

From: [Steven Buffery \(Economy Transport and Environment\)](#)
To: [A38 Derby Junctions](#)
Subject: Derby Junctions Issue Specific Hearing 2
Date: 19 December 2019 12:46:46
Attachments: [Answers to EXA's Issues and Questions Issue Specific Hearing 2.pdf](#)
[Additional Written Statement by Derbyshire County Council.pdf](#)
[Note of Meeting with Aecom and DVMWHS Partnership.pdf](#)

For the Attention of Mr Stuart Cowperthwaite

**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**

Issue Specific Hearing 2: Submissions on Behalf of Derbyshire County council

Dear Mr Cowperthwaite,

Further to your letter of 3rd December 2019 and the Issue Specific Hearing on 11th December 2019, I attach the following submissions on behalf of Derbyshire County Council:

- Answers to Examining Authority's Issues and Questions for Issue Specific Hearing 2;
- Additional Written Statement on behalf of Derbyshire County Council setting out its revised position on the impact of the Little Eaton Junction Scheme on the Landscape and Landscape Character of the area and Outstanding Universal Value of the Derwent Valley Mills World Heritage Site;
- Appendix to Additional Written Statement – Note of Meeting between Aecom, Derbyshire County Council and the DVMWHS Partnership on 5th December 2019

Regards

Steve Buffery

Steve Buffery | Team Leader

Policy and Monitoring

Economy, Transport and Environment | Derbyshire County Council

County Hall, Matlock, Derbyshire, DE4 3AG

01629 539808

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Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions Scheme

The Examining Authority's Issues and Questions for Issue Specific Hearing 2: Issued on 3rd December 2019

Response on Behalf of Derbyshire County Council

Little Eaton Junction Improvements

(Located within the Administrative Area of Derbyshire)

1	Modelling of changes in travel patterns during construction	<p>a) What further modelling of changes in travel patterns on local roads during construction, if any, do the Local Highways Authorities (LHAs) consider are required for the purpose of identifying likely significant impacts?</p> <p>b) Is there an acceptable process for LHA engagement in the modelling to be carried out during detailed design?</p>	<p>a) Chapter 2 of the Environmental Statement ‘the scheme’ [APP 0-40] describes the construction sequencing which indicates that banned turns would between the A38/A61/BI179 would be in operation for most of 2023. This will inevitably give rise to albeit temporary reassignment of traffic across the respective local highway network(s). Some indication of the impacts of this would be appreciated.</p> <p>b) Highways England established a Traffic Modelling Working Group with both local Highway Authorities. It is anticipated that the working group would continue until completion of the scheme.</p>
3	The Traffic Management Plan (TMP)	<p>b) Should the TMP be subject to approval by the LHA rather than, or as well as, by the Secretary of State?</p> <p>c) Are the measures set out in the TMP for engagement with key stakeholders and communication during design development and construction clear and adequate?</p> <p>f) Do the LHA have any other comments on the TMP [APP-254] provided by the Applicant with their application?</p> <p>g) Is further detail required in the TMP at this stage to provide assurance that the version to be used during construction would mitigate impacts in line with those identified in the ES?</p>	<p>b) Derbyshire County Council considers that, whilst it may not be necessary for the Authority to ‘approve’ the TMP, it strongly requests that the County Council is consulted on, and engaged with, by the applicant during the development of the TMP.</p> <p>c) The Local Highway Authority believe that establishment of a TMP Officer Working Group attended by representatives of all the Highway Authorities would be beneficial to the ongoing development of the TMP.</p> <p>f) and g) Derbyshire County Council understands that the TMP does not provide a great deal of detail at this moment in time as the contractor to construct the scheme has only recent been engaged by Highways England and the TMP will be developed largely in consultation with the contractor. However, it is essential that Derbyshire County Council is consulted</p>

			<p>on the TMP as it is developed with the contractor so that the Council has a greater understanding of the likely impacts of the scheme on the local highway network as soon as is practicably possible, particularly proposed temporary diversions and closures so that it can engage with local communities impacted by the scheme and make them aware of any road diversions and closures that will impact on their communities as soon as is possible and via a variety of communication means (DCC website, press notices, letters to residents, public meetings etc.)</p> <p>Derbyshire County Council considers that the TMP should also consider additional mitigation measures during the construction phase of the scheme, for instance the establishment of a temporary park and ride facility for example located at Kedleston Hall or other suitable location.</p>
4	Significant impacts during construction	With the mitigation measures in place, would there be likely to be any residual significant impacts on users of the A38 or local roads during construction?	See answer to question 3 f) and g) above.
5	Impacts on local roads during operation	a) Further to the Applicant's responses and comments, do the LHA have any outstanding concerns about adverse impacts on local roads during operation, e.g. those identified in DCiC's LIR?	a) Derbyshire County Council has no other outstanding concerns other than those set out above.

6	Junction layouts	<p>a) Do the LHA have any outstanding concerns about junction layouts?</p> <p>c) Is there an acceptable process for engagement of the LHA and other relevant stakeholders with the development of the detailed design of junction layouts?</p>	<p>a) Yes. At the hearing session on 11th December 2019, Highways England's consultant indicated that it proposed that a new pedestrian crossing would be provided on the A61 adjacent to where the Breadsall footpath diversion FP3 met with the A61. DCC has safety concerns about the location of this proposed junction due to its proximity to the new junction layout. DCC is working with Highways England to facilitate a new toucan crossing further south on the A61 adjacent to the Croft Lane footpath, which is likely to provide for a safer alternative.</p>
7	A38 speed limit at Little Eaton Junction	<p>Further to the Applicant's responses and comments, are there any outstanding concerns about a 70mph speed limit to the A38 at Little Eaton junction?</p>	<p>Yes. See response to question 14 d) below relating to the provision of a toucan crossing on the A61 and possible need to reduce the speed limit on the A61 to 50 mph.</p>
9	Ford Lane closure and bridge weight restrictions	<p>a) Further to the Applicant's responses and comments, do the LHA have any outstanding concerns about the proposed closure of Ford Lane or the bridge weight restrictions?</p> <p>b) How can it be assured that a 40T vehicle weight restriction on the Ford Lane bridge would be suitable for the purposes of those requiring access, including Talbot Turf, Severn Trent Water and Network Rail?</p>	<p>a) and b). Yes Derbyshire County Council has outstanding concerns with regard to the closure of Ford Lane and the potential impact on the Ford Lane bridge, which is a County Council owned asset and has a weight limit of 7.5tonnes. Highways England's consultants carried out some initial assessment works of the bridge structure prior to the hearing session and submitted details of the assumptions and methodology to Derbyshire County Council to access and agree in principle. However, DCC in response did not agree with a number of the assumptions in the methodology and a further update and</p>

			response is awaited from the consultants at the time of writing.
11	Public transport	<p>Further to the Applicant's responses and comments, do the LHA have any outstanding concerns about the mitigation measures proposed for any adverse impacts to bus services, particularly during construction?</p> <p>b) How would effective stakeholder engagement be ensured with the development of the TMP; with the development of detailed design; and during construction?</p> <p>c) Has enough consideration been given to the support of public transport and encouraging change in mode of transport, in accordance with sustainable transport policy?</p>	A) to c) Derbyshire County Council has not raised any significant issues or concerns in its Written Representations and Local Impact Report relating to the impacts on public transport during the construction and operational phases except to express the view that on completion the scheme will deliver significant benefits and improvements to bus services accessing the Little Eaton junction improvements from the north and south in terms of delays and reliability.
14	Whether the proposals for footpath diversions at the Little Eaton junction are safe and convenient	<p>a) Update on discussions regarding the proposed public right of way diversions at Little Eaton.</p> <p>b) Does the route of the proposed diversion of Breadsall FP3 appropriately balance considerations of safety and</p>	a) Discussions have recently taken place between Derbyshire County Council's Public Rights of Way Officers and Highways England's consultants on the proposed Public Rights of Way diversions. Derbyshire County Council's Officers have indicated that their only comment is in respect of the proposed alternative alignment of Breadsall Public Footpath 3. Officers understand why the

		<p>convenience? Does the existing route from Breadsall to Little Eaton via Breadsall FP8 provide a convenient alternative? Would the alternative route proposed by Breadsall Parish Council be safe and viable?</p> <p>d) Update on discussions regarding the provision of a Toucan crossing on the A61 at the Croft Lane footpath and the reduction of the speed limit at this location. Are these measures necessary to ensure that the proposed scheme would provide safe and convenient access for pedestrians?</p>	<p>alignment is so positioned and its shape however they consider that this is not a natural alignment for the public and that any person entering the field, roughly where your Breadsall FP 3 label arrow points on the Plan, are likely to turn left and head SW for the carriageway rather than walk around the field. This is only speculation on Officer's part and if they are right then a more direct line would be a better outcome. Officers have no comments to offer on Footpaths 23 and 7.</p> <p>b) Derbyshire County Council has not raised any objections relating to FP3 or FP8 and therefore it is down to the applicant to take a view on this relating to safety issues.</p> <p>d) Derbyshire County Council has recently been engaged in discussions with the applicant's Agents (WSP) over the provision of a toucan crossing on the A61 adjacent to the Croft Lane footpath. WSP has recently carried out surveys of the A61 in this location and provided data to the County Council for analysis. It is being proposed by WSP that the crossing would be constructed in early summer 2020 after being subject to a public consultation exercise in the Spring. Based on the survey results, DCC consider that it may be necessary to reduce the speed limit on the A61 on the approach to the crossing to 50mph (subject to consultation). Additional mitigation may also be required such as the position and height of the proposed traffic signals. DCC is</p>
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			awaiting further clarification from WSP on the next steps and way forward.
15	Whether the proposal makes adequate provision for non-motorised users during the construction and operational phases	C) Does the proposal take the opportunities available to encourage non car travel with regard to the scheme itself and linkages to other initiatives in the surrounding area?	c) Derbyshire County Council considers that the application proposals have tried to maximise opportunities to encourage non-car travel, particularly seeking to ensure that the existing footpath and cycle network to and around the junction improvements is maintained or appropriately permanently or temporarily re-routed around the scheme.
28	Whether the methodology used in the landscape and visual assessment properly reflects the impacts of the proposals	b) Do the revised representative viewpoints and new photomontages allow the landscape and visual impacts of the proposal to adequately assessed?	b) Please see Derbyshire County Council's Additional Written Statement, which clarifies the County Council's position on this issue.
29	The effect of the Little Eaton junction on the character and appearance of the landscape	a) What is the essential character of the landscape at and around the Little Eaton junction; is its sensitivity to change set out in the ES appropriate and agreed? b) What is the contribution of the existing junction to that character and sensitivity? c) What would be the effect of the proposal on that character? d) Would the replacement of the proposed embankments and	a) to d) Please see Derbyshire County Council's Additional Written Statement, which clarifies the County Council's position on this issue.

		planting with a viaduct significantly reduce the impact of the proposal on landscape character?	
30	The effect of the Little Eaton junction on the openness of the Green Belt	The Applicant, DCC and EBC agree that the proposal would have 'an impact' on openness, although the Applicant considers that it would not result in 'material harm'. Having regard to the spatial and visual aspects of Green Belt openness, and to the purpose of the proposed development, would its impact amount to harm such that it would not preserve the openness of the Green Belt?	Please see Derbyshire County Council's Additional Written Statement, which clarifies the County Council's position on this issue.
31	The effect of the Little Eaton junction proposals, including the flood compensation works, on the Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site (WHS)	a) How, and to what extent, does the character of the landscape at the Little Eaton junction, existing built features and the heritage assets within it, contribute to the OUV (having regard to its attributes, authenticity and integrity) of the WHS? b) How, and to what extent, would the junction proposal and the flood compensation works impact on the OUV of the WHS?	a) to f) Please see Derbyshire County Council's Additional Written Statement, which clarifies the County Council's position on this issue.

		<p>c) How, and to what extent, would the proposals impact on other heritage assets which contribute to the significance of the WHS?</p> <p>d) What would be the effect of the proposed mitigation measures?</p> <p>e) Are there other measures, or amendments to the scheme, which could reduce its impact?</p> <p>f) What would be the residual impact of the junction proposal and the flood compensation works on the OUV of the WHS?</p>	
32	Whether the impact on heritage assets has been adequately quantified and whether the public benefits of the scheme outweigh that harm	<p>a) Is there anything to suggest that the harm to heritage assets would not be less than substantial?</p> <p>b) Would the public benefits of the proposal outweigh that harm?</p>	<p>a) and b)</p> <p>Please see Derbyshire County Council's Additional Written Statement, which clarifies the County Council's position on this issue.</p>
38	The effect of the proposals on flood risk at the Markeaton and Little Eaton junctions	<p>c) Has adequate information on existing and proposed discharge rates been provided to allow a proper assessment of flood risk?</p> <p>d) Do the proposals provide for adequate treatment of highway runoff before it discharges to outfalls?</p>	<p>c) based upon the information submitted to press, yes.</p> <p>d) Yes, although wherever possible, alternatives to using by-pass separators would be preferred (Natural processes eg SuDS)</p> <p>f) No, although more detail would be required at the Land Drainage Consent stage</p>

		<p>e) Do the proposals provide adequate safeguards to prevent flooding upstream of the realignment of Dam Brook? Any comments on the hydraulic calculations appended to the Applicant's comments on D1 submissions?</p> <p>f) Is it necessary to provide further details at this stage to ensure that the realignment of Dam Brook would be appropriately 'naturalised'?</p> <p>g) How would the monitoring and maintenance of the alleviation works associated with the Dam Brook realignment be secured through the dDCO?</p>	<p>g) Presumably all assets would be either maintained by Highways England or DCC. It needs to be clear who is responsible for what, along with a maintenance plan.</p>
39		<p>Whether the proposal makes adequate use of Sustainable Drainage Systems (SuDS)</p>	<p>Derbyshire County Council would prefer to see the use of SuDs in the Little Eaton junction scheme wherever possible.</p>
45	<p>Article 4 – Maintenance of drainage works</p>	<p>a) The Applicant's assurance that it would maintain drainage whilst in temporary possession appears to conflict with Article 4. Should Article 4 be amended?</p> <p>b) Update on discussions regarding who would be responsible for maintaining the</p>	<p>45a- agree 45b – Refer to comments on 38g and d</p>

		flood alleviation channels, swales, etc. How would that be secured?	
59	Requirements 1-21 Provisions for consultation and agreement	<p>b) Add provisions for consultation with Derwent Valley Mills World Heritage Site Partnership to Requirements 9 and 12?</p> <p>c) Add a provision for consultation with the Lead Local Flood Authority to Requirements 12(1), 12(2), 13(1), 13(2), and 14(1)?</p> <p>d) Add a provision for consultation with the sewerage undertaker to Requirement 13?</p> <p>e) Add provisions for consultation with local authorities with respect to potential impacts on local authority assets?</p> <p>f) Add provisions for consultation with local authorities regarding any improvements, diversions, stopping up or future maintenance liabilities for the Public Rights of Way network?</p> <p>g) Any further requests for consultation by local authorities or others?</p>	<p>b) Yes. In its Written Representations, Local Impact Report and Answers to the Panel of Inspector's Initial Questions, Derbyshire County Council requested that the Derwent Valley Mills World Heritage Partnership should be consulted on the application proposals. This has now been addressed by the applicant and the WHS Partnership has now been included in discussions about the scheme.</p> <p>c), d), e), f) and g). Derbyshire County Council agrees with the provisions for it to be consulted on Requirements 1 – 21.</p>

60	Management and mitigation plans, strategies and written schemes	Have all relevant parties that should be consulted been identified	Yes. In its Written Representations, Local Impact Report and Answers to the Panel of Inspector's Initial Questions, Derbyshire County Council requested that the Derwent Valley Mills World Heritage Partnership should be consulted on the application proposals. This has now been addressed by the applicant and the WHS Partnership has now been include in discussions about the scheme.
65	Schedule 3 - Classification of roads, etc	Update on discussions between the Applicant and LHA regarding agreement of the provisions.	These discussions are ongoing between the applicant's consultant and Derbyshire County Council.
66	Schedule 3 - Classification of roads, etc	Update on discussions between the Applicant and LHA regarding de-trunking and Traffic Regulation Order engagement.	These discussions are ongoing between the applicant's consultant and Derbyshire County Council.
74	Impact and assessment methodology	Further to the Applicant's responses and comments, do the local authorities or the EA have any outstanding concerns, including with respect to: a) the traffic model; b) Public Rights of Way; c) flood risk; d) the closure of Ford Lane; e) groundwater; f) contaminated land; g) the Derwent Valley Mills WHS; h) the management and control of construction-related impacts under the Construction	Derbyshire County Council has no other outstanding concerns on the range of matters other than as identified on the other questions above.

		<p>Environmental Management Plan;</p> <p>i) events in Markeaton Park;</p> <p>j) after care, monitoring and maintenance of the environmental mitigation measures and replacement public open space; and</p> <p>k) evidencing net gains, including enhancing the natural environment and reducing pollution?</p>	
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A38 DERBY JUNCTIONS SCHEME (TR010022)

PLANNING ACT 2008: The Examining Authority's Issues and Questions for Issue Specific Hearing 2

Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions Project

Written Summary of Oral Contributions at Issue Specific Hearing relating to the Draft Development Consent Order on 11th December 2019

Representation on Behalf of Derbyshire County Council as an Interested Party

Issue Specific Hearing 2 Relating to Draft Development Consent Order

Wednesday 11th December 2019

- 1.1 This statement has been drafted by Derbyshire County Council to address the request by the Panel of Inspectors at the Issue Specific Hearing on Wednesday 11th December 2019, for the County Council to set out in writing how it has worked with Highways England to address its concerns regarding the landscape and visual impacts of the Little Eaton Junction part of the scheme on the landscape and landscape character of the area and Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site (DVMWHS) as set out in Questions 28 to 31 below.
- 1.2 As the Panel of Inspectors will be aware, Derbyshire County Council's original concerns were set out in its Written Representations and Local Impact Report that were submitted to the Panel on 5th November 2019. A summary of those initial concerns is set out below together with an explanation of how Derbyshire County Council has revised its position on the impact of the proposals on the landscape and landscape character of the area around the Little Eaton Junction and on the OUV of the DVMWHS. Derbyshire County Council's revised position was set out in a note of a meeting that took place on Thursday 5th December 2019 between Derbyshire County Council's officers, officers from the DVMWHS Partnership and Aecom representing Highways England. A copy of the note, which was submitted to the Panel prior to the hearing, is attached as Appendix 1. This revised position has been based on additional photomontages, viewpoints and particularly visualisations that have been prepared by Aecom on behalf of Highways England.

Topic: Landscape and Visual Impact

Question 28: Whether the methodology used in the landscape and visual assessment properly reflects the impacts of the proposals

b) Do the revised representative viewpoints and new photomontages allow the landscape and visual impacts of the proposals to be adequately assessed?

Question 29: The effect of the Little Eaton Junction on the character and appearance of the landscape.

- a) What is the essential character of the landscape at and around the Little Eaton Junction; is its sensitivity to change set out in the ES appropriate and agreed?
- b) What is the contribution of the existing junction to that character and sensitivity?
- c) What would be the effect of the proposal on that character?
- d) Would the replacement of the proposed embankments and planting with a viaduct significantly reduce the impact of the proposal on landscape character

Question 30: The effect of the Little Eaton Junction on the openness of the Green Belt

- a) The Applicant, DCC and EBC agree that the proposal would have ‘an impact’ on openness, although the applicant considers that it would not result in ‘material harm’. Having regard to the spatial and visual aspects of Green Belt openness, and to the purpose of the proposed development, would its impacts amount to harm such that it would not preserve the openness of the Green Belt.

Topic: The Historic Environment

Question 31: The effect of the Little Eaton junction proposals, including the flood compensation works, on the Outstanding Universal Value of the Derwent Valley Mills World heritage Site

- a) How and to what extent does the character of the landscape at the Little Eaton junction existing built features and the heritage assets within it, contribute to the OUV of the WHS?
- b) How and to what extent would the junction proposal and the flood compensation works impact on the OUV of the WHS?
- c) How and to what extent would the proposals impact on other heritage assets which contribute to the significance of the WHS?
- d) What would be the effect of the proposed mitigation measures?
- e) Are there other measures, or amendments to the scheme, which could reduce its impact?
- f) What would be the residual impact of the junction proposal and the flood compensation works on the OUV of the WHS?

Question 32: Whether the impact on heritage assets has been adequately quantified and whether the public benefits of the scheme outweigh that harm?

- a) Is there anything to suggest that the harm to heritage assets would not be less than substantial?
- b) Would the public benefits of the proposal outweigh that harm?

2 Derbyshire County Council’s Previous Position

- 2.1 Derbyshire County Council’s original position on the impact of the Little Eaton Junction scheme was set out in its Written Representations and Local Impact Report and can be summarised as follows.
- 2.2 Derbyshire County Council did not originally accept all of the findings in the Landscape and Visual Impact Assessment (LVIA) submitted in support of the DCO application. It did not believe that the landscape character and sensitivity of the landscape surrounding the Little Eaton Junction had been fully reflected in the LVIA and as a result, the overall effects on landscape had been under-assessed. Whilst it was accepted that the current Little Eaton junction impacts on the character of the existing landscape, it was considered that as the junction is at grade, it allows for the river valley and floodplain to be understood and appreciated regardless of the highway infrastructure. It was noted that this was an attribute of the WHS designation reflected in Value 3 of the Statement of

Outstanding Universal Value which states “A ‘relict’ industrial landscape, where late 18th and early 19th century industrial development may be seen in an 18th/19th century agricultural landscape ... The LVIA at section 7.7.15 states that “the WHS designation is primarily cultural heritage based, relating to the industrial revolution, rather than being landscape focused” which was considered by the County Council to be an incorrect statement with respect to the Statement of OUV and, as a consequence, had led to an under assessment of sensitivity and consequently the judgement of landscape effects particularly in relation to LCA8.

- 2.3 With regard to landscape character, Derbyshire County Council’s original position was that it found it difficult to accept that a large embankment crossing the floodplain compounded by proposed planting along the proposed embankments would only be likely to have a ‘slight adverse’ effect when this was clearly an incongruous landscape feature that blocked off the natural connections and functionality of a linear landscape. Other environmental mitigation proposals such as noise barriers and flood attenuation measures would also be perceived as alien features in the landscape that would further contribute to adverse landscape effects.
- 2.4 Visually the current junction benefits from being well screened by existing vegetation between the site and visual receptors around the site that are exposed to views of the junction. Although much of this vegetation would be retained and protected during the works, Derbyshire County Council considered that without visualisations, it was difficult to appreciate to what extent this vegetation would provide similar mitigation to the proposed grade separated junction on a high embankment. At the same time the ability to appreciate the flat, low-lying nature of the floodplain, important as both a landscape characteristic and as an attribute of the WHS, was not acknowledged in the applicant’s assessment and as a result had led, in the County Council’s opinion, to an under-assessment of visual effects. Trees proposed adjacent to the road and on the embankments would further compound the visual blocking of views through the Riverside Meadows landscape rather than contribute to mitigation and other proposed environmental mitigation could add to the visual clutter of the scheme. Although the Environmental Impact Assessment had considered alternative junction arrangements, Derbyshire County Council had originally considered that none of these had considered the use of a simple, elegant viaduct that would cross the flood plain without the need for embankments allowing the landscape and associated habitats to run below it.

Derbyshire County Council’s Revised Position

- 2.5 Based on the additional photomontages, viewpoints and visualisations prepared by Aecom on behalf of Highways England, Derbyshire County Council’s revised position on the impacts of the Little Eaton Junction improvements is as follows.

- 2.6 Following the meeting with Aecom at Cromford Wharf on 5th December 2019 and the meeting of 28th November 2019 at County Hall in Matlock, it is the County Council's view that many of its concerns with regard to the assessment of landscape and visual effects have been allayed as a result of the additional information they have provided. The most significant information provided by the applicant (through Aecom their agents) is the submission of visualisations from various vantage points around the proposed new junction, including some of the viewpoints included in the LVIA, to highlight the overall design of the junction and the potential effect of the proposed mitigation. Whilst the County Council still believes there was still some merit in exploring the use of a free standing viaduct that would allow the landscape (and potentially habitats) to flow through the junction, the visualisations and the County Council's officer's subsequent site visit demonstrate that many of the adverse effects associated with the A38 crossing the floodplain already exist with the presence of sizeable embankments to facilitate the existing crossings of the River Derwent and the Midland Mainline railway. The photomontages demonstrate that the proposed new embankments would not be significantly higher than the existing embankments and in that regard views from the selected locations would not be noticeably different from the current view in the fullness of time when the proposed mitigation planting has become established. The LVIA acknowledges that during the construction phase, landscape and visual effects would be significant but would become moderate adverse on completion of the works and slight adverse 15 years post development when planting has become established.
- 2.7 In light of the additional information provided and the recent discussions with the applicants agents, the County Council's general view now is to concur with that judgement and on reflection there are other issues associated with delivering a viaduct that could impact on the general amenity of local communities in the immediate area such as issues around visual amenity and noise attenuation.
- 2.8 As was discussed at the meeting and again as evidenced in the supplementary information provided, as well as information forming part of the ES, the overall success of the scheme will relate to some of the detailing associated with the proposal and the County Council would very much welcome being involved in ongoing conversations with Highways England regarding the detailed design of the scheme should the Development Consent Order be successful. For example, the County Council would like to be involved in the detailed design of the flood compensation area to the west of the River Derwent to ensure that this is delivered as sensitively and naturalistically as possible and ensure that it does not impact on the qualities that help define the OUV of the DVMWHS, which includes its relic landscape. As the County Council highlighted at the Cromford Wharf meeting, a key aspiration of the DVMWHS Management Plan is to promote a general reduction in street lighting (and light pollution) throughout the designation, so the County Council is keen to see a lighting strategy for the proposed new junction that would attempt to accord (as far as

it is able to) with this Management Plan objective. Again this is a detailed design consideration but one that the County Council would wish to remain involved with as the scheme progresses.

- 2.9 Derbyshire County Council had previously made comment on the planting proposals for the scheme in its Written Representations and Local Impact Report and again the County Council would reiterate that all planting proposals should accord with the tree and woodland planting guidance in the relevant section of the 'Landscape Character of Derbyshire' publication, which is freely available on the DCC website (www.derbyshire.gov.uk/landscape). It is considered to be important to acknowledge that despite the junction being located very close to the urban edge of Derby, the immediate landscape character and setting remains essentially rural and this needs to be reflected in the detailed landscape mitigation proposals.
- 2.10 On the basis of the above, Derbyshire County Council would conclude that the harm to the OUV of the WHS as an important heritage asset, would amount to less than substantial harm and that the significant public benefits of the scheme as highlighted in the County Council's Written Representations and Local Impact Report, would be likely to outweigh that harm.

Impact on the Openness of the Green Belt

- 2.11 As set out in its Written Representations and Local Impact Report, Derbyshire County Council had originally considered that the likely impact of the Little Eaton Junction scheme on the openness of the Green Belt, was intrinsically linked with the visual impacts of the scheme on the landscape and landscape character of the area and impact on the OUV of the DVMWHS. It considered that the junction improvements broadly accorded with national policies in the National Policy Statement for National Networks (NPSNN) and the National Planning Policy Framework (NPPF) for development of nationally significant infrastructure projects within the Green Belt and would not fundamentally undermine the openness of the Green Belt and main Green Belt purposes. However, Derbyshire County Council considered that the visual impact of the scheme could be significantly reduced by revisions to the design of the scheme, particularly the provision of an elegant viaduct to cross the floodplain rather than the extensive incorporation of embankment to carry the scheme over the floodplain.
- 2.12 As set out above, however, Derbyshire County Council considers that the additional visualisations submitted by Aecom and the County Council's officer's subsequent site visit, demonstrate that many of the adverse effects associated with the A38 crossing the floodplain already exist with the presence of sizeable embankments to facilitate the existing crossings of the River Derwent and the Midland Mainline railway. The photomontages demonstrate that the proposed new embankments would not be significantly higher than the existing embankments and in that regard, views from the selected locations would not be noticeably different from the current view in the fullness of time when the proposed mitigation planting has become established. On the basis of the above, therefore, Derbyshire County Council considers that the proposed

scheme would have no materially greater impact on the openness of the Green Belt than the existing junction scheme and that the openness of the Green Belt would be preserved.

Steve Buffery

Team Leader Planning Policy and Monitoring

Derbyshire County Council

17th December 2019

Contract:	A38 Derby Junctions	Contract No:	
Subject:	Consultation with Derwent Valley Mills World Heritage Site Partnership (DVMWHS Partnership)	Date:	05.12.19
Place:	Gothic Warehouse, Cromford		

Present:	Name
	Steven Buffery (Derbyshire County Council) Adam Lathbury (DVMWHS Partnership) Adrian Farmer (DVMWHS Partnership) Ian Hooker (DVMWHS Partnership) Gary Ellis (DVMWHS Partnership) Chloe Oswald (DVMWHS Partnership) Amy Jones (AECOM – Heritage) Simon Wild (AECOM – Environment Coordinator) (SRW) Andy Wilson (AECOM Project Manager)
Distribution	As above

ITEM	DESCRIPTION	DATE	ACTION
1.0	General		
1.1	Aim of Meeting: To discuss the A38 Derby Junctions Scheme and impacts upon the DVMWHS and mitigation proposals.		
1.2	The meeting involved discussion of the Scheme progression through the Development Consent Order (DCO) process, a review of the Scheme design at Little Eaton junction (including aspects within the WHS), a review of photomontages as prepared by Highways England, and mitigation measures as included in the Scheme design.		
1.3	Following DVMWHS Partnership review of the Scheme design plans, and the recently prepared Highways England photomontages (showing the Scheme mitigation planting proposals), the Partnership is generally content with the Scheme design at Little Eaton junction and the associated impact assessments as they relate to impacts upon the WHS as presented in the Environmental Statement (principally ES Chapter 6: Cultural Heritage and ES Chapter 7: Landscape and Visual), subject to the agreed actions as detailed below.		
1.4	It was agreed that Highways England would submit the recently prepared photomontages to the Examination Authority (ExA) at Deadline 3 (19.12.19) and introduce these at the issues specific hearing on the 11 th December 2019 if necessary.	19.12.19 & 11.12.19	Highways England

ITEM	DESCRIPTION	DATE	ACTION
1.5	<p>The DVMWHS Partnership is generally content with the positioning of the proposed floodplain compensation area located to the west of the River Derwent, noting that the aim is that this will be an undiscernible feature within the prevailing landscape. Highways England confirms that the DVMWHS Partnership, Derbyshire County Council (DCC) and Derby City Council (DCiC) will be consulted during the detailed design of the floodplain compensation area in order to ensure that it has a naturalistic profile.</p> <p>Highways England agreed to prepare some additional cross sections through the proposed floodplain compensation area and issue these to the DVMWHS Partnership for their information.</p>	<p>Detailed design</p> <p>Tbc, but as soon as practicable</p>	<p>Highways England (& contractor)</p> <p>Highways England</p>
1.6	<p>The DVMWHS Partnership is generally content with the proposed lighting strategy at the proposed Little Eaton junction, although they would like to explore opportunities to further reduce lighting impacts during the detailed design stage (noting that the Scheme design does not include lighting columns along the A38 mainline). As such, it was agreed that during the detailed design stage the DVMWHS Partnership, DCC and DCiC will be consulted on the design of the Scheme lighting proposals at Little Eaton junction.</p> <p>Highways England confirmed that they will review the lighting proposals as illustrated in the photomontage generated for Viewpoint 24.</p>	<p>Detailed design</p> <p>19.12.19</p>	<p>Highways England (& contractor)</p> <p>Highways England</p>
1.7	<p>The DVMWHS Partnership is generally content with the proposed landscape design and that it generally conforms with DCC policies, although it may contain too many different planting mixes. Highways England agreed that during the detailed design stage the DVMWHS Partnership, DCC and DCiC will be consulted regarding the proposed landscape design, including the proposed planting mix.</p>	<p>Detailed design</p>	<p>Highways England (& contractor)</p>
1.8	<p>Highways England highlighted that the mitigation measures included in the Scheme design are all detailed in the Outline Environmental Management Plan (OEMP) as submitted with the DCO Application (document ref [APP-249]), and that the OEMP is secured in the draft DCO (Requirement 3) [REP2-007] which will comprise a statutory instrument. Highways England also confirmed that the OEMP will, if it does not already do so, include all the agreed detailed design consultation commitments as detailed herein. A second version of the OEMP will be submitted to the ExA at Deadline 3 (19.12.19).</p>	<p>19.12.19</p>	<p>Highways England</p>

Minutes prepared by: Simon Wild

Minutes reviewed by: Andy Wilson, Amy Jones

Issued By: Simon Wild