

Application by Highways England

for an

Order Granting Development Consent

for the

A38 Derby Junctions Project

LOCAL IMPACT REPORT (LIR)

OF

EREWASH BOROUGH COUNCIL

PINS Reference: TR010022

Local Authority Reference: 032176

1 Site Description and Surroundings

1.1 Little Eaton Island lies within the Green Belt in an area designated as flood zones 2 and 3. The Midland Mainline railway line which serves both county and national rail services crosses the site, running north-south. The land to the west of the Midland Mainline railway forms part of the Derwent Valley Mills World Heritage Site (DVMWHS). The main part of Little Eaton village lies to the north although the Ford Farm Mobile Home Park and commercial premises lie immediately adjacent to the site. Breadsall village lies to the east and contains a number of heritage assets, e.g. Breadsall Manor, a grade II listed building which is located off Rectory Lane on the northern edge of the village, and Breadsall Conservation Areas lies within the village. Public rights of way cross the site, namely Breadsall Footpaths 1, 2, 3, 7, and 23, as well as Little Eaton Footpath 17 which crosses the location of the proposed main construction compound. The floodplain to the south-west of the existing island and the River Derwent corridor are also wildlife sites and to the east a large woodland and trees on the eastern side of the dual carriageway separates the existing A38 from Breadsall village, though none of the trees within or adjacent to the site are protected by way of Tree Preservation Orders (TPOs). An unnamed surface watercourse downstream of Breadsall Manor feeds into the Dam Brook which flows from Breadsall village towards the Little Eaton Island.

2 The application

2.1 The application relates to three junctions along the A38 trunk road in Derby at Kingsway, Markeaton and Little Eaton. The overall site for the three junctions lies in the administrative areas of Derby City Council (DCiC) in the case of Kingsway Island, Markeaton Island, as well as for part of Little Eaton Island, with DCiC being a unitary authority. The majority of the proposals for Little Eaton island fall within the two tier administrative area of Derbyshire County Council (DCC) and Erewash Borough Council (EBC) and this Local Impact Report (LIR) relates to the proposed improvement works to Little Eaton island from a borough council perspective.

2.2 It is proposed to create a grade separated junction which would allow traffic using the A38 trunk road to travel unhindered through the junction. The A61 which leads towards Derby to the south, and the B6179 Alfreton Road which leads towards Little Eaton to the north, and Ford Lane which serves residential and commercial properties, would be accessed via a roundabout junction below the A38. Two new bridges are proposed to carry the A38 traffic over the new roundabout and the existing roundabout would be extended to the south with new slip roads provided. A dedicated A38 to A61 southbound segregated lane still form part

of the scheme. Two existing bridges, one which carries vehicular traffic over the railway line, and a second which is a flood arch that also serves as an access route linking the land to the north and south of the A38, would be widened in order to carry the new southbound A38 carriageway. A large construction compound would be created to the north of the island on what was a former tip. The Dam Brook would be diverted and then directed into a multi-stage series of flood ponds and to compensate for loss of floodplain a floodplain compensation area would be created to the west of the River Derwent in the administrative area of DCiC.

3 Relevant Development Plan Policies

3.1 The Erewash Core Strategy was adopted by EBC on 6th March 2014. It provides the council with a strategic spatial planning framework through its inclusion of policies which address new housing & regeneration, economic development, town and local centres, Green Belt protection, green infrastructure, climate change, and the positive management of the built and natural environment.

3.2 In addition to the strategic policies contained within the Erewash Core Strategy, a large body of non-strategic planning policy is included as part of the borough's Saved Policies document. Much of the content originates from a succession of adopted Local Plans produced from the 1990s onwards, although scoping work undertaken around the time of the Core Strategy's adoption show that the Saved Policies still remain in broad conformity with national planning guidance.

3.3 Taken together, the policies of the Saved Policies document alongside those of the adopted Core Strategy form the Council's Development Plan.

3.4 Erewash Core Strategy

3.4.1 Policy A: Presumption in Favour of Sustainable Development

The key aspects of this policy which are relevant to the proposed development are:

1. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever

possible, and to secure development that improves the economic, social and environmental conditions in the area.

Comments on the relevance to the proposals:

The National Planning Policy Framework (NPPF) states that there are three overarching objectives to achieving sustainable development: economic, social, and environmental. Consideration of the proposed development must balance these objectives and they all lie at the heart of the proposed scheme. The main aims of the A38 Derby Junctions project as a whole are to reduce congestion and improve the reliability of journey times between Birmingham, Derby and the M1; help facilitate regional development and growth; improve safety for all road users, and for those people living near the junctions; and connect people by maintaining existing crossings and ramps or provide new means for cyclists, pedestrians and disabled users to cross the road. Despite, the impacts of the proposed development in terms of flood risk, noise, air quality, visual impact, and impact on heritage assets, it is considered that the presumption in favour of development should apply to the proposals.

3.4.2 Policy 1: Climate Change

The key aspects of this policy which are relevant to the proposed development are:

1. All development proposals will be expected to mitigate and adapt to climate change, and to comply with national targets on reducing carbon emissions and energy use.

6. Where no reasonable site within Flood Zone 1 is available, allocations in Flood Zone 2 and Flood Zone 3 will be considered on a sequential basis.

9. All new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Urban Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible.

Comments on the relevance to the proposals:

In terms of point 1 above, there is a conflict between trying to avoid encouraging the use of the private car and the fact that enhancing road infrastructure would, for example, reduce congestion and improve the reliability of journey times, thus making car use easier. Economic growth is vital for the future of Derby and the wider area and the proposed development is considered to be an important part of that growth strategy and would, therefore, assist in off-setting the adverse impacts of that growth.

In terms of point 6 above, the site is located within flood zones 2 and 3 and alterations to this junction inevitably mean engineering operations having to be undertaken within a flood risk zone. It is noted that compensatory flood storage is proposed as part of the proposed development, which is considered adequate to mitigate this.

In terms of point 9 above, the scheme incorporates attenuation in the form a series of ponds which is considered to be a suitable form of sustainable drainage.

3.4.3 Policy 2: The Spatial Strategy

The key aspects of this policy which are relevant to the proposed development are:

1. Sustainable development in the plan area will be achieved through a strategy of urban concentration with regeneration. Most development will therefore be located in or adjoining the urban areas of Ilkeston (including Kirk Hallam) and Long Eaton (including Sandiacre and Sawley).
2. The settlement strategy to accommodate this growth is illustrated on the Key Diagram and consists of:
 - a) Ilkeston urban area: strategic growth to maximise opportunities for regeneration and economic development of the town;
 - b) Long Eaton urban area: development to meet the needs of the existing community over the plan period; and
 - c) Rural areas: development restricted to within existing settlement boundaries to preserve the openness of the Green Belt.

3. A minimum of 6,250 new homes (2011 to 2028) will be provided for and distributed as follows:
 - a) Approximately 4,500 homes in or adjoining Ilkeston urban area including approximately 2,000 homes at Stanton Regeneration Site;
 - b) Approximately 1,450 homes in or adjoining Long Eaton urban area; and
 - c) Approximately 300 homes within rural settlement boundaries.
4. The Council will prepare a comprehensive action plan to identify and promote those housing sites capable of delivery in the short term and therefore able to ensure that the housing land supply requirements of the National Planning Policy Framework are met. If these requirements are not being met at the latest by the land supply calculated on the basis of the 2015 Strategic Housing Land Availability Assessment then the plan will be reviewed.
5. Significant new employment development will take place at the Stanton Regeneration Site. Further detail is set out at Policy 20.
6. Retail, health, social, leisure and cultural development will be focused in or on the edge of the Town Centres of Ilkeston and Long Eaton. Further detail is set out at Policy 6.
7. Sustainable alternatives to using the private car will be encouraged to address the impacts of growth and meet the objectives of Local Transport Plans. Further detail is set out in Policy 14. This will include:
 - a) reopening Ilkeston railway station;
 - b) enhancing bus connectivity to and from Ilkeston; and
 - c) promoting sustainable travel plans/smarter choices.
8. Strategic Green Infrastructure will be provided or enhanced, in conjunction with the locations for major residential development identified above, in the Strategic River Corridors of the Trent and Erewash, canal corridors, recreation trails and Urban Fringe areas. Further detail is set out at Policy 16.

Comments on the relevance to the proposals:

The policy sets out the overarching way in which the borough as a whole will grow within the plan period, and demonstrates why infrastructure improvements will be required in the borough. These are in addition to the economic development needs of Derby city itself. Though the proposals do not contribute to the above strategy, neither are they considered to contradict it.

3.4.5 Policy 3: Green Belt

The key aspects of this policy which are relevant to the proposed development are:

1. The principle of the Nottingham-Derby Green Belt will be retained. Within Erewash, when considering proposals for development within the Green Belt, regard will be given to:
 - a) the statutory purposes of the Green Belt;
 - b) maintaining the strategic openness of the Green Belt between the towns of Ilkeston and Long Eaton and the Derby urban area;
 - c) ensuring the continued separation of neighbouring towns and rural settlements within Erewash borough;
 - d) safeguarding valued countryside; and
 - e) preserving the setting and special character of Erewash towns and rural settlements.

Comments on the relevance to the proposals:

The Little Eaton junction is located within the Erewash Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF acknowledges at paragraph 146 (c) that local transport infrastructure that can demonstrate a requirement for a Green Belt location, such as the Little Eaton Island, can be considered as appropriate development. Consequently it is considered that the proposals are appropriate development.

Notwithstanding their appropriateness, it is necessary to also consider the impact of the proposals on the openness of the Green Belt. As the proposals include a wider footprint of road space, and the creation of visually prominent embankments, fences and overbridges, it is considered to have an impact on openness. However, the proposals would deliver

significant benefits in respect of relieving traffic congestion, supporting the integration and improvement of part of the national network of road infrastructure, as well as supporting development and growth in and around Derby and the surrounding areas. These material considerations are accepted as being of such significance to more than outweigh the harm caused to openness.

3.45 Policy 10: Design and Enhancing Local Identity

The key aspects of this policy which are relevant to the proposed development are:

1. All new development should be designed to:

- a) make a positive contribution to the public realm and sense of place;
- b) create an attractive, safe, inclusive and healthy environment;
- c) have regard to the local context and reinforce valued local characteristics; &
- d) reflect the need to reduce the dominance of motor vehicles.

2. Development will be assessed in terms of its treatment of the following elements:

- a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
- b) permeability and legibility to provide for clear and easy movement through and within new development areas;
- c) density and mix;
- d) massing, scale and proportion;
- e) materials;
- f) impact on the amenity of nearby residents or occupiers;
- g) incorporation of features to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promotion of safer living environments; and
- h) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views.

3. Outside of settlements, new development should protect, conserve or where appropriate, enhance landscape character. Proposals will be assessed with reference to the Derbyshire Landscape Character Assessment.

Comments on the relevance to the proposals:

The proposed development will constitute a significant engineering operation with large structures to create the bridges. Whilst prominent, the proposed development will mostly incorporate roads surfaces on embankments and the bridges will be above the roundabout. As such the utilitarian design is considered appropriate in this context.

3.4.6 Policy 11: The Historic Environment

The key aspects of this policy which are relevant to the proposed development are:

1. Proposals and initiatives will be supported where the significance of heritage assets and their settings would be sustained or enhanced. Planning decisions will take into account the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
2. Local Development Documents will take into account the desirability of sustaining and enhancing the significance of heritage assets, as well as the contribution made by the historic environment to an area's sense of place.
3. A variety of strategic approaches will be used to assist in the conservation and enjoyment of the historic environment and to ensure that evidence about the historic environment and heritage assets is publicly documented:
 - a) considering investment in and enhancement of historic places including the public realm and the setting of heritage assets;
 - b) publishing proposals for the preservation and enhancement of conservation areas in the form of management plans;
 - c) considering the use of Article 4 directions to control the impact of permitted development on the historic environment;
 - d) identifying heritage assets worthy of designation locally, including the identification of potential conservation areas;
 - e) appraising the character of existing conservation areas;
 - f) requiring developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part); and
 - g) considering the need for the preparation of further local evidence.

4. The impact upon the historic environment of planning policies and decisions will be monitored. Particular attention will be paid to the degree to which individual or groups of heritage assets are at risk of neglect, decay or other threats.

Comments on the relevance to the proposals:

Impacts on designated heritage assets within Breadsall village, notably Breadsall Conservation Area, Breadsall Manor, and All Saints Church, have been assessed in the submission as being relatively minor, resulting in a slight adverse effects. Examining the characteristics of these heritage assets it is considered that these conclusions are reasonable and as a consequence the proposed development would not significantly adversely affect listed buildings, or Breadsall Conservation Area.

In terms of the impact on the DVMWHS the submissions advise that there may be an impact on the Outstanding Universal Value (OUV) of the DVMWHS. OUV is the reason why a site is inscribed on the United Nations Educational, Scientific and Cultural Organisation's (UNESCO's) World Heritage List. The submission concludes that impact on the significance and OUV of the Derwent Valley Mills WHS as a whole is considered to be negligible. Given that the only impact in the EBC area is to replace the existing road embankment and bridges across the floodplain with slightly larger ones, this conclusion is considered reasonable.

3.4.7 Policy 14: Managing Travel Demand

The key aspects of this policy which are relevant to the proposed development are:

1. The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 2, in combination with the delivery of sustainable transport networks to serve these developments.
2. Development sites should be readily accessible by walking, cycling and public transport, but where accessibility deficiencies do exist these will need to be fully addressed. The effective operation of the local highway network and its ability to provide sustainable transport solutions should not be compromised.

3. A hierarchical approach to ensure the delivery of sustainable transport networks to serve, in particular, the sustainable new neighbourhood at the Stanton Regeneration Site (Policy 20), will be adopted which will seek to provide (in order of priority):

- a) site specific and area wide travel demand management (measures to reduce travel by private car and incentives to use walking, cycling and public transport for appropriate journeys, including intensive travel planning);
- b) improvements to walking and cycling facilities and public transport services that are provided early in the build out period of new developments and that are sufficient to encourage sustainable modes of transport;
- c) optimisation of the existing highway network to prioritise walking, cycling and public transport that are provided early in the build out period of new developments, such as measures to prioritise the need of pedestrians above the car and improved or new cycle and bus lanes; and
- d) highway capacity enhancements to deal with residual car demand where the initiatives required under points (a) to (c) above are insufficient to avoid significant additional car journeys.

4. There will be a level of iteration between the stages of the hierarchy above to ensure their effective delivery and the implementation of the approach will have regard to the needs of people with mobility difficulties.

Comments on the relevance to the proposals:

The proposed development has its main cycle connectivity provision in the form of the realignment of existing National Cycle Network (No. 54), a cycle/pedestrian surfaced path running along the western side of the A61 which continues through the proposed Little Eaton junction in order to connect Derby with Little Eaton to the north, and beyond. This provision is considered appropriate and effective in meeting the requirements of Policy 14.

It is also noted that part of Breadsall FP3 would be permanently closed, with alternative provision requiring a diversion along FP1 to cross the A61 dual carriageway. However, given that the existing FP3 route requires a crossing of the busy A38, the alternative provision is considered to present no detriment to footpath connectivity.

3.4.8 Policy 15: Transport Infrastructure Priorities

The key aspects of this policy which are relevant to the proposed development are:

2. New development, singly or in combination with other proposed development, must include a sufficient package of measures to ensure that journeys by non private car modes are encouraged, and that residual car trips will not unacceptably compromise the wider transport system in terms of its effective operation.

Comments on the relevance to the proposals:

As stated above, the proposed development has its main cycle connectivity provision in the form of the realignment of existing National Cycle Network (No. 54) which would maintain current cycle connectivity. By improving road connectivity, the proposals would also improve bus connectivity by making such journeys faster and more reliable.

3.4.9 Policy 17: Biodiversity

The key aspects of this policy which are relevant to the proposed development are:

1. The biodiversity of Erewash will be increased over the Core Strategy plan period by:
 - a) protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Lowland Derbyshire Local Biodiversity Action Plans;
 - b) ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats;
 - c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
 - d) supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
 - e) ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

2. Designated national and local sites of biological or geological importance for nature conservation will be protected in line with the established hierarchy of designations and the designation of further protected sites will be pursued.
3. Development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

Comments on the relevance to the proposals:

The proposed development will impact on ecological interests, including the Alfreton Road Rough Grassland Local Wildlife Site (LWS), leading to the loss of 30% of the LWS. It is considered that compensation for this loss should be provided through habitat creation and enhancement on land adjoining the remaining LWS in order for the proposed development to comply with this policy.

3.5 Erewash Saved Local Plan

3.5.1 Policy T6 - Cycling

The key aspects of this policy which are relevant to the proposed development are:

In considering applications for development, facilities for cyclists will be sought by negotiating Section 106 planning obligations with developers, provided that the obligations are directly related to the proposed development and are necessary to make it acceptable in land-use planning terms.

Comments on the relevance to the proposals:

The realignment of existing National Cycle Network (No. 54) and the provision of a shared cycle/pedestrian surfaced path from Ford Lane, along the northern side of the proposed A38 northbound exit slip connecting to the new junction should provide an appropriate level of infrastructure for cyclists.

3.5.3 Policy EV6 - Listed buildings

The key aspects of this policy which are relevant to the proposed development are:

Buildings listed by the secretary of state for culture, media and sport as being of architectural or historic interest will be protected from inappropriate alteration and unsympathetic development which could harm their character or setting. Listed building consent will not be granted for the demolition or inappropriate alteration or the removal of important internal or external features, of listed buildings. Planning permission will only be permitted for the change of use or conversion of a listed building where full details of design, materials, and impact on its setting of such a use has been submitted, where the change of use is vital to ensure the preservation of the listed building without loss of its character, and where the change of use will not be detrimental to local amenities.

Comments on the relevance to the proposals:

Impacts on designated heritage assets within Breadsall village, notably Breadsall Conservation Area, Breadsall Manor, and All Saints Church, have been assessed in the submission as being relatively minor, resulting in only slight adverse effects. Examining the characteristics of these heritage assets it is considered that these conclusions are reasonable and as a consequence the proposed development would not significantly adversely affect listed buildings, or Breadsall Conservation Area.

3.5.4 Policy EV9 - Scheduled ancient monuments and sites of archaeological significance

The key aspects of this policy which are relevant to the proposed development are:

1. In considering applications for development, there will be a presumption in favour of the physical preservation of scheduled ancient monuments and other nationally important monuments. Planning permission for development that would have an adverse effect on the monument or its setting will be not be considered favourably.
2. In granting planning permission for development which would affect other sites of archaeological significance the local planning authority will seek preservation in situ as the preferred option. Where preservation in situ is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.

3. Where development proposals affect sites of known or possible archaeological interest, an archaeological assessment or, if necessary, a field evaluation will need to be submitted with the planning application.

Comments on the relevance to the proposals:

There are no known or suspected archaeological assets within the area of the proposals. As such archaeology issues are not considered a significant barrier to the delivery of the development.

3.5.5 Policy EV10 - Sites of special scientific interest, regionally important geological sites and geomorphological sites, local nature reserves and sites of importance for nature conservation.

The key aspects of this policy which are relevant to the proposed development are:

1. Development in or likely to affect sites of special scientific interest (SSSI) will be subject to special scrutiny. Where such development may have an adverse effect, directly or indirectly on the special interest of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites.
2. development likely to have a significant adverse effect on a local nature reserve, a site of importance for nature conservation or a regionally important geological/ geomorphological site, will not be permitted unless it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site.

In all cases where development is permitted which would damage the nature conservation value of the site or feature, such damage will be kept to a minimum. Conditions and/or Section 106 planning obligations will be used to secure necessary mitigation or compensatory measures.

Comments on the relevance to the proposals:

The proposed development will impact on ecological interests, including the Alfreton Road Rough Grassland Local Wildlife Site (LWS), leading to the loss of 30% of the LWS. It is considered that compensation for this loss should be provided through habitat creation and enhancement on land adjoining the remaining LWS in order for the proposed development to comply with this policy.

3.5.6 Policy EV11 - Protected species and threatened species

The key aspects of this policy which are relevant to the proposed development are:

Development that would cause either indirect or adverse impacts on species that are protected by law or identified as nationally rare will only be permitted where:

1. A full and detailed survey has been carried out by a qualified ecological consultant to determine the status of the population, the likely impact of all phases of the development and any mitigation that may be necessary.
2. Proposals are submitted and supported by a section 106 obligation that clearly demonstrates how the necessary mitigation will be achieved so that favourable conservation status of the species can be maintained on the site.
3. It is not a European protected species as defined in the 1994 Conservation (Natural Habitats, &c.) Regulations. Mitigation measures may be proposed in order to avoid or reduce disturbance to an acceptable level. However, permission will be granted only where impacts have been clearly identified in an ecological and/or geological statement, and acceptable measures to minimise or remove the impact can be implemented, managed or monitored in accordance with an agreed scheme. Priority will be given to retaining or replacing as many of the important features on the site. The borough council will require evidence to demonstrate that the retention or replacement is unviable prior to considering off site replacements, which will be allowed only as a last resort. Where such measures cannot be secured by appropriate planning conditions they will be secured via legal agreements and section 106 obligations.

Comments on the relevance to the proposals:

The proposals are supported by adequate survey data, and adequate mitigation is proposed via the controls of the dDCO.

3.5.7 Policy EV12 - Nature conservation – planning obligations and conditions

The key aspects of this policy which are relevant to the proposed development are:

In considering development proposals the use of planning conditions and planning obligations will be considered where necessary to offset harm and secure the beneficial management of features of major importance for wildlife.

Comments on the relevance to the proposals:

Controls within the dDCO would ensure that these matters are adequately addressed.

3.5.8 Policy EV14 - Protection of trees and hedgerows

The key aspects of this policy which are relevant to the proposed development are:

Planning permission will not be given for development which would destroy hedgerows, areas of woodland, ancient woodland, trees protected by a tree preservation order, or trees in a conservation area unless their removal would:

1. Be in the interests of good arboricultural practice; or unless
2. The proposed development outweighs the amenity and conservation value of the protected trees, woodlands or hedgerows.

If the removal of a hedgerow or one or more trees is permitted as part of a development, a condition may require that a replacement hedgerow or an equivalent number or more new trees be planted either on or near the site.

Where trees are to be retained, planning permission will not be granted for development, including buildings, roads, pavements and underground services which will adversely affect the health of the trees.

Comments on the relevance to the proposals:

Whilst the proposed development would result in the loss of a significant number of trees, none of these trees are protected by way of TPO. The proposed development includes landscaping and this will go some way to off-setting the loss of the trees. This approach is considered to be reasonable.

3.5.9 Policy EV16 - Landscape character

The key aspects of this policy which are relevant to the proposed development are:

Development should recognise and accord with the landscape character within which it is located having regard to materials of construction, height of buildings, roof design, landscaping, means of access, density of development, sustainable patterns of development and traffic generation being appropriate for the location of the development.

Comments on the relevance to the proposals:

In terms of the proposed development as a whole the Landscape and Visual Impact Assessment (LVIA) concludes that as the landscape design matures, landscape and visual effects would reduce, such that by year 15 of Scheme operation there would be no significant effects. The proposed development at Little Eaton island includes significant landscaping areas to assist with the integration of the road into the landscape. The conclusions of the LVIA are considered reasonable and as such the proposed development not considered to unduly affect landscape character.

3.5.10 Policy EV19 - World heritage site and buffer zone

The key aspects of this policy which are relevant to the proposed development are:

Within the defined world heritage site and buffer zone, as shown on the proposals map, development will only be permitted if it does not have an adverse effect on the world heritage site or its setting, and it accords with other policies in the local plan. Regard will be given to the visual impact of a proposed development, traffic generation, scale and design, materials of construction, any loss of historical landscape or cultural heritage, and environmental impact.

Comments on the relevance to the proposals:

In terms of the impact on the DVMWHS the submissions advise that there may be an impact on the Outstanding Universal Value (OUV) of the DVMWHS. OUV is the reason why a site is inscribed on the United Nations Educational, Scientific and Cultural Organisation's (UNESCO's) World Heritage List. The submission concludes that impact on the significance and OUV of the Derwent Valley Mills WHS as a whole is considered to be negligible. Given that the only impact in the EBC area is to replace the existing road embankment and bridges across the floodplain with slightly larger ones, this conclusion is considered reasonable.

3.5.11 Policy R2 - Rights of way

The key aspects of this policy which are relevant to the proposed development are:

The rights of way network will be maintained and improved wherever opportunities arise. Priority will be given to the urban fringe.

Planning permission will be granted for development which affects a public right of way only where the proposals include for either the retention of the route on its existing alignment, or for the provision of an alternative route which is equally attractive, safe and convenient.

Comments on the relevance to the proposals:

It is noted that part of Breadsall FP3 would be permanently closed, with alternative provision requiring a diversion along FP1 to cross the A61 dual carriageway. However, given that the existing FP3 route requires a crossing of the busy A38, the alternative provision is considered to present no detriment to footpath connectivity.

3.5.12 Policy R3 - Cyclepaths/cycle parking

The key aspects of this policy which are relevant to the proposed development are:

Cyclepaths will be developed wherever opportunities arise. Priority will be given to schemes which form part of a strategic network or bypass a dangerous section of highway. Private developers will be required to include cyclepaths and cycle parking in their development proposals, where appropriate.

Comments on the relevance to the proposals:

The realignment of existing National Cycle Network (No. 54) link from Ford Lane to the new junction will ensure cyclists are suitably accommodated.

3.5.13 Policy DC7 - Development and flood risk

The key aspects of this policy which are relevant to the proposed development are:

Planning permission will only be granted for development proposals within areas of flood risk where the development would have no adverse effect on the management of that risk. Where it is judged that a development proposal would be likely to increase flood risk, satisfactory compensatory measures will need to be incorporated.

When considering development proposals the council will have regard to the need to:

1. Ensure that development is adequately protected from flooding;
2. Provide access to a watercourse for maintenance purposes;
3. Prevent development from exacerbating existing or potential flood risk;
4. Ensure that there are no reasonable alternative options available for the proposed development in a lower flood risk category, consistent with other sustainable development objectives.

Comments on the relevance to the proposals:

As stated previously whilst the site is located within flood zones 2 and 3, any alterations to this junction inevitably mean them taking place on land at the same flood risk. Compensatory flood storage would be provided as well as attenuation in the form a series of surface water management ponds. These measures mean that flood risk is addressed.

3.5.14 Policy GB1 - Green Belt

The key aspects of this policy which are relevant to the proposed development are:

Within the Green Belt, as defined on the proposals map, there will be a presumption against inappropriate development, except in very special circumstances where inappropriate development can be justified, planning permission will only be granted for appropriate development as follows:

1. Buildings associated with agriculture or forestry providing the proposals satisfy the criteria of policy GB8;
2. Essential facilities for outdoor recreation, outdoor sport and other land uses which would preserve the openness of the green belt and would not conflict with the reasons for including land within the Green Belt;
3. New development on previously developed or brownfield land which represents infilling or consolidation provided the proposals satisfy the criteria in policy GB2;
4. The re-use of existing buildings provided the proposals satisfy the criteria of policies GB3, GB4 and GB5;
5. New development to provide affordable housing on 'rural exceptions' sites, providing the proposals satisfy the criteria in policy GB7.

Comments on the relevance to the proposals:

The Little Eaton junction is located within the Erewash Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF acknowledges at paragraph 146 (c) that local transport infrastructure that can demonstrate a requirement for a Green Belt location, such as the Little Eaton Island, can be considered as appropriate development. Consequently it is considered that the proposals are appropriate development.

4 Other relevant development proposals

There have been no significant developments either approved or implemented within the borough which would have implications for the delivery of the proposed development.

5 Comments on the draft Development Consent Order (dDCO)

Article 33 (4) requires the undertaker to remove all temporary works and restore the land to the condition and level it was in on the date on which possession of the land was first taken by the undertaker or such other condition as may be agreed with the owners of the land. In terms of the Little Eaton junction, the compound would be sited on a former tip and it would be more appropriate for the land not to be restored as a tip, rather generally landscaped.

6 Summary and Conclusion

There is a clear need for the delivery of the proposed development and EBC supports the proposal in principle but acknowledge that there will be some environmental impacts, particularly during the construction stages until the full effect of mitigation works are in place. The council expect the Secretary of State to balance the overall benefits of the scheme and their contribution to supporting the future growth of this part of the borough and Derby city against the adverse impacts that may be experienced during both the construction, and the operational stage.

Signed

A black rectangular box redacting the signature of Steve Birkinshaw.

Date: 18th November 2019

Steve Birkinshaw
Head of Planning & Regeneration