

**From:** [clerk@breadsallparishcouncil.org.uk](mailto:clerk@breadsallparishcouncil.org.uk)  
**To:** [A38 Derby Junctions](#)  
**Cc:** "Michael Poplar"; [REDACTED]  
**Subject:** A38 Derby Junctions Hearings.  
**Date:** 09 December 2019 15:59:37  
**Attachments:** [REDACTED]

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Good Afternoon

Further to the attached letter I have been asked to pass on the following information in relation to questions and issues that Breadsall Parish Council would like to raise at the hearing:

1. The choice of route. We wish to address HE's response to question 2.6(b) in the "Issues and questions" list. We are unclear as to where this is covered in the agenda and request your advice on when we would speak on this item.
2. Landscaping. We wish to address HE's response to our landscaping concerns. This will presumably fit within item 3e) on the agenda. Item 16 on your "Issues and questions" list.
3. We wish to address HE's response to our concerns over the proposed footpath diversion. This will presumably fit within item 14 on your "Issues and questions" list. We are unclear as to where this is covered in the agenda and request your advice on when we would speak on this item. In order to clarify the proposed footpath diversion we attach a map showing the existing footpath route leading to the north side of the junction, shown in red and the diversion caused by the severing of a crossing point at the roundabout, shown in yellow.

I trust this is acceptable if you should have any queries please don't hesitate to contact me.

Kind regards

Nicala

**Nicala O'Leary**  
**Clerk/RFO**  
**Breadsall Parish Council**  
**01332 874619**  
**c/o 20 Cleveland Avenue, Draycott, Derbyshire, DE72 3NR**  
**Please note that my working hours are 10 per week generally in the afternoon.**

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To All Interested Parties

Our Ref: TR010022

Date: 3 December 2019

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Dear Sir/ Madam

## **The Planning Act 2008 – Sections 91 to 94 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 14**

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

#### **Agendas for Hearings on 10 and 11 December 2019**

I am writing to all Interested Parties to set out the arrangements and agendas for the hearings that will be held on 10 and 11 December 2019. These are the hearings notified in my letter of 29 October 2019, except for the 12 December 2019 Issue Specific Hearing that was cancelled in my letter of 18 November 2019.

This letter also adds more detail to the matters to be discussed at Issue Specific Hearing 2 on 11 December 2019. Topics for that meeting were provided in my letters of 12 November 2019 and 18 November 2019.

The hearing agendas are set out in the Annexes to this letter:

- **Annex A – Agenda for Compulsory Acquisition Hearing 1** to be held at 10.00am on Tuesday 10 December 2019
- **Annex B – Agenda for the Open Floor Hearing** to be held at 6.00pm on Tuesday 10 December 2019
- **Annex C – Agenda for Issue Specific Hearing 2** to be held at 10.00am on Wednesday 11 December 2019

All hearings will be held at **Derby Conference Centre**, London Rd, Derby DE24 8UX. Free car parking will be provided. Arriva Derby buses 1 and 1A run frequently from Derby Bus Station to the Wilmorton Ascot Drive bus stop, which is approximately 3 minutes' walk from the venue.

At least one member of the Planning Inspectorate's Case Team will be available at the venue for half an hour before each hearing commences. It will be helpful if participants could please make themselves known to the Case Team during this time.

## **Participation, conduct and management of the hearings**

Guidance under the Planning Act 2008 and the Examination Procedure Rules provide that at hearings it is the Examining Authority (ExA) that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearings will therefore be led by the ExA. Interested Parties wishing to make a representation will be invited to do so at the ExA's discretion.

After the Examination Timetable was set, a General Election was called for 12 December 2019. So, these hearings will now be held on the two days before the General Election. Participants at the hearings are reminded that the purpose of the hearings is to assist us, the ExA, in our examination. **The hearings are subject to our powers of control over their conduct and are not to be used as a political platform.**

Audio recordings will be made of the hearings.

Specific notes on participation, conduct and management matters for each hearing are provided in the Annexes to this letter.

## **After the hearings**

The audio recordings and, as the ExA considers necessary, any summaries of actions will be made available on our website as soon as is practicable after the hearings.

Written summaries of oral representations and any post-hearing documents requested by the ExA are to be received by **Thursday 19 December 2019**, which is Deadline 3 of the Examination.

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

In the meantime, we look forward to continuing to work with all parties.

Yours faithfully

*Stuart Cowperthwaite*

**Stuart Cowperthwaite, Lead Member of the Panel**

## **Annexes**

- A** Agenda for Compulsory Acquisition Hearing 1
- B** Agenda for the Open Floor Hearing
- C** Agenda for Issue Specific Hearing 2

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## Agenda for Compulsory Acquisition Hearing 1 (CAH1)

CAH1 is being held by the Examining Authority (ExA) because the application includes a request for an order granting development consent to authorise compulsory acquisition (CA) of land or CA of an interest in or right over land.

The following are entitled, subject to the ExA's powers of control over the conduct of the hearing, to make oral representations about the CA request:

- (a) the Applicant; and
- (b) each Affected Person.

This agenda is for guidance and is not exclusive or exhaustive. The ExA reserves the right to rearrange the agenda on the day; may add other issues; may alter the order in which issues are considered; or may ask for some matters to be addressed in post-hearing submissions. Breaks may be taken as directed by the ExA.

<b>Agenda for CAH1</b>	
10.00am on Tuesday 10 December 2019. Seating from 9.30am.	
<b>Item 1</b>	<b>Welcome, opening remarks and introductions</b>
<b>Item 2</b>	<b>The purpose of CAH1 and how it will be conducted</b>
<b>Item 3</b>	<p><b>The Applicant's case for CA and Temporary Possession (TP)</b></p> <p>The ExA will invite the Applicant to present and justify its case for CA and TP under each of the following headings:</p> <ul style="list-style-type: none"> <li>a) The Applicant's overall approach to CA and TP in the context of the relevant tests under the Planning Act 2008 and DCLG Guidance<sup>1</sup>.</li> <li>b) The purpose, structure and content of the Book of Reference, the Statement of Reasons and the Funding Statement.</li> <li>c) The need for CA and TP and the minimisation of need.</li> <li>d) The consideration of alternatives.</li> <li>e) Crown interests and consent.</li> <li>f) Statutory Undertakers and any other parties benefiting from statutory protections that may be affected.</li> <li>g) Special Category Land, including open space &amp; replacement land.</li> <li>h) The availability and adequacy of funds.</li> <li>i) Potential impediments to the Proposed Development.</li> <li>j) Human rights and the compelling case in the public interest.</li> </ul> <p>The ExA will, as it considers necessary:</p> <ul style="list-style-type: none"> <li>• ask questions of the Applicant;</li> <li>• invite Affected Persons to raise any general points, although plot-specific matters will be reserved to agenda item 4;</li> <li>• invite the Applicant and any other parties to respond;</li> <li>• take other contributions and ask any further questions; and</li> <li>• provide the Applicant with an opportunity to reply.</li> </ul>

<sup>1</sup> Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

<b>Item 4</b>	<p><b>Individual objections and issues</b></p> <p>The ExA will review the status of CA and/or TP objections and issues with respect to specific plots:</p> <ol style="list-style-type: none"> <li>a) Residential land and property.</li> <li>b) Other, including commercial, land and property.</li> <li>c) Other CA or TP rights issues.</li> </ol> <p>In each case the ExA will invite any Affected Person, or their representatives, in attendance to make an oral submission.</p> <p>The ExA will, as it considers necessary:</p> <ul style="list-style-type: none"> <li>• ask questions of the Affected Persons, or their representatives, and the Applicant;</li> <li>• invite parties to respond;</li> <li>• ask any further questions; and</li> <li>• provide the Affected Persons, or their representatives, and the Applicant with an opportunity to reply.</li> </ul>
<b>Item 5</b>	<p><b>Crown, Statutory Undertakers' and Special Category Land Issues</b></p> <p>The ExA will review the status of CA and/or TP objections and issues with respect to:</p> <ol style="list-style-type: none"> <li>a) Crown interests and consent.</li> <li>b) Statutory Undertakers.</li> <li>c) Special Category Land <ul style="list-style-type: none"> <li>• open space; and</li> <li>• replacement land.</li> </ul> </li> </ol> <p>In each case the ExA will invite any relevant body in attendance to make an oral submission.</p> <p>The ExA will, as it considers necessary:</p> <ul style="list-style-type: none"> <li>• ask questions of the relevant bodies and the Applicant;</li> <li>• invite parties to respond;</li> <li>• ask any further questions; and</li> <li>• provide the relevant bodies and the Applicant with an opportunity to reply.</li> </ul>
<b>Item 6</b>	<p><b>Any other CA or TP matters</b></p> <p>Time permitting, and at its discretion, the ExA may invite any parties present to raise any other CA or TP matters.</p>
<b>Item 7</b>	<p><b>Issues and actions arising, the audio record of the hearing and the next steps in the Examination</b></p>
<b>Item 8</b>	<p><b>Any other business and close of CAH1</b></p>

## **Participation in CAH1**

All Affected Persons and their representatives and the Applicant are invited to attend CAH1.

It will assist us in our Examination if the following parties, or their representatives, could please participate in this hearing:

- Affected Persons at 257 and 259 Ashbourne Road
- Affected Persons at 2, 4, 6, 8, 10, 12, 14, 16, 18, 24, 26, 30 and 32 Queensway
- Affected Persons at 253 Ashbourne Road, 1 Sutton Close, 14 Sutton Close and Sutton Turner House(s)
- Affected Persons at other residential properties
- Royal School for the Deaf Derby
- Haven Care Group Ltd / Cherry Lodge children's residential care home
- Euro Garages Limited
- McDonald's Restaurants Limited
- Millennium Isle of Man Limited
- Network Rail Infrastructure Limited
- Cadent Gas Limited
- Severn Trent Water Limited
- Western Power Distribution (East Midlands) plc
- Derby City Council
- Derbyshire County Council
- Erewash Borough Council
- any other Statutory Undertakers with interests in the affected area
- any other parties benefiting from statutory protections that may be affected
- any other Affected Persons
- any other Interested Parties who consider that their rights may be affected by CA or TP

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

## Agenda for the Open Floor Hearing (OFH)

At the OFH each Interested Party is entitled, subject to the ExA's powers of control over the conduct of the hearing, to make oral representations about the application.

<b>Agenda for OFH</b>	
6.00pm on Tuesday 10 December 2019. Seating from 5.30pm.	
<b>Item 1</b>	<b>Welcome, opening remarks and introductions</b>
<b>Item 2</b>	<b>The purpose of the OFH and how it will be conducted</b>
<b>Item 3</b>	<b>Confirmation of who has notified the ExA of a wish to be heard at the OFH</b>
<b>Item 4</b>	<p><b>Oral submissions from Interested Parties</b></p> <p>Each Interested Party that has indicated a wish to speak will be invited in turn to speak at a table set up in front of the ExA.</p> <p>These oral submissions should be based on representations previously made in writing by the speaker. However, they should not simply repeat matters previously covered in a written submission, but rather provide further detail, explanation and corroborative evidence that will help to inform the ExA.</p> <p>The ExA will, as it considers necessary, ask questions of the speaker and provide the Applicant with an opportunity to respond.</p>
<b>Item 5</b>	<b>Issues and actions arising, the audio record of the hearing and the next steps in the Examination</b>
<b>Item 6</b>	<b>Close of the OFH</b>

This agenda is for guidance and is not exclusive or exhaustive. The ExA reserves the right to rearrange the agenda on the day; may add other issues; or may alter the order in which issues are considered.

### Participation, conduct and management of the OFH

All Interested Parties and the Applicant are invited to attend the OFH. Participation will be of most relevance to Interested Parties who wish to raise matters that do not come under the agendas for Compulsory Acquisition Hearing 1 (Annex A) or Issue Specific Hearing 2 (Annex C).

Each Interested Party should assume that they will be allowed a maximum speaking time of 10 minutes in total for all submissions that they wish to make. It may be necessary to be more restrictive if there are an exceptional number of potential submissions.

Interested Parties are reminded that the hearing is not to be used as a political platform.

## Agenda for Issue Specific Hearing 2 (ISH2)

ISH2 is being held because the ExA has decided that it is necessary for the examination of the application to include the consideration of oral representations about issues made at hearings in order to ensure:

- (a) adequate examination of the issue; or
- (b) that an Interested Party has a fair chance to put their case.

<b>Agenda for ISH2</b>	
10.00am on Wednesday 11 December 2019. Seating from 9.30am.	
<b>Item 1</b>	<b>Welcome, opening remarks and introductions</b>
<b>Item 2</b>	<b>The purpose of ISH2 and how it will be conducted</b>
<b>Item 3</b>	<p><b>Specific issues and questions</b></p> <p>The ExA will take the hearing through each of the following topics:</p> <ul style="list-style-type: none"> <li>a) Transport networks and traffic</li> <li>b) Land use, social and economic impact</li> <li>c) Air quality</li> <li>d) Noise and vibration</li> <li>e) Landscape and visual impact</li> <li>f) The historic environment</li> <li>g) Other policy and factual issues</li> <li>h) Biodiversity and ecological conservation</li> <li>i) The water environment</li> <li>j) The draft Development Consent Order and other consents</li> </ul> <p>For each topic the ExA will, as it considers necessary:</p> <ul style="list-style-type: none"> <li>• raise the ExA's issues and questions that have been published on the project website at <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010022/TR010022-000872-A38%20Derby%20Junctions%20ISH2%20issues%20and%20questions%20FINAL.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010022/TR010022-000872-A38%20Derby%20Junctions%20ISH2%20issues%20and%20questions%20FINAL.pdf</a>;</li> <li>• invite the Applicant and any other parties to respond;</li> <li>• take contributions from IPs that have raised specific issues;</li> <li>• take contributions from other parties;</li> <li>• ask any further questions; and</li> <li>• provide the Applicant with an opportunity to reply.</li> </ul>
<b>Item 5</b>	<b>Issues and actions arising, the audio record of the hearing and the next steps in the Examination</b>
<b>Item 6</b>	<b>Any other business and close of ISH2</b>

Breaks will be taken, as directed by the ExA.

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During the hearing the ExA is likely to ask for some issues and questions to be addressed in writing in post-hearing submissions, which are to be received by Deadline 3 of the Examination, on **Thursday 19 December 2019**.

### **Participation in ISH2**

All Interested Parties and the Applicant are invited to attend ISH2.

It will assist us in our Examination if the following parties, or their representatives, could please participate in this hearing:

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

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



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