level.

### **Alternatives and Legal Compliance**

3.1.12 DCiC have been involved in the optioneering for the Scheme since April 2001, when Highways England undertook a Road Based Study (RBS) to consider Scheme options for dealing with congestion and safety, environmental impacts, economic, accessibility and integration problems associated with the Kingsway, Markeaton and Little Eaton junctions on the A38 Trunk Road route through Derby. As part of the RBS, a Project Management Group (PMG) was created for key stakeholders expected to influence Study decisions, such as DCiC. Following three years of engagement of various forms, a preferred Option was

presented in the Junction's Options Report published in March 2004. Before the preferred route was announced, the Scheme was put on hold twice between 2003 and 2008 by the Department for Transport (DfT) due to economic downturns and funding issues.

- 3.1.13 Development of the Scheme restarted in 2014 and this was followed shortly afterwards by an extra non-statutory engagement exercise in early 2015. The purpose of this non-statutory engagement was to present the Options that had been developed from previous consultations in 2001 and 2002. The aim was to obtain objective feedback and carry this through into developing the Scheme design where feasible. DCiC was asked to provide commentary as part of this process.
- 3.1.14 The consultation responses and alternative options assessment informed actions for each proposed junction in preparation for the statutory consultation and design progression. Engagement continued with key stakeholders (including DCiC) and affected land owners throughout the Scheme development process and outside the periods of non-statutory and statutory consultation. This included a series of meetings, which DCiC have been a part of in some cases, to discuss key issues.
- 3.1.15 Following the 2015 non-statutory consultation, alternative options were proposed by members of the public, DCiC were made aware of these options and Highways England's intention to include these in the options assessment process. Further options were presented by members of the public, which DCiC were made aware of, and these options were subject to an initial sifting process, which they failed to pass and so were not subject to further assessment.
- 3.1.16 The preferred route announcement was made by Highways England in January 2018. DCiC, and other statutory and non-statutory consultees were invited to provide comments on the preferred route as part of consultation undertaken in 2018.
- 3.1.17 More detail on the consultation undertaken and the options assessed to date is available within the Consultation Report **[APP-023 to 038]** and Chapter 3 of the Environmental Statement **[APP-041]**.
- 3.1.18 Through this process of consultation and optioneering, DCiC's concerns in relation to land take and land use change have been addressed by Highways England, where it has been possible to address them in accordance with the Scheme's objectives. Overall, DCiC broadly agrees with Highways England's proposed, permanent and temporary, land use change.

### ***Compulsory Purchase of Land***

- 3.1.19 The Book of Reference **[APP-022]** identifies which land will be acquired, permanently and temporarily, through the Compulsory Purchase powers set out in the Planning Act 2008 (as amended) (Issues ref: A.3). Highways England and DCiC have discussed the proposed acquisitions of DCiC land, and in some cases have come to an agreement on how this land will be purchased, used and/ or reinstated but, in other cases discussions are still on-going.

### ***National Security and Defence Matters***

- 3.1.20 DCiC has reviewed the Planning Statement [**APP-252**], and the NPSNN Accordance Table at Appendix A, and are content that the Scheme is in accordance with paragraphs 4.76 – 4.77; 5.55 - 5.58 and 5.62 of the NPSNN. In that regard, DCiC agree with Highways England that no national security implications have been identified for the Scheme and that the Scheme would not impede or compromise the safe and effective use of defence assets or significantly limit military training (Issues ref: A.24).
- 3.1.21 In addition, DCiC agrees with Highways England that the Scheme will not compromise the safe and effective operation of sites used for military aviation (Issues ref: A.25).

### ***The Environmental Statement, Environmental Management Plans and Permits, Consents and Licenses***

- 3.1.22 Generally, no objections to the findings of the Environmental Statement, including the proposed study areas (in relation to all technical disciplines); the limits of deviation (i.e. the Rochdale Envelope parameters); the assigned sensitivity of receptors; the assigned magnitude of impacts; the significance of residual effects (in relation to all technical disciplines); the proposed mitigation measures; and the application of expert judgements and assumptions, have been received from DCiC following the submission of the draft DCO. Therefore, it is considered that DCiC agrees in principle with Highways England on these matters (Issues ref: A-D.2 to 10). Where appropriate these matters have been explored further in the issues tables within Sections 3.2 to 3.4 herein and specific clarifications are provided, where there is ongoing discussion.
- 3.1.23 Furthermore, and generally, no objections to the Outline Environmental Management Plan (OEMP) [**APP-249**] have been provided by DCiC, therefore, it is considered that DCiC agrees in principle with Highways England on the contents of this document (Issues ref A-D.15). Comments have been received from DCiC in relation to the Traffic Management Plan, see Table 3.5. It should be noted that a CEMP (as based upon the OEMP) and a Handover Environmental Management Plan (HEMP) have not been produced as of yet, as a contractor has not been procured to construct the Scheme.
- 3.1.24 Moreover, DCiC have not provided comment on permits, consents, licenses (and their appropriateness) or potential pollution releases (and their management) (Issues ref: B.5 and B.8; A-D.13; A-D.17; A-D.18; A-D.19 and A-D.20), as this is generally outside of the remit of DCiC.

### ***Green Belt land***

- 3.1.25 In regard to Green Belt land, the parts of the Scheme that are located within Green Belt land are located outside of the administrative boundary of DCiC, within the boundary of Erewash Borough Council (EBC). Subsequently, DCiC have not provided comments on issues in relation to Green Belt land (Issues ref: A.15).

### 3.2 Issues related to the Environmental Statement

| Issues Reference (see Appendix A)                    | Document   | Paragraph Ref | Sub-section                       | Comment   | Highways England Response  | Status   |
|--|--|---------------|-----------------------------------|---|--|--|
| Alternatives   |  |               |                                   |   |  |  |
| Issues ref: A.3, alternatives and legal compliance   | Environmental Statement Chapter 3 Scheme History and Assessment of Alternatives (including Appendices 3.1 to 3.4) <b>[APP-041]</b> and <b>[APP-162 to 165]</b> | -             | -                                 | DCiC is content that Highways England undertook an appropriate assessment of alternatives that resulted in the definition of the proposed Scheme as assessed in the ES. | ES Chapter 3 details the Scheme history and the process adopted to identify the proposed Scheme. | Under discussion   |
| Environmental Impact Assessment                      |  |               |                                   |   |  |  |
| Issues ref: A-D.1, applicable legislation and policy | Environmental Statement <b>[APP-039 to 055]</b> - chapters of interest to DCiC   | -             | Applicable legislation and policy | DCiC is content that the ES includes details of the most relevant legislation and policy for those topics of DCiC interest.   | Details of the applicable legislation and policy are detailed in each ES technical chapter.      | Noise and vibration: Agreed<br>Air Quality: Agreed (with exception of modelling against EU Directive for some receptors)<br>Land contamination: Agreed<br>Heritage: Under discussion |

| Issues Reference (see Appendix A)  | Document  | Paragraph Ref | Sub-section                     | Comment  | Highways England Response   | Status   |
|--|---|---------------|---------------------------------|--|---|--|
|  |   |               |                                 |  |   | Flood risk: Under discussion   |
| Issues ref: A-D.2, relating to impact assessment methodologies             | Environmental Statement [APP-039 to 055] - chapters of interest to DCiC | -             | Impact assessment methodologies | Unless otherwise stated herein, DCiC is content that the methodologies applied within the ES appear appropriate for impact assessment purposes (as applicable to the topics of DCiC interest). | Details of the impact assessment methodologies are reported in the ES (refer to each topic-specific chapter within the ES). | Noise and vibration: Agreed<br>Air Quality: Agreed<br>Land contamination: Agreed<br>Heritage: Under discussion<br>Flood risk: Under discussion |
| Issues ref: A-D.3, relating to the extent of the areas of potential impact | Environmental Statement [APP-039 to 055] - chapters of interest to DCiC | -             | Study areas                     | DCiC is content that the study areas considered by the topics of DCiC interest as reported within the ES appear appropriate.   | Details of study areas are reported in the ES (refer to each topic-specific chapter within the ES).                         | Noise and vibration: Agreed<br>Air Quality: Agreed<br>Land contamination: Agreed<br>Heritage: Under discussion<br>Flood risk: Under discussion |
| Issues ref: A-D.4, relating to   | Environmental Statement [APP-039 to 055] -                              | -             | Baseline information            | DCiC is content that the baseline conditions reported in the ES are  | Details of baseline information are reported in the ES (refer to  | Noise and vibration: Agreed  |

| Issues Reference (see Appendix A)                                | Document  | Paragraph Ref | Sub-section                                 | Comment  | Highways England Response  | Status  |
|--|---|---------------|---|--|--|---|
| baseline information   | chapters of interest to DCiC  |               |   | appropriate, as applicable to the topics of DCiC interest.   | each topic-specific chapter within the ES).  | Air Quality: Agreed (with exception of modelling against EU Directive for some receptors)<br>Land contamination: Agreed<br>Heritage: Under discussion<br>Flood risk: Under discussion |
| Issues ref: A-D.5, relating to expert judgements and assumptions | Environmental Statement [APP-039 to 055] - chapters of interest to DCiC | -             | Limitations and assumptions                 | DCiC is content that the limitations and assumptions made within the ES (as applicable to the topics of DCiC interest) appear reasonable and are not anticipated to impact upon the key assessment findings. | Details of applicable limitations and assumptions are reported in the ES (refer to each topic-specific chapter within the ES). | Noise and vibration: Agreed<br>Air Quality: Agreed<br>Land contamination: Agreed<br>Heritage: Under discussion<br>Flood risk: Under discussion  |
| Issues ref: A-D.6, relating to the Identification and            | Environmental Statement [APP-039 to 055] -                              | -             | Identification and sensitivity of receptors | DCiC is content that applicable sensitive receptors have been identified and their sensitivities   | Details of the receptors and their sensitivity are reported in the ES  | Noise and vibration: Agreed   |

| Issues Reference (see Appendix A)   | Document  | Paragraph Ref | Sub-section                   | Comment   | Highways England Response   | Status  |
|---|---|---------------|-------------------------------|---|---|---|
| sensitivity of receptors  | chapters of interest to DCiC  |               |                               | appropriately defined within the ES, as applicable to the topics of DCiC interest.  | (refer to each topic-specific chapter within the ES).   | Air Quality: Agreed (with exception of modelling against EU Directive for some receptors)<br>Land contamination: Agreed<br>Heritage: Under discussion<br>Flood risk: Under discussion |
| Issues ref: A-D.7, 8, 12, relating to likely effects and their significance | Environmental Statement [APP-039 to 055] - chapters of interest to DCiC | -             | Predicted impacts and effects | DCiC is content that the ES includes sufficient and relevant consideration of impacts and effects (unless stated otherwise herein), as applicable to the topics of DCiC interest. | Details of the predicted impacts and effects are reported in the ES (refer to each topic-specific chapter within the ES). | Noise and vibration: Agreed<br>Air Quality: Agreed (with exception of modelling against EU Directive for some receptors)<br>Land contamination: Agreed<br>Heritage: Under discussion  |

| Issues Reference (see Appendix A)                               | Document  | Paragraph Ref | Sub-section                                | Comment  | Highways England Response  | Status                       |
|---|---|---------------|--|--|--|------------------------------|
|   |   |               |  |  |  | Flood risk: Under discussion |
| Issues ref: A-D.9, relating to reasonable worst case parameters | Environmental Statement [APP-039 to 055] - chapters of interest to DCiC | -             | Limits of deviation                        | DCiC notes that the limits of deviation as detailed in the ES are of most relevance to the noise and air quality impact assessments as reported in the ES. DCiC is content with Highway England's comment that such minor limits deviations associated with the mainline A38 are unlikely to materially affect the findings of the noise and air quality impact assessments. | Details of the applicable limits of deviation that are taken into account within the ES are detailed in Section 2.5 of the ES (refer to paras. 2.5.37 to 2.5.43). Potential mainline A38 deviations have been considered and are unlikely to materially affect the findings of the noise and air quality impact assessments.   | Agreed                       |
| Issue ref: A.21, maintenance and decommissioning activities     | Environmental Statement [APP-039 to 055]                                | -             | Maintenance and decommissioning activities | DCiC is content that decommission activities have been scoped out of the impact assessment (as per the EIA Scoping Opinion).<br>DCiC is content that Scheme maintenance activities have been appropriately defined and scoped into the assessment as reported in the ES.   | As detailed in para. 4.1.13 in ES Chapter 4 (Environmental Impact Assessment Methodology), and in accordance with the Scoping Opinion (Planning Inspectorate, 2018), Scheme decommissioning and demolition was scoped out of the EIA.<br>Operational and long term maintenance activities (as detailed in Section 2.7 of the ES Chapter 2: The Scheme) are assessed in the technical chapters (5 to 15) as applicable. | Agreed                       |

| Issues Reference (see Appendix A)   | Document  | Paragraph Ref | Sub-section  | Comment  | Highways England Response  | Status           |
|---|---|---------------|--|--|--|------------------|
| Issue ref: A.3, legal compliance; A-D.1, applicable legislation and policy                    | Environmental Statement [APP-039 to 055]  | -             | EIA Regulations  | DCiC is content that the EIA as reported in the Environmental Statement has been prepared in accordance with the Infrastructure Planning Environmental Impact Assessment 2017 Regulations (as amended 2018) (the EIA Regulations).   | The EIA as reported in the Environmental Statement has been prepared in accordance with the Infrastructure Planning Environmental Impact Assessment 2017 Regulations (as amended 2018) (the EIA Regulations).  | Agreed           |
| Good Environmental Design   |   |               |  |  |  |                  |
| Issue ref: A.13, good environmental design  | Environmental Statement Figures 2.12A-H: Environmental Masterplans [APP-068]  | -             | Good environmental design as detailed on the Environmental Masterplans         | DCiC has reviewed the Environmental Masterplan figures as included in the ES and are content that it is appropriate for integrating the Scheme into its surrounds.   | The Environmental Masterplans illustrate the mitigation measures (including the landscape design) that aim to integrate the Scheme into its surrounding area.  | Under discussion |
| Dust, odour, artificial light, smoke, steam and nuisance                                      |   |               |  |  |  |                  |
| Issue ref: A.9 and B.1, A-D.10, 11, 13, 14, 15, dust, odour, light, smoke, steam and nuisance | Environmental Statement [APP-039 to 055]; Statement of Statutory Nuisance [APP-248] and the Outline Environmental Management Plan [APP-249] | -             | Dust, odour, light, smoke, steam and nuisance and securing mitigation measures | DCiC is content with the proposed process for developing detailed construction dust, odour, light, smoke and steam mitigation measures based upon the Outline Environmental Management Plan (OEMP) [APP-249] and that DCiC be closely consulted throughout the process of designing and developing an appropriate Construction Environmental management Plan | During the Scheme construction phase best practice construction mitigation measures as detailed in the OEMP [APP-249] would be implemented via the contractor's CEMP to control any issues associated with dust, odour, artificial light, smoke, steam and nuisance. Delivery of the OEMP is a Requirement in the draft DCO. | Agreed           |

| Issues Reference (see Appendix A)              | Document                             | Paragraph Ref             | Sub-section                                      | Comment  | Highways England Response  | Status   |
|--|--------------------------------------|---------------------------|--|--|--|--|
|  |                                      |                           |  | (CEMP) following appointment of the construction contractor.   |  |  |
| Air Quality                                    |                                      |                           |  |  |  |  |
| Issue ref: A-D.2, EIA methodology              | ES Chapter 5 – Air Quality [APP-043] | Section 5.3               | Methodology of the air quality impact assessment | DCiC confirm that they agree in principle with the air quality impact assessment methodology as detailed in the EIA Scoping Report and the Environmental Statement.  | Details of the scope of the air quality impact assessment to be reported in the Environmental Statement were included in the EIA Scoping Report.   | Agreed (with exception of modelling against EU Directive for some receptors) |
| Issues ref: A-D.6, identification of receptors | ES Chapter 5 – Air Quality [APP-043] | Section 5.3, 5.6 and 5.8. | Air quality sensitive receptors                  | DCiC agrees that it provided locations for receptors that are of most concern for local air quality. These receptors were in Stafford Street, Uttoxeter New Road, Ashbourne Road, Friar Gate and Agard Street. Such receptors were included in the air quality assessment as presented in the Environmental Statement. | Impacts upon defined sensitive receptors are reported in the air quality impact assessment included in the Environmental Statement Chapter 5: Air Quality [APP-043]. Following DCiC's request for the assessment of effects to include receptors of local concern, these were included in the dispersion modelling and impact assessment for the Scheme (even if such roads were not expected to be affected by the Scheme). In addition, DCiC confirmed that they are comfortable with other sensitive receptors that were considered by the air quality impact | Agreed   |

| Issues Reference (see Appendix A)                        | Document   | Paragraph Ref | Sub-section   | Comment  | Highways England Response  | Status |
|--|--|---------------|---|--|--|--------|
|  |  |               |   |  | assessment, as reported in the Environmental Statement.  |        |
| Issues ref: A-D.5, assumptions                           | ES Chapter 5 – Air Quality [APP-043]   | Section 5.5   | Assumption that traffic management measures will be in place during the Scheme construction phase | DCiC’s traffic management measures to improve air quality are planned to be in place during the Scheme construction phase.   | The construction phase traffic data used by the air quality (and noise) impact assessments assume that DCiC’s traffic management measures to improve air quality will be in place.   | Agreed |
| Issues ref: A-D.5, assumptions                           | ES Chapter 5 – Air Quality [APP-043]   | Section 5.5   | Assumption that traffic management measures will not be in place during Scheme operation          | DCiC’s traffic management measures to improve air quality are predicted to be supported by the completed Scheme – thus following Scheme opening, such traffic management measures are not anticipated to be required, however this is subject to ongoing monitoring and evaluation.                | The air quality impact assessment illustrates that the Scheme has a positive effect on air quality in areas targeted by DCiC’s traffic management measures to improve air quality – as such the operational phase traffic model assumes that such features will not be in place during Scheme operation. | Agreed |
| Issue ref: A.8, A-D. 10, 11, 12, 13, 14, 15, air quality | Environmental Statement Chapter 5: Air Quality [APP-043] and Outline Environmental Management Plan [APP-249] | -             | Air quality mitigation measures – Scheme construction   | DCiC agrees in principle to the construction phase air quality mitigation measures as set out in the OEMP [APP-249], which are predicted to deliver the residual effects as reported in the ES. DCiC accepts that the outline mitigation proposals as detailed in the OEMP will be translated into | ES Chapter 5: Air Quality [APP-043] assesses Scheme effects upon air quality, taking account of defined mitigation measures. Construction phase air quality mitigation measures are detailed in ES Chapter 6 and translated into the OEMP [APP-249].   | Agreed |

| Issues Reference (see Appendix A)   | Document  | Paragraph Ref | Sub-section   | Comment  | Highways England Response  | Status                    |
|---|---|---------------|---|--|--|---------------------------|
|   |   |               |   | the selected construction contractor's Construction Environmental Management Plan (CEMP) - DCiC will need to be consulted by the construction contractor during CEMP preparation.  | Delivery of the OEMP is a Requirement in the draft DCO.  |                           |
| Issues ref: A-D15, 16, environmental management plans                         | ES Chapter 5: Air Quality [APP-043] and Outline Environmental Management Plan [APP-249] | Section 5.9   | Dust monitoring during the construction phase         | DCiC will be consulted to confirm the construction contractor's proposals for dust monitoring during the Scheme construction phase which will be detailed in their Construction Environmental Management Plan (CEMP) (as based upon the OEMP). | The construction contractor will liaise with DCiC regarding dust monitoring, with the requirements being included in the contractors CEMP.       | Agreed                    |
| Cultural Heritage   |   |               |   |  |  |                           |
| Issues ref: A-D.2, A-D.3, and D.1, EIA methodology and extent of impact areas | ES Chapter 6 Cultural Heritage [APP-044]  | Section 6.3   | Heritage impact assessment methodology and study area | DCiC reviewed the scope of the heritage impact assessment (and the defined study area) included in the Environmental Statement and considered that it was appropriate to assess the effects of the Scheme on the historic environment.         | The scope of the heritage impact assessment and the applicable study area is detailed in the EIA Scoping Report and the Environmental Statement. | Agreed (methodology only) |
| Issues ref: A-D.2 and 3, and D.1, D.2, appropriate assessment methodology and | ES Appendix 6.1: Heritage Impact Assessment (HIA) [APP-173]                             | Section 3     | Methodology of the Historic Impact Assessment (HIA)   | DCiC is content that the ICOMOS guidelines should be followed during the preparation of the Heritage Impact Assessment (HIA) which focuses upon the  | The scope of the HIA was agreed with applicable consultation bodies through submission of the HIA Scoping Report. The scope and                  | Agreed (methodology only) |

| Issues Reference (see Appendix A)                    | Document                                  | Paragraph Ref                 | Sub-section                    | Comment   | Highways England Response   | Status   |
|--|---|-------------------------------|--------------------------------|---|---|--|
| extent of impacts; and the World Heritage Site (WHS) |   |                               |                                | Derwent Valley Mills WHS (including the Outstanding Universal Value (OUV) of the WHS).  | methodology for the HIA is set out in ES Appendix 6.1 [APP-173].  |  |
| Issues ref: D.2, Derwent Valley Mills WHS            | ES Chapter 6: Cultural Heritage [APP-044] | Table 6.8: Consultee Comments | World Heritage Site (WHS)      | DCiC advised that there are monitored views and important views within and into the Derwent Valley Mills WHS, and that these should be taken into account in the assessment of impacts on the Derwent Valley Mills WHS.   | Highways England discussed monitored views with the WHS planning co-ordinator, which identified that none of the monitored views have any visual relationship with the Scheme at Little Eaton junction. Therefore, these were not assessed any further as the Scheme would have no impact upon them (see Appendix 6.1 of the Environmental Statement, Section 4.7 [APP-173]). | Not Agreed - there are additional views that need to be tested |
| Issues ref: D.5, other heritage assets               | ES Chapter 6: Cultural Heritage [APP-044] | Table 6.8: Consultee Comments | Heritage assets to be included | DCiC requested that the boundary wall at Markeaton Park and to the boundary wall at the Royal School for the Deaf be assessed as separate heritage assets. DCiC confirmed that the Territorial Army centre near to the Markeaton junction is not included on the local list, but is considered a heritage asset (under the NPPF) by DCiC, as it is likely that it has links to with | These buildings and features were included as separate heritage assets and the impacts of the Scheme on them, has been assessed as reported in the Environmental Statement.   | Agreed   |

| Issues Reference (see Appendix A)   | Document   | Paragraph Ref  | Sub-section   | Comment   | Highways England Response  | Status           |
|---|--|--|---|---|--|------------------|
|   |  |  |   | military activity that took place during Markeaton Park during WWII.  |  |                  |
| Issues ref: D.1, D.5 and D.7, A-D.6, identified historic assets, historic landscape character areas, and identified receptors landscape character areas | ES Chapter 6 Cultural Heritage <b>[APP-044]</b>  | Section 6.8 to 6.11 (ES Chapter 6) and ES Figures 6.1 to 6.6 | Identification of baseline heritage assets and historic landscape character areas and their defined sensitivities | DCiC is content that the assessment has appropriately identified heritage assets and historic landscape character areas in the defined study area, and that the defined sensitivities of such assets are appropriate including the International importance of the Derwent Valley Mills WHS.          | Baseline heritage assets are detailed in Sections 6.8 to 6.11 of the ES Chapter 6 <b>[APP-044]</b> .   | Agreed           |
| Issues ref: A-D.5, assumptions  | ES Chapter 6 Cultural Heritage <b>[APP-044]</b>  | Section 6.5  | ES assessment assumptions and limitations   | DCiC is content that the ES assessment assumptions and limitations are acceptable and do not alter the assessment findings.   | ES assessment assumptions and limitations as related to the heritage assessment are detailed in Section 6.5 of ES Chapter 6 <b>[APP-044]</b> .                   | Under discussion |
| Issues ref: D.2, Derwent Valley Mills WHS   | ES Chapter 6 Cultural Heritage <b>[APP-044]</b> and ES Appendix 6.1: Heritage Impact Assessment (HIA) <b>[APP-173]</b> | Section 6.15 (ES Chapter 6) and Section 7 (ES Appendix 6.1)  | Effects upon the Derwent Valley Mills WHS   | The heritage impact assessment and the HIA report that the Scheme would have a slight adverse effect upon the DVMWHS. DCiC has a concern that the Scheme effects upon the WHS have been underestimated and have requested further information regarding the visual effects of the proposed floodplain | Scheme effects upon the Derwent Valley Mills WHS are detailed in Section 6.15 (ES Chapter 6) <b>[APP-044]</b> and Section 7 (ES Appendix 6.1) <b>[APP-173]</b> . | Under discussion |

| Issues Reference (see Appendix A)   | Document   | Paragraph Ref               | Sub-section   | Comment   | Highways England Response   | Status           |
|---|--|-----------------------------|---|---|---|------------------|
|   |  |                             |   | compensation area to be located to the west of the River Derwent and the flyover.   |   |                  |
| Issues ref: D.3, Darley Abbey Scheduled Monument  | ES Chapter 6 Cultural Heritage <b>[APP-044]</b>  | Section 6.15 (ES Chapter 6) | Effects upon the Darley Abbey Scheduled Ancient Monument  | DCiC delegates the assessment of effects upon Scheduled Ancient Monuments to Historic England.  | Scheme effects upon the Darley Abbey Scheduled Ancient Monument are detailed in Section 6.15 (ES Chapter 6) <b>[APP-044]</b> .  | Agreed           |
| Issues ref: D.1, D.5 and D.7, heritage assets have been identified and assessed appropriately, other heritage assets and historic landscape character areas | ES Chapter 6 Cultural Heritage <b>[APP-044]</b>  | Section 6.15 (ES Chapter 6) | Effects upon non-designated historic assets; historic landscape character areas; conservation areas and listed buildings. | DCiC is content that the assessment appropriately assesses effects upon non-designated historic assets; historic landscape character areas; conservation areas and listed buildings.  | Scheme effects upon non-designated historic assets are detailed in Section 6.15 (ES Chapter 6) <b>[APP-044]</b> and Section 7 (ES Appendix 6.1) <b>[APP-173]</b> as applicable.   | Under discussion |
| Issues ref: D.5, A-D.10, 13, 14, 15, 16 other heritage assets   | ES Chapter 6: Cultural Heritage <b>[APP-044]</b> | Section 6.9                 | Markeaton Park boundary wall relocation.  | DCiC consider the boundary wall at Markeaton Park is a heritage asset and the necessary stone should be affected, carefully taken down and re-used for the relocated wall. DCiC request that a detailed plan (elevation and sectional drawings) and a Method Statement is prepared covering | The Markeaton Park boundary wall has been identified as a separate heritage asset in the ES. The wall stones will be reused as part of the boundary wall relocation works (exact location will be agreed with the DCiC). Such mitigation measures are detailed in the | Agreed           |

| Issues Reference (see Appendix A)  | Document                                  | Paragraph Ref     | Sub-section                             | Comment   | Highways England Response  | Status  |
|--|---|-------------------|---|---|--|---|
|  |   |                   |   | the Markeaton Park boundary wall relocation and reconstruction details (e.g. mortar mix and finish and reuse of existing and agreement of any new stone etc.), as well as the relocation and reconstruction details associated with the Deaf School boundary wall.  | OEMP [APP-249] which is a Requirement in the draft DCO. A Method Statement regarding the Markeaton Park and Deaf School boundary walls will be prepared (forming part of the contractor's Construction Environmental Management Plan (CEMP)), which will be discussed and agreed with the DCiC conservation officer. |   |
| Issues ref: D.5, other heritage assets   | ES Chapter 6: Cultural Heritage [APP-044] | Paragraph 6.15.28 | Disused toilet block at Markeaton Park. | Demolition of the disused toilet block.   | Demolition of the disused toilet block will have a beneficial effect on the heritage setting of Markeaton Park.  | Agreed  |
| Issues ref: D.8, A-D.10, 11, 12, 13, 14, 15, 18, specific requirements in the dDCO, mitigation, enforceable, precise and reasonable; and environmental management plan | ES Chapter 6: Cultural Heritage [APP-044] | Section 6.14      | Heritage mitigation measures            | DCiC is content that the heritage mitigation requirements as detailed in the ES are appropriate and would result in the defined residual effects, and that such measures are covered by the OEMP [APP-249].<br>DCiC has requested further information on the effects of the proposed floodplain compensation area and flyover on the WHS in order to assess the adequacy of mitigation proposals. | Heritage mitigation measures are detailed in Section 6.14 in ES Chapter 6 and translated into the OEMP [APP-249]. Delivery of the OEMP is a Requirement in the draft DCO.  | Agree apart from mitigation measures associated with the DVMWHS |

| Issues Reference (see Appendix A)  | Document   | Paragraph Ref   | Sub-section  | Comment  | Highways England Response  | Status           |
|--|--|---|--|--|--|------------------|
| Issue ref: D.4, D.6, D.8, A-D.10, 11, 13, 14, 15, 16, approach to archaeology and written scheme of investigation                    | ES Chapter 6: Cultural Heritage <b>[APP-044]</b>                         | Archaeological Mitigation Strategy and the Site Specific Written Scheme(s) of Investigation | Scope of the outline archaeological mitigation strategy                    | DCiC delegates advice as related to archaeology to DCiC's Archaeological Advisor at Derbyshire County Council.   | The Environmental Statement provides details of the proposed archaeological mitigation strategy.   | Agreed           |
| Landscape and Visual   |  |   |  |  |  |                  |
| Issues ref: A.9, A.14 and A-D.2, 10, 11, 12, 13, 14, 15, 18, lighting, landscape and visual impact and lighting, and EIA methodology | Environmental Statement Chapter 7: Landscape and Visual <b>[APP-045]</b> | -   | Landscape and visual impact assessment (including the effects of lighting) | DCiC is content that the landscape and visual impact assessment as reported in the ES Chapter 7: Landscape and Visual <b>[APP-045]</b> appropriately assesses the Scheme effects upon the prevailing landscape and visual receptors. DCiC is content that the landscape and visual mitigation measures are appropriate and will deliver the residual effects as reported in the Chapter 7 of the ES. | ES Chapter 7: Landscape and Visual <b>[APP-045]</b> assesses Scheme effects upon the landscape and visual receptors, taking account of defined mitigation measures. Landscape and visual mitigation measures are detailed in Chapter 7 of the ES and translated into the OEMP <b>[APP-249]</b> . Delivery of the OEMP is a Requirement in the draft DCO. | Under discussion |
| Biodiversity   |  |   |  |  |  |                  |
| Issues ref: A.11 C.2 and A-D.2, biodiversity, impacts on habitats and  | ES Chapter 8: Biodiversity <b>[APP-046]</b>                              | Section 8.3 Assessment methodology  | Scope and extent of ecological surveys                                     | DCiC has confirmed that the survey coverage and methodologies used are appropriate for the ecological impact assessment.   | The surveys required to appropriately define ecological baseline conditions sufficient to enable the ecological impact assessment have been subject to ongoing discussions between   | Agreed           |

| Issues Reference (see Appendix A)  | Document  | Paragraph Ref   | Sub-section   | Comment   | Highways England Response  | Status           |
|--|---|---|---|---|--|------------------|
| species, and EIA methodology   |   |   |   |   | Highways England and DCiC during the DCO application.  |                  |
| Issues ref: A.11, C.3, A-D.2 and 3, biodiversity, impacts on habitats and species, and assessment of noise, vibration, air etc on nature conservation sites, protected species etc | ES Chapter 8: Biodiversity [APP-046]                      | Section 8.3 Assessment methodology                    | Ecological impact assessment methodology (and study areas)                        | DCiC has confirmed that the ecological impact assessment (and defined study areas) is appropriate for assessing the effects of the Scheme on ecological receptors, including designated and non-designated site, protected species associated with waterbodies, agricultural land and green infrastructure. In addition, DCiC is content that the assessment methodology takes into consideration noise, vibration, artificial lighting, air quality and water quality impacts. | The ecological impact assessment methodology used was reported in the EIA Scoping Report and Environmental Statement Chapter 8: Biodiversity [APP-046] and has taken account of DCiC comments. | Agreed           |
| Issues ref: A-D.4 and 6, baseline information and identification and sensitivity of receptors  | Environmental Statement Chapter 8: Biodiversity [APP-046] | Section 8.7 (ES Chapter 8) and ES Figures 8.1 to 8.36 | Identification of baseline conditions and their defined sensitivities/ importance | DCiC is content that the assessment has appropriately identified biodiversity resources in the defined study areas, and that the defined sensitivities/ importance of such assets are appropriate.  | Baseline biodiversity assets are detailed in Section 8.7 of ES Chapter 8: Biodiversity [APP-046].  | Agreed           |
| Issues ref: A-D.6 and 7, identification of receptors   | Environmental Statement Chapter 8: Biodiversity [APP-046] | Section 8.7 (ES Chapter 8)                            | Rationale for scoping in/ out sites and species                                   | DCiC is content that appropriate biodiversity receptors have been scoped into the biodiversity impact assessment.   | Section 8.7 of ES Chapter 8: Biodiversity [APP-046] details the rationale for the scoping in/ out sites and species.   | Under discussion |

| Issues Reference (see Appendix A)  | Document   | Paragraph Ref   | Sub-section  | Comment   | Highways England Response  | Status           |
|--|--|---|--|---|--|------------------|
| Issues ref: A.11 and C.2, A-D.7, 8, 18, impacts on habitats and species  | Environmental Statement Chapter 8: Biodiversity <b>[APP-046]</b> | Section 8.10 (ES Chapter 8)                             | Assessment of Scheme effects upon biodiversity, habitats and species       | DCiC is content that the assessment has appropriately identified impacts and effects upon biodiversity, habitats and species in the defined study areas.  | Effects upon biodiversity assets are detailed in Section 8.10 of ES Chapter 8: Biodiversity <b>[APP-046]</b> .   | Under discussion |
| Issues ref: C.4 and A-D.10, 11, 13, 14, 15, biodiversity and ecological conservation mitigation measures and mitigation is necessary | ES Chapter 8: Biodiversity <b>[APP-046]</b>                      | Section 8.9 Design, mitigation and enhancement measures | Scheme mitigation measures at Mackworth Park, Mill Pond and Markeaton Park | DCiC has confirmed that they are happy for Highways England to place bird boxes and bat boxes in Mackworth Park, plus creation of three totem poles from suitable trees being felled with existing potential bat roost features within Markeaton Park; and creation of suitable bat roost features in retained trees within Markeaton (approx. 10 trees). | Ecological mitigation measures have taken into account DCiC comments. Environmental Statement Chapter 8: Biodiversity <b>[APP-046]</b> provides details of mitigation measures – also refer to the Environmental Masterplans ES Figures 2.12A-H <b>[APP-068]</b> . Mitigation measures have been translated into the OEMP <b>[APP-249]</b> . Delivery of the OEMP is a Requirement in the draft DCO. | Under discussion |
| Issues ref: C.4 and A-D.10, 13, 14, 15, 16, biodiversity and ecological conservation mitigation measures and mitigation is necessary | ES Chapter 8: Biodiversity <b>[APP-046]</b>                      | Section 8.9 Design, mitigation and enhancement measures | Translocation of soils from Kingsway junction to Markeaton Park            | DCiC is happy for Highways England to translocate soils from Kingsway junction local wildlife site to Markeaton Park to create a new species-rich grassland.  | Soils from Kingsway junction will be translocated to a defined area within Markeaton Park to create a new species rich grassland. The final layout will be subject to further consultation with DCiC. If during the detailed design translocation is not deemed suitable, then a bespoke native seed mix would be used to achieve the same   | Agreed           |

| Issues Reference (see Appendix A)  | Document  | Paragraph Ref | Sub-section  | Comment   | Highways England Response   | Status           |
|--|---|---------------|--|---|---|------------------|
|  |   |               |  |   | ecological outcome. At detailed design stage, consideration will also be given to the need to avoid locations within Markeaton Park used for the storage of silt, following any potential de-silting of Markeaton Lake. Such measures are detailed in the OEMP [APP-249]. Delivery of the OEMP is a Requirement in the draft DCO. |                  |
| Issues ref: C.2, C.4 and A-D.10, 11, 12, 13, 14, 15, 16, 18, biodiversity and ecological conservation mitigation measures and mitigation is necessary, mitigation delivery | Environmental Statement Chapter 8: Biodiversity [APP-046] | Section 8.9   | Delivery of ecology mitigation measures            | DCiC is content that the biodiversity mitigation requirements as detailed in the ES are appropriate and would result in the defined residual effects, and that such measures are covered by the Outline Environmental Management Plan (OEMP) [APP-249]. | Biodiversity mitigation measures are detailed in Section 8.9 in ES Chapter 8: Biodiversity [APP-046] and translated into the OEMP [APP-249]. Delivery of the OEMP is a Requirement in the draft DCO.  | Under discussion |
| Issues ref: A-D.10 and 15, necessary mitigation and environmental  | Environmental Statement Chapter 8: Biodiversity [APP-046] | Section 8.12  | Pre-commencement and construction phase monitoring | DCiC is content with the defined pre-commencement and construction phase ecological monitoring proposals.   | Pre-commencement and construction phase ecological monitoring proposals are detailed in ES Section 8.12, and within the OEMP [APP-249].   | Under discussion |

| Issues Reference (see Appendix A)                                     | Document  | Paragraph Ref   | Sub-section   | Comment   | Highways England Response   | Status           |
|---|---|---|---|---|---|------------------|
| management plans  |   |   |   |   | Delivery of the OEMP is a Requirement in the draft DCO.   |                  |
| Issues ref: C.1, Habitat Regulation Assessment                        | Environmental Statement Chapter 8: Biodiversity [APP-046] and ES Appendix 8.2: Habitat Regulations Assessment – No Significant Effects Report [APP-179] | Section 8.10 Assessment of likely significant effects | To confirm no impact upon European Designated Sites     | DCiC is content that the Habitats Regulations Assessment – No Significant Effects Report (NSER) [APP-179] is appropriate in its conclusion of no likely significant effects on protected European sites.  | The Habitats Regulations Assessment – NSER [APP-179] indicates that there are no likely significant effects on protected European sites.  | Under discussion |
| Noise and Vibration   |   |   |   |   |   |                  |
| Issues ref: A.10, and A-D.2, noise and vibration, and EIA methodology | ES Chapter 9 – Noise and Vibration [APP-047]  | Section 9.3   | Noise and vibration assessment methodology              | DCiC consider that the noise and vibration impact assessment methodology as set out within the ES assesses noise impacts appropriately.   | A meeting was held in July 2018 with DCiC at which their comments on the EIA Scoping Report were discussed. DCiC confirmed that the assessment methodology generally addresses noise impacts appropriately. | Agreed           |
| Issues ref: A.10 noise and vibration                                  | ES Chapter 9 – Noise and Vibration [APP-047]  | Para 9.4.1  | Existing complaints and potentially sensitive receptors | DCiC has confirmed that they are not aware of any recent or relevant noise complaints regarding traffic noise along the A38 in the vicinity of the Scheme and are not aware of any other potentially sensitive receptors beyond those already identified in | Noted.  | Agreed           |

| Issues Reference (see Appendix A)   | Document                                     | Paragraph Ref            | Sub-section   | Comment   | Highways England Response   | Status |
|---|--|--------------------------|---|---|---|--------|
|   |  |                          |   | the assessment included in the ES.  |   |        |
| Issues ref: A.10 and A-D.6, noise and vibration, and sensitive receptors              | ES Chapter 9 – Noise and Vibration [APP-047] | Table 9.8                | Construction noise and vibration receptor locations | DCiC's comments on the EIA Scoping Report requested more detail on the 'selection of the closest identified potentially sensitive receptors' to be used in the construction noise and vibration assessment. Such details were provided on the 10.01.19, after which DCiC confirmed that they were content with the selected locations (11.01.19).   | Selected noise sensitive receptors are detailed in the ES Chapter 9 – Noise and Vibration [APP-047].  | Agreed |
| Issues ref: A.10, A-D.11, 13, 14, 15, 16, construction noise and working hours limits | ES Chapter 9 – Noise and Vibration [APP-047] | Para 9.4.2 and Table 9.8 | Construction working hours                          | DCiC confirmed that their standard construction working hours are: 7:30 - 18:00 weekdays, 8:00 - 13:00 Saturdays with no working on Sundays and Bank Holidays. These are the same as Erewash Borough Council (EBC). DCiC accepts that some activities with limited durations would be undertaken outside of the core working hours as listed in the OEMP. DCiC is content that any work carried out outside the core working hours, or any extension of the core hours, would require | Core construction working hours as detailed in the Environmental Statement comply with the DCiC standard working hours. Some activities with limited durations would be undertaken outside of the core working hours as listed in the OEMP (PW-G4, MW-G12) [APP-249]<br>Delivery of the OEMP is a Requirement in the draft DCO. | Agreed |

| Issues Reference (see Appendix A)                             | Document                                     | Paragraph Ref            | Sub-section                           | Comment   | Highways England Response  | Status |
|---|--|--------------------------|---------------------------------------|---|--|--------|
|   |  |                          |                                       | the prior agreement of the DCiC and EBC environmental health officers (as applicable) (as required by the OEMP).  |  |        |
| Issues ref: A.10, A-D.11, 13, 14, 15, 16, noise and vibration | ES Chapter 9 – Noise and Vibration [APP-047] | Para 9.4.2 and Table 9.8 | Construction noise/vibration controls | DCiC does not have a specific policy regarding construction noise/vibration other than the adoption of standard working hours. DCiC prefer to deal with major construction projects through the use of Best Practicable Means (BPM) (guidance in BS 5228), and a Construction Noise Management Plan, rather than setting limits or a Section 61 application. Public liaison would be a key aspect of any such management plan. DCiC expects that public liaison measures and noise/vibration mitigation measures will be detailed in the selected construction contractor's Construction Environmental Management Plan (CEMP) (as based upon the measures detailed in the OEMP), noting that DCiC will need to be consulted by the construction contractor during CEMP preparation. | DCiC's preferences are reflected in the OEMP (PW-NOI1 to 5 and MW-NOI1 to 5) [APP-249] regarding BPM, requirement for a Noise and Vibration Management Plan and Section 61 applications. Public Liaison commitments are contained in the OEMP in PW-COM1 and 2, and MW-COM1 and 2. Delivery of the OEMP is a Requirement in the draft DCO. | Agreed |

| Issues Reference (see Appendix A)                                    | Document                                     | Paragraph Ref | Sub-section   | Comment  | Highways England Response   | Status |
|--|--|---------------|---|--|---|--------|
| Issues ref: A.10 and A-D.2, noise and vibration, and EIA methodology | ES Chapter 9 – Noise and Vibration [APP-047] | Section 9.3   | Construction assessment methodology   | DCiC confirm that they are content with the construction noise impact assessment methodology adopted in the ES.  | Noted.  | Agreed |
| Issues ref: A.10 and A-D.2, noise and vibration, and EIA methodology | ES Chapter 9 – Noise and Vibration [APP-047] | Table 9.8     | Operational traffic noise assessment methodology – magnitude of change criteria | At the scoping stage DCiC queried the short term and long-term classifications for the magnitude of operational traffic noise impacts. Following receipt of applicable details, DCiC confirmed that they were content with the rationale for the proposed approach.  | Operational traffic noise short-term and long-term magnitude of impact classifications are set in accordance with Highways England guidance in common with other Highways England road schemes. | Agreed |
| Issues ref: A.10 and A-D.2, noise and vibration, and EIA methodology | ES Chapter 9 – Noise and Vibration [APP-047] | Table 9.8     | Operational traffic noise assessment methodology                                | DCiC acknowledge and appreciate that the main focus of the operational traffic noise impact assessment is based on the change in traffic noise levels, which is an approach that more closely conforms with the planning system, especially since there will be some dwellings that may already be experiencing noise levels in excess of the Noise Insulation level. On this basis therefore, DCiC confirms that the assessment addresses | Highways England appreciates confirmation that DCiC deem that overall the operational traffic noise assessment methodology adopted in the ES is appropriate.                                    | Agreed |

| Issues Reference (see Appendix A)  | Document                                     | Paragraph Ref | Sub-section   | Comment  | Highways England Response  | Status |
|--|--|---------------|---|--|--|--------|
|  |  |               |   | operational traffic noise impacts appropriately.   |  |        |
| Issues ref: A.10 and A-D.2, noise and vibration, and EIA methodology   | ES Chapter 9 – Noise and Vibration [APP-047] | Table 9.8     | Noise Insulation Regulations 1975 (as amended 1988) | DCiC recommended at the scoping stage that a full assessment in accordance with the Noise Insulation Regulations 1975 is completed as part of the ES. Following consultation with Highways England, DCiC accept that the ES contains a preliminary Noise Insulation Regulations assessment, and that a full Noise Insulation Regulations assessment will be completed in compliance with the timescales as set out in the Regulations. | The reasons for the Noise Insulation Regulations assessment results reported in the ES being provisional have been discussed and agreed with DCiC. | Agreed |
| Issues ref: A.1, A.10 and A-D.2, compliance with development plans, noise and vibration, and EIA methodology | ES Chapter 9 – Noise and Vibration [APP-047] | Table 9.8     | Noise Important Areas (NIAs)                        | At the EIA scoping stage DCiC advised that they had developed a draft Local Noise Plan for their NIAs and stated that the A38 Scheme will need to ensure that it is consistent with any actions in that Plan. Recent liaison with DCiC confirm that the Local Noise Plan is not yet publicly available, but it is unlikely to contain any actions that would conflict with the Scheme.   | Highways England welcome confirmation that DCiC's proposed actions regarding their NIAs will not conflict with the Scheme.                         | Agreed |

| Issues Reference (see Appendix A)                               | Document                                     | Paragraph Ref | Sub-section  | Comment   | Highways England Response   | Status |
|---|--|---------------|--|---|---|--------|
| Issues ref: A.10, A-D.8, 12, noise and vibration                | ES Chapter 9 – Noise and Vibration [APP-047] | Section 9.10  | Noise and vibration impacts  | DCiC has reviewed the noise and vibration impact assessment as presented in the ES and is content that it provides an appropriate assessment of the predicted noise and vibration impacts upon local residents and other potentially sensitive receptors.   | ES Chapter 9: Noise and Vibration, Section 9.10 [APP-047], details the predicted noise and vibration impact of Scheme construction and operation. | Agreed |
| Issues ref: A.10, noise and vibration                           | ES Chapter 9 – Noise and Vibration [APP-047] | Section 9.10  | Noise impacts – quiet places and areas valued for their tranquillity | DCiC has confirmed that they are not aware of any quiet areas or any areas valued for their tranquillity or acoustic environment in the vicinity of the Scheme.   | The Scheme would not impact upon any quiet areas or any areas valued for their tranquillity or acoustic environment.                              | Agreed |
| Issue ref: A.10 and A-D.10, noise and vibration, and mitigation | ES Chapter 9 – Noise and Vibration [APP-047] | Section 9.9   | Construction phase noise mitigation                                  | DCiC agrees in principle to the construction phase noise and vibration mitigation measures as set out in the OEMP [APP-249], which are predicted to deliver the residual effects as reported in the ES. DCiC accepts that the outline noise and vibration mitigation proposals as detailed in the OEMP will be translated into the selected construction contractor's Construction Environmental Management Plan (CEMP) - DCiC will need to be consulted by | Noise and vibration mitigation measures are detailed in ES Chapter 9: Noise and Vibration, Section 9.9 [APP-047].                                 | Agreed |

| Issues Reference (see Appendix A)   | Document  | Paragraph Ref            | Sub-section                           | Comment  | Highways England Response   | Status |
|---|---|--------------------------|---------------------------------------|--|---|--------|
|   |   |                          |                                       | the construction contractor during CEMP preparation.   |   |        |
| Issue ref: A-D.10, mitigation   | ES Chapter 9 – Noise and Vibration <b>[APP-047]</b> ; Environmental Masterplans as presented in Figures 2.12A to 2.12H <b>[APP-068]</b> . | Section 9.9              | Operational traffic noise mitigation  | Based on the information as presented in the ES, DCiC is content that the defined noise mitigation measures integrated into the Scheme design (i.e. low noise road surface and noise barriers) appear to be appropriate based on the ES assessment.  | Noise barrier details are detailed in the ES Chapter 9: Noise and Vibration, Section 9.9, <b>[APP-047]</b> and illustrated on the Environmental Masterplans as presented in Figures 2.12A to 2.12H <b>[APP-068]</b> .             | Agreed |
| Issue ref: A.10, and A-D.10, 11, 12, 13, 14, 15, 16, 18, noise barriers, other mitigation and the need for any specific requirements in the draft Development Consent Order (dDCO); and securing mitigation | ES Chapter 9 – Noise and Vibration <b>[APP-047]</b> and the OEMP <b>[APP-249]</b>   | Section 9.9 and the OEMP | Delivery of noise mitigation measures | DCiC agrees in principle to the construction phase noise and vibration mitigation measures as set out in the OEMP <b>[APP-249]</b> . DCiC accepts that the outline mitigation proposals as detailed in the OEMP will be translated into the selected construction contractor's Construction Environmental Management Plan (CEMP) - DCiC will need to be consulted by the construction contractor during CEMP preparation.<br><br>DCiC agrees that the defined operational phase noise mitigation measures (i.e. low noise road surface and noise barriers) are detailed in the | Noise and vibration mitigation measures are detailed in Section 9.9 in ES Chapter 9: Noise and Vibration <b>[APP-047]</b> and translated into the OEMP <b>[APP-249]</b> . Delivery of the OEMP is a Requirement in the draft DCO. | Agreed |

| Issues Reference (see Appendix A)  | Document  | Paragraph Ref | Sub-section  | Comment  | Highways England Response  | Status |
|--|---|---------------|--|--|--|--------|
|  |   |               |  | OEMP and thus will form part of the Scheme design.   |  |        |
| Geology and Soils  |   |               |  |  |  |        |
| Issues ref: A-D.10, 11, 13, 14, 15, 19 and 20, and B.6, land contamination | Environmental Statement Chapter 10: Geology and Soils [APP-048] | Section 10.9  | Measures to control potential impacts associated with contaminated materials | DCiC considers that the mitigation measures (as detailed in the Environmental Statement Chapter 10: Geology and Soils [APP-048]; and in the OEMP [APP-249] appear appropriate for managing impacts associated with contaminated materials. This includes the appropriate management of contamination issues at the former Rowditch tip at Kingsway junction. DCiC agrees that construction phase mitigation measures associated with land contamination are set out in the OEMP [APP-249]. DCiC accepts that the outline mitigation proposals as detailed in the OEMP will be translated into the selected construction contractor's Construction Environmental Management Plan (CEMP) - DCiC will need to be consulted by the construction contractor during CEMP preparation. In addition, DCiC will need to be consulted during the | Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement Chapter 10: Geology and Soils [APP-048] (and in the OEMP [APP-249]). Delivery of the OEMP is a Requirement in the draft DCO. | Agreed |

| Issues Reference (see Appendix A)  | Document   | Paragraph Ref  | Sub-section   | Comment  | Highways England Response   | Status           |
|--|--|--|---|--|---|------------------|
|  |  |  |   | design of site remediation strategy/ works (such as at Rowditch tip).  |   |                  |
| People and Communities   |  |  |   |  |   |                  |
| Issues ref: A.22, A-D.10, 11, 13, 14, 15, measures to avoid, reduce or compensate for adverse health impacts | Environmental Statement Chapter 12: People and Communities [APP-050] and ES Appendix 12.2: Human Health [APP-227]                                | Section 12.10  | Human health effects                                  | DCiC is content that adequate measures have been taken to avoid, reduce and mitigate potential health effects (including potential cumulative effects).  | Mitigation measures as detailed in the OEMP [APP-249] are appropriate for avoiding, reducing and mitigating potential health effects. Delivery of the OEMP is a Requirement in the draft DCO. | Under discussion |
| Road Drainage and the Water Environment  |  |  |   |  |   |                  |
| Issues ref: B.3, Flood Risk Assessment   | ES Chapter 13 – Road Drainage and the Water Environment [APP-051]  | Section 13.3   | Flood risk methodology for Kingsway junction          | DCiC facilitated release of their DCIM hydraulic model for AECOM use covering Kingsway junction.   | AECOM used the DCiC flood risk model to assess Scheme effects upon local flooding and flood mitigation measures.  | Agreed           |
| Issues ref: B.3, Flood Risk Assessment   | Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051], plus Flood Risk Assessment in ES Appendix 13.2A (Kingsway | Section 13.10 and FRA in ES Appendix 13.2A [APP-229] | Scheme effects on flooding risks at Kingsway junction | DCiC is generally satisfied with the proposed flood risk mitigation measures associated with flooding at Kingsway junction and the residual flooding risks.<br>DCiC would like to be consulted during the development of the detailed flood risk mitigation arrangements during the detailed design stage. This should include | Flood risk modelling has been undertaken to define flood risk mitigation features which have been integrated into the Scheme design.  | Under discussion |

| Issues Reference (see Appendix A)                                 | Document  | Paragraph Ref                              | Sub-section  | Comment   | Highways England Response   | Status           |
|---|---|--|--|---|---|------------------|
|   | Junction) [APP-229]   |  |  | further detail of flood mitigation areas at Kingsway Junction.  |   |                  |
| Issues ref: B.3, Flood Risk Assessment                            | Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051], plus Flood Risk Assessment in ES Appendix 13.2B (Markeaton Junction) [APP-230] | Section 13.10 and FRA in ES Appendix 13.2B | Scheme effects on flooding risks at Markeaton junction       | <p>DCiC is satisfied that the proposed highway runoff drainage system would appropriately manage issues associated with flooding at Markeaton junction.</p> <p>DCiC would like to be consulted during the development of the detailed drainage design arrangements during the detailed design stage.</p> <p>DCiC would like more information on the comparison of existing discharge rates with proposed discharge rates, with the aim of providing an overall reduction.</p> | Flood risk mitigation features integrated into the highway runoff drainage system would protect the new A38 mainline from flooding. It is noted that the FRA does not mention the Sequential Test. However, given that the Scheme provides the upgrade of existing essential infrastructure, it is considered that the Sequential Test is passed.<br>Further information on discharge rates will be prepared for consideration by DCiC. | Under discussion |
| Issues ref: B.2, A-D. 8, 12, 18, impacts on the water environment | Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051]   | Section 13.10                              | Impacts upon main rivers, groundwater and other water bodies | DCiC is generally content that the ES has identified and assessed Scheme impacts upon relevant water environment resources. DCiC is content that the ES considers impacts of Markeaton underpass on groundwater movements. However, Secant Pile is a cause for concern as they have the potential to restrict groundwater movement and  | Impacts upon water environment receptors are detailed in Section 13.10 of ES Chapter 13: Road Drainage and the Water Environment [APP-051] - the ES reports that ground flows are parallel to the underpass alignment such that groundwater flows would not be obstructed by underpass construction and thus significant effects on   | Under discussion |

| Issues Reference (see Appendix A)   | Document   | Paragraph Ref | Sub-section   | Comment   | Highways England Response   | Status           |
|---|--|---------------|---|---|---|------------------|
|   |  |               |   | increase flood risk upstream of the junction.<br>DCiC is concerned regarding proposals for the prior treatment of highway runoff before discharge into outfalls and request further information in this respect.  | groundwater flows would be avoided.<br>Highways England to consider this request and provide additional information in due course.  |                  |
| Issues ref: A-D.10, 11, 13, 14, 15, 19 and 20, B.2 and B.5, the water environment and mitigation                          | Environmental Statement Chapter 13: Road Drainage and the Water Environment <b>[APP-051]</b> | Section 13.9  | Construction phase mitigation measures to protect controlled waters | DCiC is content that there would be effective water pollution prevention control in place to during the Scheme construction phase to minimise risks to controlled waters (as detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment: <b>[APP-051]</b> ; and in the OEMP <b>[APP-249]</b> . | Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment <b>[APP-051]</b> (and in the OEMP <b>[APP-249]</b> ). Delivery of the OEMP is a Requirement in the draft DCO. | Under discussion |
| Issues ref: A-D.10, 11, 12, 13, 14, 15, 16, 18, mitigation measures and defined residual impacts, and mitigation delivery | Environmental Statement Chapter 13: Road Drainage and the Water Environment <b>[APP-051]</b> | Section 13.9  | Delivery of water environment mitigation measures                   | DCiC is content that the water environment mitigation requirements as detailed in the ES would result in the defined residual effects, and that such measures are covered by the OEMP <b>[APP-249]</b> .<br>DCiC would like to be consulted during the development of the detailed mitigation arrangements                      | Water environment mitigation measures are detailed in Section 13.9 in ES Chapter 13: Road Drainage and the Water Environment <b>[APP-051]</b> , and translated into the OEMP <b>[APP-249]</b> . Delivery of the OEMP is a Requirement in the draft DCO.                           | Under discussion |

| Issues Reference (see Appendix A) | Document  | Paragraph Ref              | Sub-section  | Comment   | Highways England Response   | Status           |
|-----------------------------------|---|----------------------------|--|---|---|------------------|
|                                   |   |                            |  | during the detailed design stage – this included exploration of additional treatment of highway runoff at existing discharge points.  |   |                  |
| Issues ref: B.4, drainage         | Road Drainage Strategy (refer to ES Appendix 13.4) <b>[APP-234]</b> | Section 2                  | Provision of a highway drainage system that appropriately controls highway runoff quality and quantity | <p>DCiC considers that the highway drainage system as detailed in the Road Drainage Strategy (ES Appendix 13.4 <b>[APP-234]</b>) is generally appropriate for managing impacts associated highway runoff.</p> <p>DCiC would like to be consulted during the development of the detailed highway drainage system arrangements during the detailed design stage - this includes the exploration of additional treatment of highway runoff at existing discharge points, and attenuation volumes.</p> <p>DCiC would like more information on the comparison of existing discharge rates with proposed discharge rates, with the aim of providing an overall reduction.</p> | <p>The road drainage strategy has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) and includes sustainable drainage (SuDS) features were feasible. Details are provided in the Road Drainage Strategy (refer to ES Appendix 13.4 <b>[APP-234]</b>).</p> <p>Further information on discharge rates will be prepared for consideration by DCiC.</p> | Under discussion |
| Issues ref: B.7, climate change   | Environmental Statement Chapter                                     | Para. 13.7.62 and the Road | Climate change provisions  | DCiC is generally content that the climate change provisions  | Climate change provisions associated with the drainage  | Under discussion |

| Issues Reference (see Appendix A)   | Document   | Paragraph Ref                                 | Sub-section   | Comment  | Highways England Response  | Status           |
|---|--|---|---|--|--|------------------|
|   | 13: Road Drainage and the Water Environment <b>[APP-051]</b>               | Drainage Strategy (refer to ES Appendix 13.4) | associated with the drainage design and the flood risk mitigation proposals                                       | included within the drainage design and the flood risk mitigation proposals take account of latest UK Climate Projections.   | design and the flood risk mitigation proposals are detailed in para. 13.7.62 (ES Chapter 13: Road Drainage and the Water Environment <b>[APP-051]</b> ) and the Road Drainage Strategy (ES Appendix 13.4) <b>[APP-234]</b> |                  |
| Cumulative Effects  |  |   |   |  |  |                  |
| Issues ref: A-D.2, assessment of cumulative effects and the other plans/projects included | ES Statement Chapter 15: Assessment of Cumulative Effects <b>[APP-053]</b> | Section 5.10                                  | Developments to be considered within the cumulative impact assessment as reported in the Environmental Statement. | DCiC confirmed developments within their administrative area that should be considered with the cumulative impact assessment as reported in the Environmental Statement. | AECOM provided details of the developments to be included in the cumulative impact assessment, as reported in the Environmental Statement, to the applicable local authorities in the vicinity of the Scheme.              | Agreed           |
| Issues ref: A-D.2, EIA methodology and the assessment of cumulative effects               | ES Chapter 15: Assessment of Cumulative Effects <b>[APP-053]</b>           | Sections 15.1 to 15.13                        | -   | DCiC is content with the cumulative impact assessment methodology and the assessment findings.   | Cumulative effects are reported in ES Chapter 15: Assessment of Cumulative Effects <b>[APP-053]</b> .  | Under discussion |

### 3.3 Issues related to the Design of the Scheme

| Issues Reference (see Appendix A)                          | Document  | Paragraph Ref | Sub-section                                | Comment   | Highways England   | Status           |
|--|---|---------------|--|---|--|------------------|
| Issues ref: D.5, A-D.13, 14, 15, 16, other historic assets | Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) <b>[APP-038]</b> | Annex O       | Markeaton Park access/ egress arrangements | Markeaton Park is a heritage asset and the stone walls that enclose the park are an important part of the enclosure of the park. It is suggested that the minimum necessary is carefully taken down and as much of the wall is retained in the original location. If any walls are to be affected by this proposal, it is suggested that it is reused and the location where it is to be reused, is agreed. | It has been agreed with DCiC to make best endeavours to avoid the existing park wall. Where it is affected, it will be realigned close to its existing alignment (exact location will be agreed with the DCiC) using the same stones. Such mitigation is detailed in the OEMP <b>[APP-249]</b> which is a Requirement in the draft DCO.                      | Agreed           |
| Issues ref: D.5, other historic assets                     | Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) <b>[APP-038]</b> | Annex O       | Markeaton Park access/ egress arrangements | The Heritage Lottery gave a grant for the park including the relocation of the original park gates and railings to a low wall to adjacent to Ashbourne Road. It is suggested these are kept in this location. As part of the character of this part of the park is its tree cover, it is suggested that any loss of trees should result in appropriate tree planting in an agreed location.                 | It is the intention to retain this entrance – if any temporary works impact it, it will be reinstated to its existing state and location (to DCiC's satisfaction).<br>This issue is addressed in the Environmental Statement Chapter 6: Cultural Heritage <b>[APP-044]</b> . DCiC has been involved in the development of the proposed mitigation proposals. | Agreed           |
| Issues ref: B.4, drainage                                  | Consultation Report Annex O Tables  | Annex O       | Drainage strategy design details           | The current junction layout plan for the Kingsway Junction appears to include both areas of   | Areas have been identified for flood storage and surface water attenuation features (including   | Under discussion |

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|                           | Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038] |         |                                  | land being set aside for flood compensation storage and also for surface water ponds presumably to provide some sustainable drainage solutions for the proposed new drainage system. | <p>surface ponds and buried storage) to provide solutions that accord with SuDS.</p> <p>The highway drainage network will be designed in accordance with DMRB HD33/16 Design of Highway Drainage Systems. Flood flow analysis will be undertaken as part of detailed design to ensure there is no flooding of third party land for events up to and including the 100 year + CC event. There will be continual discussions with DCiC during the next design stage.</p> <p>Following a request from DCiC, further clarification will be provided (with an update to the Flood Risk Assessment as needed) on how the Scheme drainage responds to a 1 in 100 flood event plus an allowance for climate change and how the increase to flood risk beyond the Scheme boundaries has been considered (e.g. downstream).</p> |                  |
| Issues ref: B.4, drainage | Consultation Report Annex O Tables Evidencing   | Annex O | Drainage strategy design details | Concern was expressed that there is too little provision for SuDS at the Markeaton junction which should be open water   | The preliminary design allowable discharge rates have been calculated using the greenfield runoff rate for the new  | Under discussion |

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|                           | Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]   |         |                                  | features on a scheme this size. There was also concern that there is insufficient area to provide the level of attenuation that would be required to deliver discharge rate reduction. The A38 discharges significant levels of silt and other pollutants into the Bramble and Littleover Brooks. The Scheme should demonstrate a significant reduction in these discharges through use of SuDS. It is noted that the A38 contributes a significant uncontrolled runoff from the carriageway and verge areas. These contribute significantly to the flood risk in the City Centre. | impermeable areas as agreed with DCiC and restricted to ensure betterment over the existing situation for the site. This same philosophy will be adopted come detailed design. Where possible, attenuation features have been included for up to and including 100 year +40% climate change (as previously request). However, where this has not been feasible, the affected catchments are restricted to the existing discharge rate, ensuring no detriment in terms of downstream flood risk. |                  |
| Issues ref: B.4, drainage | Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038] | Annex O | Drainage strategy design details | As both junctions are designated as areas in flood risk, identified in the DCiC SFRA, the Scheme will need to demonstrate that it passes both the sequential and exception tests. Also, in accordance with paragraph 160 of the NPPF, the Scheme should not increase flood risk elsewhere and, where possible, should reduce flood risk overall.   | Flood Risk Assessments have been carried out at all three junctions and the assessment reports demonstrate that the requirements of these tests have been met. The FRA reports form part of the Environmental Statement appendices. The outfalls have undergone a 'HAWRAT' assessment and with the included mitigation they passed the assessment. There is limited scope for improving the silt and other pollutants at existing outfalls on the A38 that are not impacted by the scheme.      | Under discussion |

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|  |   |         |                                  |  | As the Scheme provides an upgrade of existing essential infrastructure, therefore it passes the sequential test.  |                  |
| Issues ref: B.4 and D.2, drainage and the Derwent Valley Mills WHS | Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) <b>[APP-038]</b> | Annex O | Drainage strategy design details | Originally the Little Eaton Junction was sited wholly outside the City boundary; however the revised plans submitted as part of the Section 42 consultation shows a flood compensation area site within the City boundary. DCiC believe this is to provide compensation flood storage for the Derwent. The impacts on Our City Our River (OCOR) will need to be understood, and also the impacts on the World Heritage Site will need consideration. | The Flood Risk Assessments carried out takes the OCOR into consideration. Also, the impacts on the World Heritage Site have been fully assessed and reported in the Environmental Statement Chapter 6: Cultural Heritage <b>[APP-044]</b> .   | Under discussion |
| Issues ref: B.4, drainage  | Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) <b>[APP-038]</b> | Annex O | Drainage strategy design details | There are areas of the Scheme where DCiC highway drainage discharges to HE drainage systems, particularly at the Kingsway Junction. This occurred following de-trunking of Kingsway. The situation should be reviewed as part of the Scheme and ideally the systems separated, or legal rights of discharge agreed.  | The drainage design keeps the discharge from the Trunk Road separate from discharges from the local highway network wherever feasible. Discussions have already taken place between all of the maintaining authorities to agree the maintenance boundaries. Specific consideration to be given to the ability of DCiC to discharge to the HE drainage system. | Under discussion |

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| <p>Issues ref: A.16, impacts on Public Rights of Way (PRoW), pedestrians, cyclists and horse riders</p>   | <p>Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]</p> | <p>Annex O</p> | <p>Footpath provisions and closures</p> | <p>Further consultation on the traffic modelling and detailed layout drawings, including how pedestrian and cycle routes link into the wider network, will be necessary. It would also be useful to understand the proposed highway authority boundaries for future consultation responses.</p>  | <p>Comments have been received from cycling groups (Sustrans and the Derby Cycling Group) and these have been responded to, and where possible their suggestions have been included within the Scheme design.</p> | <p>Agreed</p>           |
| <p>Issues ref: A.13 and A.16, good design and functionality; and impacts on Public Rights of Way (PRoW), pedestrians, cyclists and horse riders</p> | <p>-</p>  | <p>-</p>       | <p>-</p>                                | <p>DCC welcomes the two lanes shown on the General Layout plan of the A38(T) Derby Junctions Scheme in both directions of the A5111, and the pedestrian crossing.</p> <p>It should be noted that Kier, in consultation with the HE, are proposing a signalised crossing on the A5111 across the arm of the A38(T) Kingsway Junction. The proposal includes reducing the eastbound carriageway width to a single lane between the A38 and Kingsway retail path. DCC has highlighted concerns over the potential from queues backing into the A38(T) as a result of the reduced carriageway width or a breakdown blocking the single lane.</p> | <p>-</p>  | <p>Under discussion</p> |

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| <p>Issues ref: A.16, impacts on Public Rights of Way (PRoW), pedestrians, cyclists and horse riders</p> | <p>Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) <b>[APP-038]</b></p> | <p>Annex O</p> | <p>Footpath provisions and closures</p> | <p>The pedestrian crossing on the A5111 Kingsway requires pedestrians to cross four lanes. It was queried whether this crossing should be staggered or moved closer to the roundabout junction.</p>   | <p>The land required for the Scheme has been adjusted to allow for a midway 'island' to facilitate a crossing in 2 stages.</p> | <p>Agreed</p>           |
| <p>Issues ref: A.16, impacts on Public Rights of Way (PRoW), pedestrians, cyclists and horse riders</p> | <p>Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) <b>[APP-038]</b></p> | <p>Annex O</p> | <p>Footpath provisions and closures</p> | <p>The pedestrian crossing across Kingsway Park Close is shown as an uncontrolled crossing and should be controlled.</p>  | <p>It is now proposed that this crossing is to be signal controlled.</p>   | <p>Agreed</p>           |
| <p>Issues ref: A.13, good design and functionality</p>  | <p>-</p>   | <p>-</p>       | <p>-</p>                                | <p>DCiC did not provide detailed comments on the geometric design of the A38(T) Derby Junctions scheme because it was assumed that this would be done as part of the detailed design process. However, there are fundamental issues that have been identified with the General Layout Drawings that need to be picked-up in the design.</p> | <p>-</p>   | <p>Under discussion</p> |

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|  |  |   |   | <p>For example, the A5111 Kingsway link and Markeaton McDonald Access, as identified in response to A.16, A.5, A.12 and A.17 Section 3.2. Further, the A61 northbound approach to new A38(T) gyratory. The scheme shows three lanes on the A61 merging into two lanes on the gyratory.</p>   |   |                         |
| <p>Issues ref: A., impacts on local transport networks... permanent closures</p> | <p>Relevant Representation Comments*</p> | - | - | <p>As a result of the closure of Ford Lane on-slip to the A38 Highways England has put forward a scheme to signalise the A6/Ford Lane Junction. This has partly been driven by feedback from public consultation and the strategic modelling, which has predicted that with forecast growth that this junction requires direct intervention.</p> <p>However, Officers have considered the forecasting and route choice prediction of the model and in this case have questioned its realism. It is a significant decision to signalise a junction on a Primary A Route. This is an issue that we would like to consider further as part of the detailed design process</p> | <p>Technical notes have been prepared to document the trip growth in this area of Ford Lane and to examine the localised outputs from the traffic model. The traffic model used growth forecasts that are in-line with DfT's national growth projections (which themselves are based upon forecast of population growth and wealth forecasting scenarios). These traffic forecasts appear reasonable to Highways England.</p> <p>It is noted that traffic signal solution would add an additional junction to the A6 route. In mitigation, it is noted that this junction lies within the urban 30mph speed limit and would also provide the benefit of</p> | <p>Under discussion</p> |

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|  |                                   |   |   |   | <p>assisting pedestrian crossing of the A6 to access the nearby northbound bus stop.</p> <p>The potential junction improvement has been included within the red-line boundary for the Scheme. Highways England recognises that there is a tension between the ease of travel by residents and the objective to maintain free-flow movement for the longer-distance car trips into and out of the city. Highways England's default position is to include this A6/Ford Lane junction improvement within the Works.</p> |                  |
| Issue ref: A.6, local transport networks | Relevant Representation Comments* | - | - | <p>The transport assessment does show that there are some areas of the local network, particularly where the local road network connects to the A38 Trunk Road, where there are significant increases in traffic.</p> <p>For example, on the Kedleston Road corridor north of the A38 it is predicted that in the AM Peak that there is an increase in southbound traffic of 157 PCUs and an increase of 564 PCUs on the on-slip. Other junctions where</p> | <p>Noted. This is an inevitable effect of changing the traffic patterns in order to reduce the flow volumes on inappropriate local routes.</p> <p>Derby City Council is a unitary authority and as such is the local highway authority for those routes within the city. The maintenance of their highway and optimising the operation and</p>  | Under discussion |

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|   |  |  |  | <p>significant changes in traffic are predicted to occur:</p> <ul style="list-style-type: none"> <li>• Manor Road/Kingsway Junction</li> <li>• Hospital Gyratory</li> <li>• Kingsway Junction/Cherry Tree Close/Kingsway Retail Park</li> <li>• Uttoxeter New Road/Brick Street/Ashbourne Road</li> <li>• Friar Gate/Agard Street</li> <li>• Prince Charles Avenue/A52 Ashbourne Road</li> <li>• A61 Sir Frank Whittle Way/Alfreton Road</li> <li>• A608/A61/Hampshire Road</li> </ul> <p>As such, Derby City Council, would like Highways England to consider how it might mitigate changes on the local network as a result of the A38(T) scheme.</p> | <p>efficiency of the local junctions is part of their remit.</p> <p>Highway England maintain the Strategic Road Network and deliver Major improvements to their highways.</p> <p>The opening of the Scheme to traffic will change traffic patterns. It is recognised that there will be a period following opening of the Scheme over which some adjustments will be required. The issue is whether these adjustments are over-and-above the usual remit of the local highway authority. How these works should be funded is a political decision over which Highways England has no control.</p> <p>Notwithstanding the above points setting out the positions of responsibility, Highways England will continue to discuss this matter further with DCIC.</p> |  |
| <p>*<a href="https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&amp;relrep=37030">https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&amp;relrep=37030</a></p> |  |  |  |   |   |  |

### 3.4 Issues related to Open Space and Exchange Land Provisions

| Issues Reference (see Appendix A)  | Document                             | Paragraph Ref | Sub-section                         | Comment   | Highways England   | Status            |
|--|--------------------------------------|---------------|-------------------------------------|---|--|-------------------|
| Permanent loss of open space land  |                                      |               |                                     |   |  |                   |
| Issues ref: A.5, A.12 and A.17, minimise land take, impacts on open space, and temporary and permanent impacts on recreation | Consultation Report <b>[APP-038]</b> | Annex O       | Open space exchange land provisions | <p>In the short term, some trees and open space will be lost at Markeaton Park which will negatively impact the park in the short to medium term though loss of screening. However, the mitigation proposed is considered acceptable. In addition, a new area of linear public open space will be created on Queensway following demolition of the existing properties although it is not clear at the present time how much of this land will be used for a proposed pumping station and drainage attenuation for the underpass. Depending on the final design of the drainage attenuation this could reduce the quality of the new open space.</p> <p>The Kingsway junction arrangements are likely to impact on the open space at Mackworth Park although this impact is to be mitigated through the provision of replacement open space on land</p> | <p>Dialogue is ongoing with the City's parks department in respect of the loss of Public Open Space (POS). This will cover the detailed arrangement of the replacement land. Further details of the loss of POS and proposals for replacement land are provided within the Planning Statement and National Policy Statement Accordance Table <b>[APP-252]</b>.</p> <p>It is noted that DCiC have confirmed that they are comfortable with the approach to POS. Email from DCiC of 25/7/19 stated <i>"The loss of POS necessary for construction of the junction improvements and the proposed replacement land offered in the report is consistent with the discussions that have taken place between HE, AECOM and DCiC since 2016.</i></p> | Under Discussion. |

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|  |  |  |  | <p>previously occupied by the existing A38 and slip roads on Brackensdale Avenue and Raleigh Street. Impact on the park is likely to be through the construction of a new roundabout that will necessitate the creation of new embankments. It is likely that this will be mitigated through appropriate landscape planting to screen the road from the park, but no topographic information or levels are provided at this stage to give an idea of the height of the road and proposed embankments.</p> <p>DCiC have recently sought clarification on the safeguards to ensure that the replacement land remains as being accessible Public Open Space in perpetuity, in view of the proposal for Highways England to retain ownership of the land.</p> <p>DCiC confirmed via email on the 25.07.19 that they are comfortable with the approach regarding POS in relation to the Scheme. The following has been agreed throughout the application process:</p> | <p><i>As such I have no further comments to add"</i></p> <p>As such, Highways England and DCiC have reached agreement in principle on both the loss of POS as a result of the Scheme and the provisions for replacement POS land offered in exchange.</p> <p>This agreement is based on DCiCs capacity as primary landowner of the existing POS and the proposed replacement land and also in respect of their role as the local planning authority.</p> <p>Additional clarification will be provided to DCiC on the powers sought within the DCO and the process of transferring the replacement land to DCiC, for use as Public Open Space.</p> <p>Notwithstanding the agreement that has been reached with DCiC historically on which land constitutes a loss, the Planning Statement and National Policy</p> |  |
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|  |  |  |  | <ul style="list-style-type: none"> <li>• The principle of the use of Mackworth Park for highway surface water attenuation would not constitute a loss of POS; however, the acceptance of this depends upon the characteristics of the drainage features and their design (wet/ dry and whether hard engineering features). More appropriate if such features in Mackworth Park were wet and integrated with ecological mitigation provisions.</li> <li>• The use of POS for realigned NMU facilities or new NMU facilities (at both Kingsway junctions) was not considered a loss of POS.</li> <li>• The use of Mackworth Park/ Markeaton Park/ Mill Pond for ecological compensation/ enhancement planting was not considered a loss of POS.</li> <li>• The use of POS for the new Markeaton Park footbridge was not considered as a loss of POS, although a conservative approach has been adopted to include this as a loss for the purpose of providing replacement land.</li> </ul> | <p>Statement Accordance Table [APP-252] submitted with the application sets out in detail the areas of land, which have been treated as a loss.</p> |  |
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|  |  |  |  | <ul style="list-style-type: none"> <li>• Agreed that the POS exchange land at Queensway remains appropriate. Such land would act as a green corridor and thus treatment could reflect this usage, rather than being open. Thus, it may be appropriate that this area includes mitigation features.</li> <li>• With regard to exchange POS ownership, it was agreed that it would be appropriate that Derby City Council to take ownership of exchange POS due to restoration of the strip of existing A38 carriageway to the southeast of the park, whilst Highways England retain ownership of exchange POS at Queensway (given the mitigation features present).</li> <li>• Agreed that replacement land offered in exchange should to consider the quality and functionality of the POS land to be lost. It may be appropriate for some mitigation features to be located in the exchange POS, but this depends upon their design/ characteristics and whether they are compatible with a POS designation.</li> </ul> |  |  |
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|  |  |   |  | <ul style="list-style-type: none"> <li>DCiC agreed that the proposed pumping station building would not be appropriate within an area designated for replacement POS, and that the land within which the building is located should not be included in POS replacement calculations</li> </ul>  |  |                         |
| <p>Issues ref: A.5, A.12 and A.17, minimise land take, impacts on open space, temporary and permanent impacts on recreation, and impacts on local transport networks</p> | <p>Meeting minutes dated 26.06.17, enacted through the Scheme's design. See Figure 2.6 General Arrangement Scheme Layout Plans for the A38 Derby Junctions Scheme; Figure 2.2 Land Plans [APP-007]; and Planning Statement and National Policy Statement Accordance Table [APP-252].</p> | <p>Section 5 of the Planning Statement and National Policy Statement Accordance Table</p> | <p>Layout for new junction at Markeaton Park and the McDonald's/ Esso junction</p> | <p>Agreed that the principle of the suggested layout for the internal road and turning circle at Markeaton Park was acceptable.</p> <p>The revised geometric layout of the Esso &amp; McDonald's and Markeaton Park entrance junction is now acceptable, in principle, by DCiC – this incorporates the suggested revision of the tightened radius to the approach of the Markeaton junction to 90m (this was to avoid impacts on the recently renovated pedestrian access into the park).</p> <p>AECOM advised that some sections of the existing park boundary wall may need to be repositioned slightly to accommodate the highway works (a length of wall each side of the</p> | <p>The principles of the Esso &amp; McDonald's and Markeaton Park entrance, the new internal highways layout of Markeaton Park and the treatment of the historic wall (in order to create the new park access and junction) are acceptable to Highways England and DCiC.</p> | <p>Under discussion</p> |

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|   |   |   |  | proposed new park access would be affected). DCiC agreed that this would not be an issue providing that the recently renovated section of wall, for the pedestrian access, is not affected.   |   |                  |
| Temporary loss of open space land/ acquisition of rights  |   |   |  |   |   |                  |
| Issues ref: A.5, A.12 and A.17, minimise land take, impacts on open space, temporary and permanent impacts on recreation, and impacts on local transport networks | - | - | Temporary loss of open space land/ acquisition of rights | <p>Environmental Statement Fig 2.4a Kingsway and Markeaton Junctions – Landtake, there is a large area of Mackworth Park shown where land is to be used temporarily but rights are to be acquired permanently. DCiC understand that rights are required for entry by statutory undertakers as at Markeaton Park where there is a service strip alongside the carriageway. There is an underground drainage facility for the Kingsway junction proposed at Mackworth Park but this latter area seems disproportionately large if its purpose is purely for access. Also, if it is unclear what rights are to be acquired permanently and what control would DCiC have over any future disturbance and requirements for reinstatement of ground.</p> <p>DCiC are also concerned that any permanent rights acquired could also affect DCiC's aspiration to</p> | Further information and justification will be provided regarding the nature of the works which require the temporary acquisition of land within Mackworth Park. | Under discussion |

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|  |  |  |  | include Mackworth Park into the Mickleover Meadows LNR. |  |  |
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### 3.5 Issues related to the Management of Traffic during Construction

| Issues Reference (see Appendix A)   | Document                          | Paragraph Ref | Sub-section | Comment   | Highways England | Status           |
|---|-----------------------------------|---------------|-------------|---|------------------|------------------|
| Issue ref; A.7 and A-D.15, traffic management the Transport Management Plan | Traffic Management Plan [APP-254] | -             | -           | <p>The management of construction traffic is likely to be an evolving process throughout the whole project, the impacts of which cannot be concluded or agreed at this stage.</p> <p>There is also a concern that only 3 (albeit supposedly the most significant 3) out of the 8 currently proposed traffic management scenarios during construction have been assessed in detail. The Environmental Protection Team would prefer to see <i>all</i> potential construction traffic management scenarios assessed.</p> |                  | Under discussion |
| Issue ref; A.7 and A-D.15, traffic management the Transport Management Plan | Traffic Management Plan [APP-254] | -             | -           | <p>Whilst not part of the physical scheme, the Traffic Management Plan [APP-254] remains a serious concern because of some of the potentially rigid proposals. Indeed, construction delays can seriously undermine the economic benefits of major schemes. As such, communication and flexibility will be key in managing the movement</p>  |                  | Under discussion |

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|  |  |  |  | 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 at DCiC over the Traffic Management Plan. |  |  |
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### 3.6 Other Matters

- 3.6.1 In regard to the Scheme, DCiC has not raised any other relevant matters (beyond the Principal Issues set out in Annex B of the Rule 6 Letter and in their response to 'The Examining Authority first written questions'), important considerations, or matters which require agreement in order for the Examination to run smoothly (Issues ref: A-D.21 to 23).

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## Appendix A: The Planning Inspectorate SoCG Issues List (Annex E, Rule 6 Letter)

SoCGs are requested to be prepared between the Applicant and:

### A. Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

1. Compliance with the development plans, impacts on land use and the acceptability of proposed changes to land use
2. The need for development
3. Alternatives and compliance with relevant legal requirements and policy, including with respect to the Environmental Impact Assessment (EIA), flood risk and Compulsory Acquisition
4. Whether the business case and economic case adequately consider local matters
5. Minimisation of land take
6. Impacts on local transport networks, impact and mitigation of temporary and permanent closures of roads and other rights of way
7. Traffic management and communication with residents and businesses during construction
8. Air quality and the potential for a zone compliant with the Air Quality Directive to become non-compliant and the potential for delays for a non-compliant zone to achieve compliance
9. Dust, odour, artificial light, smoke, steam impacts and nuisance
10. Noise and vibration and impacts on local residents and others, construction noise and working hours limits, noise barriers, other mitigation and the need for any specific requirements in the draft Development Consent Order (dDCO)
11. Biodiversity and impacts on sites and habitats and species and mitigation
12. Impacts on open space, any assessments of whether any open space is surplus to requirements and the suitability of proposed replacement
13. "Good design" including functionality and aesthetics, the replacement bridge, noise barriers, site restoration, and "good design" in terms of siting and design measures relative to existing landscape and historical character and function, landscape permeability, landform and vegetation.
14. Landscape and visual impact assessment and lighting
15. Green Belt
16. Impacts on Public Rights of Way, on pedestrians, cyclists and horseriders, and opportunities to improve
17. Temporary and permanent impacts on recreation
18. Socio-economic impacts
19. Community isolation, severance and accessibility, including by disabled users
20. Common law nuisance and statutory nuisance, nuisance mitigation and limitations and appropriate provisions in the dDCO
21. Whether the maintenance and decommissioning activities have been adequately defined in the dDCO and whether they have been appropriately assessed and mitigated
22. Measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts on health
23. Safety impact assessment and consistency with relevant highways safety frameworks
24. Whether appropriate bodies have been consulted about national security implications and whether any issues have been adequately addressed

25. The assessment of civil and military aviation and defence matters in accordance with the National Networks National Policy Statement

**B. The Environment Agency, Derby City Council, Derbyshire County Council, Erewash Borough Council and Severn Trent Water to include:**

1. Dust, odour, artificial light, smoke and steam scope and methodology of assessment
2. The water environment including main rivers, groundwater and other water bodies, any concerns on impacts on water quality/resources and the need for any specific requirements in the dDCO
3. Flood risk, adequacy of the Flood Risk Assessments, the selection of mitigation sites and any concerns about the proposal on flood risk grounds
4. Drainage, Sustainable Urban Drainage Systems (SuDS), compliance with national standards and the appropriate body to be given the responsibility to maintain any SuDS
5. Water abstraction, discharge, pollution control and permits and whether potential releases can be adequately regulated under the pollution control framework
6. Contaminated land
7. Climate change, including the appropriate use of UK Climate Projections, identification of maximum credible scenarios, adaptation, impacts, radical changes beyond the latest projections
8. Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted

**C. Natural England, Derby City Council, Derbyshire County Council and Erewash Borough Council to include:**

1. The Applicant's Habitat Regulation Assessment – No Significant Effects Report (NSER) and the included matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects
2. Impacts on habitats and species, habitat replacement and opportunities for enhancement
3. Assessment of noise, vibration, air and water quality impacts on designated nature conservation sites, protected landscapes, protected species or other wildlife.
4. Agreement of biodiversity and ecological conservation mitigation measures, any comfort/impediments for the granting of relevant licences and their timescales
5. Waterbodies
6. Agricultural land
7. Green infrastructure

**D. Historic England, Derby City Council, Derbyshire County Council and Erewash Borough Council to include:**

1. Whether heritage assets have been identified and assessed appropriately
2. Derwent Valley Mills World Heritage Site
3. Darley Abbey Scheduled Ancient Monument
4. The approach to archaeology
5. Other historic assets, including non-designated historic assets identified by local authorities and in Historic Environmental Records

6. Written scheme of investigation
7. Historic landscape character areas
8. The need for any specific requirements in the dDCO

**SoCGs A-D** to include:

1. The applicable legislation and policy considered by the Applicant
2. The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included
3. The extent of the areas of potential impact considered
4. Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies
5. The application of expert judgements and assumptions
6. Identification and sensitivity of receptors with the potential to be affected by the proposed development, magnitude and the quantification of potential impact
7. Likely effects (direct and indirect) on protected (or equivalent) biodiversity sites, habitats and species
8. Nature of the likely effects (direct or indirect) on receptors
9. "Reasonable worst case" Rochdale Envelope parameters
10. Mitigation that is necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable
11. Whether the secured mitigation measures are likely to result in the identified residual impacts
12. The significance of each residual impact
13. Whether the mitigation identified in the Environmental Statement (ES) is adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses
14. dDCO provisions
15. The Outline Environmental Management Plan, The Construction Environmental Management Plan, the Transport Management Plan and the Handover Environmental Management Plan
16. Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other independent statutory and regulatory authorities
17. The identification of consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted
18. Whether the effectiveness of consents, permits or licenses as mitigation have been accurately identified in the impact assessment
19. Whether potential releases can be adequately regulated under the pollution control framework
20. Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits
21. Any other relevant matters included in the Initial Assessment of Principal Issues in Annex B
22. Any other relevant and important considerations
23. Any other matters on which agreement might aid the smooth running of the Examination

**E. Network Rail** to include:

1. Bridge widening comfort/impediment

2. Any other matters on which agreement might aid the smooth running of the Examination

**F. Statutory Undertakers** to include:

1. Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation
2. The adequacy of the provisions in the dDCO to protect the public interest
3. The Outline Environmental Management Plan
4. Any other matters on which agreement might aid the smooth running of the Examination

**G. The Royal School for the Deaf** to include:

1. The assessment and mitigation of potential impacts, including in relation to the use and reinstatement of temporary possession land, noise and vibration, air quality, safety and security, access and liaison during construction
2. Any other matters on which agreement might aid the smooth running of the Examination

**H. Cherry Lodge children's residential care home** to include:

1. The assessment and mitigation of potential impacts, including in relation to parking, noise and vibration, air quality, other changes to the local environment and potential impacts on well-being, access and operation
2. Any other matters on which agreement might aid the smooth running of the Examination

**I. Existing Businesses in the vicinity of Markeaton junction** to include:

1. The assessment and mitigation of potential impacts, including in relation to access, safety and economic impact
2. Any other matters on which agreement might aid the smooth running of the Examination