

**Application by Highways England**

**for an**

**Order Granting Development Consent**

**for the**

**A38 Derby Junctions Project**

**EREWASH BOROUGH COUNCIL'S RESPONSE TO THE  
EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS  
AND REQUESTS FOR INFORMATION**

**PINS Reference: TR010022**

**Local Authority Reference: 032176**

<b><u>Question No.</u></b>	<b><u>Erewash Borough Council (EBC) Response</u></b>
<b>1.5</b>	(a) EBC does not request any specific provisions. (b) n/a.
<b>1.12</b>	(a) There are no applicable consents, licenses, or agreements relating to EBC. (b) n/a. (c) EBC has no reason to believe the necessary permits, or licenses, or consents will not be granted. (d) n/a.
<b>1.13</b>	(a) EBC is satisfied that potential releases can be adequately regulated under the pollution control framework. (b) Within Little Eaton and Breadsall there are no existing sources of pollution that would make the development unacceptable when the Proposed Development is added. (c) EBC has no reason to believe the necessary permits, or licenses, or consents will not be granted.
<b>2.2</b>	(a) The development plan list is accurate. (b) There are no emerging development plans. (c) There are no relevant non-statutory local policies.
<b>3.4</b>	(a) EBC has no comments to make regarding the other planned developments. (b) EBC has no comments to make on the allowances.
<b>3.8</b>	(a) n/a. (b) EBC would not find it useful for the Maintenance and Repair Strategy Statement to be submitted to the Examination.
<b>3.10</b>	(a) In line with the views of Derbyshire Wildlife Trust (DWT), EBC considers the net loss of Alfreton Road Rough Grassland Local Wildlife Site to be an adverse impact on the environment. The Applicant's approach to matters of safety, social, and economic benefits are considered appropriate. (b) EBC has no comments to make regarding the local transport model assessment. (c) EBC has no comments to make regarding the mitigation measures and provisions in the draft Development Consent Order (dDCO). (d) EBC has no comments to make regarding the specifics of the Proposed Development. (e) EBC has no comments to make regarding the significant effects. (f) EBC has no comments to make regarding how the details are addressed. (g) EBC is content with the Applicant's engagement with the council.
<b>3.12</b>	(a) EBC has no comments to make regarding the scrutiny of the mitigation proposals post Development Consent Order (DCO). (b) In line with the views of Derbyshire Wildlife Trust (DWT), EBC considers the net loss of Alfreton Road Rough Grassland Local Wildlife Site (LWS) to be an adverse impact on the environment and the inadequately mitigated. EBC has no other concerns about the environmental impacts.

	<p>(c) EBC does not wish any other draft plans, strategies or written schemes to be identified.</p> <p>(d) EBC does not consider any further draft plans, strategies or written schemes need to be submitted.</p> <p>(e) EBC does not wish to be consulted on any plans, strategies or written schemes.</p> <p>(f) EBC does not want to have to agree any plans, strategies or written schemes.</p>
<b>4.4</b>	<p>(a) EBC is content with the study area.</p> <p>(b) EBC has no comments to make regarding the roads sections identified.</p>
<b>4.5</b>	EBC has no comments to make regarding the baseline conditions and surveys.
<b>4.8</b>	EBC has no comments to make regarding the professional judgement to assess driver stress significance of effect.
<b>4.15</b>	<p>(a) EBC is satisfied that the impact on local transport networks and policies have been addressed sufficiently.</p> <p>(b) EBC is satisfied that enough account has been taken of local models.</p> <p>(c) EBC is satisfied that reasonable opportunities have been taken to support other transport modes.</p> <p>(d) EBC is satisfied that a proportionate assessment of the transport impacts on other networks has been undertaken.</p>
<b>4.16</b>	EBC has no comments to make regarding Applicant's assessment methodology, growth assumptions or modelling techniques.
<b>4.17</b>	<p>(a) n/a.</p> <p>(b) n/a.</p> <p>(c) EBC has no comments to make.</p>
<b>4.18</b>	<p>(a) EBC has no comments to make regarding driver stress changes set out in Table 12.5.</p> <p>(b) EBC has no comments to make regarding how the construction traffic model has been used to quantify impacts.</p> <p>(c) EBC has no comments to make regarding the justification of "<i>temporary minor adverse effect</i>".</p> <p>(d) EBC has no comments to make regarding how the assessment derives from the application methodology.</p> <p>(e) EBC has no comments to make regarding whether significance should be identified at different locations.</p> <p>(f) EBC has no comments to make on the Applicant's approach.</p>
<b>4.21</b>	<p>(a) n/a.</p> <p>(b) n/a.</p> <p>(c) n/a.</p> <p>(d) EBC does not wish to have to give approval in advance.</p> <p>(e) EBC has no comments to make.</p>
<b>4.22</b>	<p>(a) n/a.</p> <p>(b) EBC has no comments to make.</p>
<b>4.25</b>	<p>(a) n/a.</p> <p>(b) EBC has no comments to make regarding the outline TMP or the measures to be included in the TMP, but EBC does not wish to have to give approval.</p>
<b>4.29</b>	<p>(a) EBC has no comments to make.</p> <p>(b) EBC has no comments to make.</p> <p>(c) EBC has no comments to make.</p> <p>(d) EBC has no comments to make.</p>

	<p>(e) EBC has no comments to make.</p> <p>(f) EBC has no comments to make.</p> <p>(g) EBC has no comments to make.</p> <p>(h) EBC has no comments to make.</p>
<b>4.30</b>	<p>(a) n/a.</p> <p>(b) n/a.</p> <p>(c) n/a.</p> <p>(d) n/a.</p> <p>(e) n/a.</p> <p>(f) n/a.</p> <p>(g) EBC has no comments to make regarding the driver stress assessment.</p>
<b>4.34</b>	<p>(a) n/a.</p> <p>(b) EBC did not provide feedback.</p>
<b>4.36</b>	<p>(a) n/a.</p> <p>(b) EBC has no comments to make regarding Mansfield Road journey times.</p>
<b>4.37</b>	<p>(a) n/a.</p> <p>(b) n/a.</p> <p>(c) EBC has no comments to make regarding the speed limit and journey times, noise and safety.</p> <p>(d) EBC has no comments to make regarding the A38 speed limits.</p>
<b>4.40</b>	<p>(a) n/a.</p> <p>(b) n/a.</p> <p>(c) n/a.</p> <p>(d) EBC has no comments to make regarding the Ford Lane access options.</p>
<b>4.44</b>	<p>(a) EBC has no comments to make regarding the effects on receptors.</p> <p>(b) EBC has no comments to make regarding relevant mitigation measures.</p> <p>(c) EBC has no comments to make regarding the potential to worsen accessibility would be mitigated.</p> <p>(d) EBC has no comments to make regarding mitigation by design, layout or operation.</p> <p>(e) EBC has no comments to make regarding promoting sustainable development.</p> <p>(f) EBC has no comments to make regarding mitigation measures being enforceable, precise, sufficiently secured and likely to result in the impacts.</p> <p>(g) EBC has no comments to make regarding the identification of all significant impacts.</p>
<b>4.45</b>	<p>(a) EBC is content that the review reflects the effects of the Proposed Development.</p> <p>(b) n/a.</p>
<b>4.47</b>	<p>EBC has no comments to make regarding the Applicant's baseline, assessment and mitigation relative to public transport.</p>
<b>5.4</b>	<p>(a) EBC is content with the Applicant's assessment relating to the study area.</p> <p>(b) EBC is content with the Applicant's assessment relating to the baseline data.</p> <p>(c) EBC is content with the Applicant's assessment relating to the receptors which are representative.</p>

<b>5.5</b>	(a) EBC is content with the Applicant's conclusion that there is no risk of carbon monoxide, 1,3-butadiene, benzene, lead or sulphur dioxide concentrations exceeding national objectives? (b) EBC is not aware of any local factors that might lead to exceedance.
<b>5.6</b>	(a) EBC is content with the Applicant's assessment of PM2.5 including in relation to the European Union (EU) Ambient Air Quality Directive. (b) EBC does not require any additional mitigation measures in relation to PM2.5.
<b>5.10</b>	(a) EBC is content that no internationally or nationally designed sites would be affected by the Proposed Development. (b) n/a.
<b>5.13</b>	EBC has no comments to make regarding baseline conditions and assessment methodology.
<b>5.21</b>	(a) EBC has no comments to make regarding the likely effects on receptors. (b) EBC has no comments to make regarding relevant mitigation measures. (c) EBC has no comments to make regarding whether the mitigation measures are enforceable, precise, reasonable, sufficient and likely to result in the desired residual impacts. (d) EBC has no comments to make regarding all significant impacts.
<b>5.24</b>	(a) EBC has no comments to make regarding the likely effects on receptors. (b) EBC has no comments to make regarding relevant mitigation measures. (c) EBC has no comments to make regarding whether the mitigation measures are enforceable, precise, reasonable, sufficient and likely to result in the desired residual impacts. (d) EBC has no comments to make regarding all significant impacts.
<b>5.25</b>	(a) to (d) EBC has no exceedances.
<b>5.26</b>	(a) and (b) EBC has no non-compliant areas.
<b>5.27</b>	EBC is content the Proposed Development would not result in a zone/agglomeration currently compliant becoming non-compliant.
<b>5.29</b>	(a) EBC is content that both methods are acceptable. (b) Stafford Street is in DCiC's administrative area therefore EBC has no comments to make.
<b>5.30</b>	(a) n/a. (b) EBC has no comments to make regarding mitigation measures.
<b>5.31</b>	(a) n/a (b) EBC considers dust monitoring should be a firm requirement. (c) EBC has no other comments to make regarding dust monitoring.
<b>5.32</b>	(a) n/a (b) EBC considers NO2 monitoring should be a firm requirement. (c) EBC has no other comments to make regarding NO2 monitoring.
<b>5.35</b>	EBC has no other comments to make regarding local policies or plans, and statutory compliance, monitoring, pollution control or other matters.
<b>6.3</b>	(a) EBC are satisfied with the Applicant's proposals in respect of the study area. (b) EBC are satisfied with the Applicant's proposals in respect of the receptors selected for assessment; that they are specified in enough details; and that they are representative.

	(c) EBC are satisfied with the Applicant's proposals in respect of the baseline noise surveys.
<b>6.4</b>	(a) EBC are content with the LOAEL and SOAEL used of for the construction noise and vibration, and for traffic noise. (b) EBC are content with the noise and vibration levels used to identify the magnitudes of impact. (c) EBC are content with the heights of the noise barriers.
<b>6.10</b>	EBC has no further other comments to make regarding baseline conditions, surveys or the overall assessment methodology.
<b>6.13</b>	EBC has no comments to make regarding the use of professional judgement.
<b>6.14</b>	(a) n/a. (b) n/a. (c) EBC considers any exceedances above SOAEL to be significant. (d) EBC considers exceeding SOAEL for 10 days in 15 to be significant.
<b>6.19</b>	(a) n/a. (b) EBC considers that work outside core hours should require the agreement of EBC. (c) EBC does not consider it necessary for the Applicant to have to secure the agreement of EBC before night-time road closures. (d) EBC considers that mitigation measures and monitoring should be specified for night-time or weekend workings. (e) EBC has no comments to make regarding the inclusion of activities in Table 3.2.
<b>6.20</b>	(a) EBC has no comments to make regarding setting noise and vibration limits, and with requiring s61 applications. (b) EBC considers the effectiveness of the specific measures to be acceptable for preventing limits being exceeded, limiting impacts, and encouraging the contractor to minimise noise and vibration. (c) EBC considers the noise and vibration limits including mechanisms for dealing with exceedances should prevent limits being exceeded, limit impacts, and encourage the contractor to minimise noise and vibration. (d) EBC would require a plant/equipment list detailing noise levels and predicted on times; detailed methods to be employed and their durations; and detailed phases of works including timings, locations, and affected residents.
<b>6.21</b>	(a) EBC considers it appropriate for the dDCO to secure the use of a combination of temporary site hoardings or noise barriers followed then by the early installation of permanent noise barriers. (b) n/a.
<b>6.22</b>	(a) EBC are content with the communication proposals. (b) EBC considers it to be appropriate for the measures to be added to the OEMP. (c) EBC would like a community communication and management plan to be a requirement.
<b>6.24</b>	(a) n/a. (b) EBC is not aware of any other developments that would affect the construction noise assessment.
<b>6.25</b>	(a) EBC has no further comments to make regarding the nature of the likely effects on receptors. (b) EBC has no further comments to make regarding the relevant mitigation measures secured by the dDCO and OEMP.

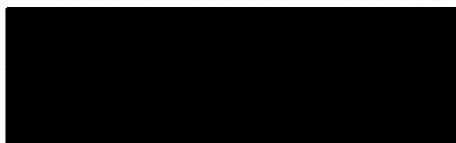
	<p>(c) EBC has no further comments to make regarding whether the mitigation measures are enforceable, precise, reasonable, sufficiently secure and likely to result in the identified residual outputs.</p> <p>(d) EBC has no further comments to make regarding all significant impacts.</p>
<b>6.30</b>	EBC has no further comments to make regarding operational noise and working hours.
<b>6.31</b>	EBC has no further comments to make regarding the Derby Local Transport Plan and locations where noise exceedance would occur in the city of Derby.
<b>6.32</b>	EBC has no further comments to make regarding Derby City Council's (DCiC) draft plan to address the Noise Important Areas within the city of Derby.
<b>6.34</b>	EBC would like a monitoring to be a requirement at locations of potential significant impact where noise and vibration limits might be exceeded.
<b>6.35</b>	<p>(a) n/a.</p> <p>(b) n/a.</p> <p>(c) EBC considers that the proposed mitigation measures should reduce impacts for receptors in Erewash.</p>
<b>6.36</b>	EBC considers that the proposed mitigation measures secured through the dDCO and OEMP should ensure noise and vibration levels do not exceed those in the assessment.
<b>6.41</b>	EBC has no further comments to make regarding local plans and policies; statutory requirements for noise; compliance with the Noise Policy Statement for England (NPSE), National Planning Policy Framework (NPPF), and Government guidance on noise; impact on health; and general statutory compliance.
<b>8.1</b>	<p>(a) EBC agrees with the selection of sites which have been scoped out for further assessment.</p> <p>(b) EBC is not aware of any other sites which should be taken into account.</p> <p>(c) EBC agrees that the remote sites should be scoped out of further assessment.</p>
<b>8.2</b>	EBC considers the approach to surveys to be appropriate.
<b>8.3</b>	<p>(a) The scheme runs through the Derbyshire Peak Fringe and Lower Derwent (50) Natural Character Area.</p> <p>(b) EBC considers that reference should be made to Highways England Biodiversity Plan.</p> <p>(c) EBC considers that the table references the most up to date relevant information.</p>
<b>8.4</b>	EBC considers the approach to the assessment of impacts to be acceptable.
<b>8.5</b>	<p>(a) n/a.</p> <p>(b) n/a.</p> <p>(c) EBC considers that "significant harm" should not solely refer to priority habitats or designated sites as impacts to "non-priority" habitats which also contribute biodiversity value may also be considered significant enough to require compensation.</p>
<b>8.6</b>	(a) n/a.

	(b) EBC considers that further clarification should be provided in respect of demonstrating that the Scheme has achieved no net loss of biodiversity (NNL) through the use of a recognised Biodiversity Metric calculator.
<b>8.7</b>	(a) The mitigation measures have not been agreed by EBC. (b) EBC considers that adequate provision for Green Infrastructure.
<b>8.10</b>	EBC agrees that the standard pollution prevention control and best practise measures would ensure disturbance from construction activities would be neutral.
<b>8.11</b>	(a) n/a. (b) EBC does not agree that the effect on the Alfreton Road Rough Grassland LWS would be neutral since 30% would be lost.
<b>8.12</b>	EBC agrees that the standard pollution prevention control and best practise measures would ensure disturbance from construction activities would be neutral.
<b>8.14</b>	EBC agrees that the standard pollution prevention control and best practise measures would ensure disturbance from construction activities would be neutral.
<b>8.17</b>	EBC is content for the Environment Agency (EA) to have control over the works and EBC does not wish to be consulted.
<b>8.21</b>	EBC considers that enough information has been provided to properly assess the effect of lighting on bats roosting, foraging and commuting.
<b>8.22</b>	EBC is content that the measures within the Outline Biosecurity and Management Plan are robust and could generate a positive effect.
<b>8.24</b>	EBC considers that measures to secure the protection and enhancement of the fields to the south of the Alfreton Road Rough Grassland LWS should be provided for.
<b>9.7</b>	EBC is content with that the selected representative viewpoints capture the full effects of the Proposed Development.
<b>10.4</b>	(a) EBC agree that the policies listed are a full list. (b) n/a. (c) n/a.
<b>10.5</b>	EBC considers that the Proposed Development is a transport infrastructure project which requires a Green Belt location and is not, therefore, inappropriate development in principle.
<b>10.6</b>	EBC considers that whilst the elevated section of road, structures and signage would affect openness, the benefits of the scheme outweigh the resultant harm to openness.
<b>10.25</b>	EBC has no further comments to make regarding the assessment and impacts of severance.
<b>11.8</b>	EBC is content that the effects of the embankment in terms of its height and siting, associated slip road and signage and the lighting have been adequately considered in regards to the settings of Breadsall Conservation Area and the Church of All Saints.
<b>12.6</b>	(a) EBC has no comments to make regarding the carbon footprint of the Proposed Development. (b) EBC has no comments to make regarding carbon footprint targets.
<b>12.7</b>	(a) EBC has no comment to make regarding the assessment of statutory nuisance. (b) EBC has no comment to make regarding whether the provisions relating to statutory nuisance are necessary and appropriate.



<b>12.8</b>	(a) EBC has no comment to make regarding major utility works and connections. (b) EBC has no comment to make regarding permitted development rights. (c) EBC has no comment to make regarding whether the works would cause impediment to the delivery of the Proposed Development.
<b>12.10</b>	(a) EBC has no comment to make regarding the ability of the local waste infrastructure to satisfactorily deal with resultant waste. (b) EBC has no comment to make regarding adverse effects on capacity of the local waste infrastructure.
<b>12.11</b>	EBC are not aware of any civil or military aviation and/or other defence assets that might be affected.
<b>12.12</b>	(a) EBC has no comment to make regarding whether enough opportunities have been taken to improve road safety. (b) EBC has no comment to make regarding other opportunities for safety measures.
<b>12.15</b>	EBC has no further comments to make regarding the issues listed.
<b>13.5</b>	EBC is not aware of aware of any inaccuracies in the BoR, SoR or Land Plans.
<b>13.21</b>	EBC has no comments to make regarding the nature, extent and scope of land, rights and other compulsory powers sought in general but considers that more land may be needed to compensate for the loss of 30% of the Alfreton Road Rough Grassland LWS.
<b>13.28</b>	(a) n/a. (b) n/a. (c) n/a.
<b>13.29</b>	EBC has no comment to make regarding whether reasonable alternatives have been explored sufficiently.
<b>13.58</b>	EBC is not aware that any of the other land within the Order limits comprises a common, open space, or fuel or field garden allotment.
<b>13.68</b>	(a) EBC considers that potential impediments to the development have been properly addressed. (b) EBC has no concerns within or outside the scope of dDCO may not be satisfactorily resolved. (c) EBC does not require triggers to secure acquisitions, consents or other matters before compulsory acquisition should be permitted under the dDCO.

Signed



Date: 18<sup>th</sup> November 2019

Steve Birkinshaw  
Head of Planning & Regeneration