A38 Derby Junctions

TR010022

8.63 Applicant's Responses to Information or Submissions Received by Deadline 3

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A38 Derby Junctions
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Appendix

1.1 Applicant's Responses to Information or Submissions Received by Deadline 3

1.1.1 This document provides the comments of Highways England (the Applicant) on some of the responses made by Interested Parties to the Planning Inspectorate on Deadline 3, 19 December 2019 in respect of the A38 Derby Junctions scheme (the Scheme) Development Consent Order (DCO) application.

1.1.2 The Applicant has sought to provide comments where it appeared to be helpful to the Examination to do so, for instance where a response includes a request for further information or clarification from the Applicant or where the Applicant consider that it would be appropriate for the Examining Authority (ExA) to have the Applicant's comments on a matter raised by an Interested Party in its response.

1.1.3 Where an issue raised within a response has been dealt with previously by the Applicant, for instance in the Applicant's own response to a question posed by the ExA or within one of the documents submitted to the Examination, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.

1.1.4 The Applicant has not provided comments on every response made by an Interested Party to the questions raised. In some cases, no comments have been provided, for instance, because the response provided a short factual response, it reiterated previously expressed objections in principle to the Scheme or expressions of opinion without supporting evidence, or it simply contradicted the Applicant's previous response to a question without providing additional reasoning.

1.1.5 For the avoidance of doubt, where the Applicant has chosen not to comment on matters raised by Interested Parties this is not an indication that the Applicant agrees with the point or comment raised or opinion expressed in that response.

Table Error! No text of specified style in document.**-1 Applicant's comments**

Ref	Source	Comments	Applicant's Response
1 Derby City Council			
1.1	REP3-027	Land use, social and economic impact Q13 d) benefits to the city centre - In terms of potential retail impact the DCiC retail study does not talk about the impact of the A38 works. The only references to the A38 relate to Kingsway Retail Park and the fact that its proximity to a key route makes it an attractive destination.	ISH2 Q13c & 13d). DCiC responses noted. Intu Derby [REP3-037] discusses Q13c). The Scheme would deliver a positive transport economic efficiency benefit for all trip purposes, including retail goods and retail customers.
1.2		Landscape and Visual Impact Q28. No further comments to make on this question. The DCiC's position has moved on and welcome the efforts undertaken that evidence an adequate assessment.	Noted - the additional photomontages prepared [REP3-018] have enabled DCiC to agree with the landscape and visual impacts and effects as reported in the Environmental Statement (Chapter 7) [APP-045], as related to Scheme effects upon the Derwent Valley Mills WHS.
1.3		Biodiversity and Ecological Conservation Q37. a) b) and c). The NPPF is a vital tool to ensuring the right development in the right place at the right time. It is a material consideration for the determination of this proposal. The decision should protect and enhance the natural environment providing net gains for biodiversity in	Noted. Refer to our responses to these question in [REP3-026].

Ref	Source	Comments	Applicant's Response
		accordance with the national requirement. This will need further input from Derbyshire Wildlife Trust who are our independent consultees.	
1.4		d) There is no prospect of DCiC acquiring funding in the near future for the de-silting of Markeaton Lake but we would like further discussion during the detailed design process regarding the exact location and the extent of the translocated soil from Kingsway LNR and the proposed species rich grassland.	Noted. Refer to our response to this question in [REP3-026]. The revised OEMP [REP3-003] states that: *"If the location of proposed species rich grassland in Markeaton Park is no longer considered appropriate by DCiC, the preliminary works contractor shall consult with DCiC during the detailed design stage to agree an alternative location within Markeaton Park, providing that the selected location will not give rise to any materially new or materially worse environmental effects in comparison with those reported in the Environmental Statement."*
1.5		Article 6 of the DCO Question 46 This is linked to question 55 – Article 33 of the DCO regarding the temporary possession of land during the construction process.	Refer to our response to question 5 in [REP3-025]. *"Please refer to the extract from the Vegetation Retention figures from the ES contained in the Appendix below. The extracted figures show the areas*

Ref	Source	Comments	Applicant's Response
		DCiC requires further detail regarding maintenance of areas of public open space that will be temporarily possessed during the works. Will the contractor fence off these areas and maintain the grass within the fence? What if any other maintenance operations will be carried out within these areas for the duration of the temporary possession? Maintenance interface plans are to be supplied by HE to DCiC as mentioned during the hearing.	*affected by TP and describe the work activities associated with each area.* *The areas where public access is to be restricted during construction (excluded by temporary fencing for example) are shown on these figures. The timing of these works and the duration will be developed, and finalised once Highways England develops the construction programme in detail through the detailed design process."*
1.6		Article 33 of the DCO Question 55 DCiC is of the opinion that it would better serve the justification and ongoing minimisation of temporary possession if the specific purposes for which the land is required is described in more detail in Schedule 7 and the term "or any other mitigation works in connection with the authorised development" is avoided. This relates in particular to the proposed environmental mitigation works. In addition to the description of activities and works for which temporary	Refer to our response to this question in [REP3-026]. In addition, refer to 1.5 above. *"Highways England considers that this phrase is necessary to ensure that flexibility in the implementation of the mitigation is achieved. For example, if bird boxes or bat boxes need to be placed in locations other than those specified or are required as an additional mitigation measure (and they are not necessarily specified at this stage because it is not clear whether they will be required) then this*

Ref	Source	Comments	Applicant's Response
		possession of land is required, DCiC requires more detail at detail design stage of the length of time areas will be occupied and any effect this may have on access to the public open space for normal recreational use or events. This information should include how the areas will be secured and screened. A condition schedule should be included prior to any temporary possession, with a specification provided for the reinstatement of areas prior to handover of land back to DCiC. Adequate notice should be provided to DCiC of when the temporary possession of land will commence.	*provision allows Highways England to undertake these activities."*
1.7		Article 56 of the DCO Notice should be provided to DCiC Arboriculture team in advance of commencement of any removal of existing trees and shrubs in the event of any public queries and questions. It is expected that a strong public communications strategy and liaison with DCiC would be in operation for such key activities. In addition there may be operational issues related to existing maintenance and planned activities that	Noted. During the detailed design stage vegetation clearance plans will be finalised. Such plans can be made available to the local authorities. The need to consult with the DCiC Arboriculture team in advance of commencement of any removal of existing trees and shrubs will be detailed in the next version of the OEMP.

Ref	Source	Comments	Applicant's Response
		may need taking account of. This can be co-ordinated through the Parks team.	
1.8		Other consents, permits, licences and agreements Question 70 c) DCiC is happy to arrange to attend any meeting with the trustee of Markeaton Park regarding the existing covenant on the Park but would request that this consultation is led by HE. Above is a copy of the Conveyance dated 14 November 1930 which conveyed the land at Markeaton Park to Derby City Council. The land comes with a restriction which states that it cannot be used for 'any other purpose than as a Park or open space or place of recreation for the benefit of the public and for their recreation and no buildings shall be erected or used in the Park other than buildings for or in connection with the purposes of education recreation or horticulture.' Please see the Second Schedule, which refers to the Town Planning Road. This we believe is the current A38. It would not	Please see Highways England's response to SWQ 10.17 in respect of this covenant.

Ref	Source	Comments	Applicant's Response
		therefore cover the current plans to widen it. We have not looked at the Land Registry title but we are certain that the restriction on use will be on the City Council's title. Certainly it is custom and practice to seek consent from the current 'holder of the Covenant' (Annie Clarke-Maxwell, a descendant of the person who conveyed the land to DCC) for any construction whatsoever, be it demolition, construction, a proposed new cemetery or indeed anything. In conclusion, we consider that this is a title matter and therefore for Highways England to obtain consent from the current 'holder of the Covenant' Annie Clarke-Maxwell. The City Council are of course happy to facilitate a meeting with Annie if so required by Highways England. The Examiner also asked during the hearing whether any of the land to be offered as replacement land was already used as recreational or common land. We do not believe this to be the case. There was a question during the hearing also about whether there is an oversupply	Noted. It is useful that DCiC have been able to confirm this point, which also matches the understanding that Highways England has, as previously stated.

Ref	Source	Comments	Applicant's Response
		of public open space. There is an oversupply of 5.31 ha per 1000 people but this includes the city parks at Markeaton and Allestree. Any analysis is based on two factors – quantity and accessibility. Both are based on standards in the Derby City Local Plan. Policy CP17 provides a quantity standard of 3.8 hectares per 1000 people while Appendix D provides various accessibility standards for each type of open space. To help with determining local deficiencies in open space we split the City up into five distinct analysis areas (Central, North West, North East, South West and South East). Markeaton Park lies within the North West area. Based on the quantity standard from the Local Plan, the North West analysis area currently has a surplus of 5.31 hectares per 1000 people. However, it should be noted that this analysis area contains two City Parks (Allestree Park and Markeaton Park) which contributes to the current over-provision. Another important consideration is the various barriers to movement. Barriers	Highways England welcome this confirmation regarding public open space, which reaffirms the previously agreed written position between DCiC and Highways England as evidenced in the draft Statement of Common Ground submitted at Deadline two and as referred to by DCiC in their

Ref	Source	Comments	Applicant's Response
		such as major roads, rivers and railway lines may prohibit easy access to spaces. DCiC can confirm that after further detailed consideration it is agreeable to accept the Public Open Space plots put forward by Highways England in exchange for those to be acquired from the City Council in furtherance of the Scheme. There might be particular areas that DCiC would prefer not to be laden with ownership which do not fulfil the function of public open space and are merely onerous from a maintenance perspective without adding anything to the amenity of the area. This would require detailed assessment of each part proposed but the overall general principle is accepted.	response to question 13.61 provided at deadline one, both of which confirmed that agreement in principle had been reached on the suitability of replacement land, by way of exchange for open space land to be compulsorily acquired. Highways England acknowledge this point and can confirm these matters will be subject to further discussion as part of the ongoing dialogue between DCiC and Highways England.
1.9		38a) DCiC view is that the proposals do not offer adequate measures to prevent siltation and other pollutants from entering the Markeaton Lake and the Mill ponds. It is possible to incorporate petrol interceptors on all outfalls. This would allow silt, oils and spillages generated by the highway to be managed. Reducing the impact on the watercourses.	a) Refer to our response to this question in [REP3-026]. Markeaton Lake is upstream of the Scheme and will not receive any pollutants or sediments from the Scheme. The drainage design would attenuate and reduce pollutants derived from the Scheme before the highway drainage is discharged into Mill Pond, including suspended sediments. The provision of

Ref	Source	Comments	Applicant's Response
		b) DCiC are concerned there is a lack of information regarding all the outfalls into the Mill ponds. There are two known outfalls from the A38 to the Mill Ponds however there is also an outfall for the Public Sewer network. It is not clear if this outfall is shared by the Highway drainage or is separate. This sewer is to be diverted but there is little evidence of how this will be done. c) The HE response states that the existing discharge rates have been estimated using Rational Method. This estimates the peak runoff from a catchment; however it takes no account of the restrictions imposed by the existing network and takes no account of attenuation provided by the existing network. This method can therefore over state discharge rates. The HE has stated that the existing network will be surveyed and that MicroDrainage will be used to establish the existing discharge rates during the detailed design stage. This method of calculation existing discharge rates is acceptable. Discharge rates are not the only issue. As catchment areas will be increased there will also be an increase in the volume of	attenuation should result in a betterment over the existing situation where silt laden drainage currently enters watercourses unattenuated. SuDS have been used in lieu of petrol interceptors to ensure the runoff is suitably treated prior to discharge. Mitigation measures have been incorporated within the preliminary design and the proposals have been risk assessed using HAWRAT. This will be re-visited at detailed design and where feasible we will look to further enhance the use of SuDS within the restrictions of the Scheme. b) Refer to our response to this question in [REP3-026]. The sewer is the responsibility of Severn Trent Water, the design of the diversion will be undertaken at the detailed design stage of the Scheme. Foul water and highway water are to be kept separate. c) Refer to our response to this question in [REP3-026]. As a minimum, the preliminary discharge rates would be restricted to the calculated to ensure no increase flows when compared to existing discharge rates. Where practicable feasible the

Ref	Source	Comments	Applicant's Response
		water discharging to the watercourses which can impact on flood risk downstream. The best way to manage this is to reduce discharge rates which generate a larger requirement of storage within the new drainage networks. This helps offset the higher volumetric discharge of water by holding more water back for longer. DCiC would therefore like to see Requirement 13 amended to state that under the detailed design that the total water peak water discharge from the proposed drainage system will be a minimum of 30% less than the total discharge rate from the existing network. This will then meet the aspiration of the NPSNN to reduce flood risk to others from the drainage infrastructure. d) DCiC do not believe that the proposals provide adequate water treatment as many outfalls do not have any water treatment at all. It is understood that SuDS may not be possible on all outfall but we believe as an absolute minimum a petrol interceptor can be provided for all outfalls.	proposed rates would be restricted to ensure betterment over the calculated existing situation. During detailed design we will endeavour to provide a 30% reduction in the total discharge rate from existing network as requested by the LLFA. It is noted that the revised OEMP submitted to the Examining Authority at Deadline 3 [REP3-003] commits to consultation with the applicable local authorities during the detailed design of the highway drainage treatment system (as does dDCO Requirement 13). In order to provide comfort regarding concerns over discharge rates, it is proposed that the next version of the OEMP include wording as follows: "*The applicable local authorities will be consulted with regard to highway runoff discharge rates, noting that Highways England will demonstrate that reasonable steps have been taken such that the total discharge rate from the Scheme surface water drainage system does not exceed the discharge rate of the existing surface water drainage system and that betterment will be provided where practical*". Given

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			the inclusion of this text in the OEMP Highways England considers that Requirement 13 in the dDCO does not need to be amended. d) Refer to our response to this question in [REP3-026] which indicates that Highways England considers that adequate treatment of highway runoff before it discharges to outfalls is being provided. SuDS have been used in lieu of petrol interceptors to ensure the runoff is suitably treated prior to discharge. Mitigation measures have been incorporated within the preliminary design and the proposals have been risk assessed using HAWRAT. This will be re-visited at detailed design and where feasible we will look to further enhance the use of SuDS within the restrictions of the Scheme. The Appendix below contains the existing and proposed drainage discharge rate. Please note the existing discharge rates have been calculated using the Modified Rational Method. The use of the modified rational method is an appropriate

Ref	Source	Comments	Applicant's Response
			method to calculate runoff in line with the advice for estimating peak catchment flows as described in clause 7.7 of Design Manual for Roads and Bridges Volume 4 Section 2 HD33/16 Design of Highway Drainage Systems, which states "Peak flow discharges obtained by the Modified Rational Method and Wallingford Hydrograph Method are of comparable accuracy".
1.10		39a) Kingsway: DCiC believe that the tank structure north of the Kingsway junction can be replaced by a pond. This would provide more water treatment, better habitat provision and public amenity. There are also opportunities in the POS north of Kingsway junction for natural flood risk management techniques such as large scale tree planting and wetland creation to help mitigate both flood risk and habitat loss in the centre of the junction. Markeaton: Our view is that there is the potential for a better layout for the SuDS here. HE has agreed that this can be looked at in the detailed design stage but	a) Refer to our response to this question in [REP3-026] Kingsway junction - it is considered that at Kingsway junction if the tank structure within Mackworth Park was replaced by a pond, such a pond structure would need to be secured and fenced off from the rest of the park, thus resulting in the loss of public open space. This option has thus been rejected. Impacts associated with flood risk and habitat loss have been adequately provided, and thus Highways England do not consider it necessary to use Mackworth Park for additional natural flood risk management measures.

Ref	Source	Comments	Applicant's Response
		may require the size and location of the balancing area to be amended. b) Our view is that HE should own and maintain the flood attenuation areas at the Kingsway Island to ensure that they are maintained in full working order.	Markeaton junction – noted; Highways England has agreed to consult with DCiC during the detailed design stage regarding the layout of drainage features within the proposed area of replacement public open space at Markeaton junction, although such a review cannot result in less replacement public open space being provided. b) Under the dDCO Highways England are acquiring the rights to access the land to maintain the drainage features to ensure the flood attenuation area operates fully.
1.11		17a) Yes. As discussed during ISH2, further modelling/calculation work has been completed by AECOM (for HE) to address the outstanding concerns in relation to the EU Limit Value compliance assessment work. It was further noted that this work is not fully compliant with the latest DMRB Guidance (LA105), but acknowledged that this guidance has only very recently	a) Noted and agreed. Noted and agreed.

Ref	Source	Comments	Applicant's Response
		been released and therefore not applicable to the current examination. Notwithstanding this, the work completed by AECOM provides greater clarity and assurance that the A38 Scheme should not create a non-compliance with the EU Limit Value for annual average NO2 either during construction or following completion of the Scheme and the assessment methodology is considered robust. In relation to construction impacts, there is still general acknowledgement that the detailed arrangements for construction works (under the CEMP) and any associated traffic management planning (under the TMP) are not comprehensive at this stage and may be subject to change at a later date. HE confirm that it is not possible to provide a higher level of detail at this early stage. The conclusions drawn are therefore potentially subject to change and are based on the inherent limitations of the modelling, but the methodology is agreed by DCiC as being fit for purpose.	Noted and agreed. The OEMP includes provisions for consultation with DCiC during the detailed design and construction phases to ensure that they will have the opportunity to be fully engaged in finalising these matters at the relevant time. Noted.

Ref	Source	Comments	Applicant's Response
		b) Approach already agreed by DCiC under SoCG.	b) Noted and agreed.
1.12		18a) The predictions are based on assumptions and modelling for situations in the future. The predictions are deemed appropriate and based on relevant guidance/methodology, but predicting the future can never provide certainty. b) No. Dust monitoring should be determined based on particular work activities, not whole phases of work. The OEMP and CEMP should provide adequate protection on this. c) To be detailed within final CEMP. DCiC happy with this approach. d) DCiC believe that the OEMP (and subsequent CEMP) should apply equally to preliminary works as to the main works. DCiC have already agreed the OEMP in principle, however it is acknowledged that the final details are still subject to change under the final CEMP.	a) Noted. Refer to our response to this question in [REP3-026]. b) Noted and agreed – the OEMP already includes the need to investigate the need for dust monitoring during the preliminary works. Refer to our response to this question in [REP3-026]. c) Noted. Refer to our response to this question in [REP3-026]. d) Noted - the OEMP already includes the need for air quality mitigation as applicable during both the preliminary works and the main works. Refer to our response to this question in [REP3-026].
1.13		19a) and b) See answer to Q17.	Noted.

Ref	Source	Comments	Applicant's Response
1.14		20a) See answer to Q17. b) It is expected that the DCiC Roadside NO2 Scheme Traffic Management Measures will be delivered by the end of 2020. The main construction works for the A38 scheme are due to begin in around March 2021, therefore there should not be any overlap. Even if the two schemes were not to overlap, EU Limit Value compliance is based on an annual average of NO2 and therefore a relatively short period is unlikely to affect the annual average concentrations.	a) Noted b) Noted and agreed.
1.15		21a) Assessment methodology approved by DCiC in SoCG. b) As discussed during ISH2 and already explained under our response to the first examiner questions, the DCiC Roadside NO2 Scheme is not simply an 'on/off' scheme. It consists of a dynamic set of traffic management measures, controlled by a centralised Urban Traffic Control (UTC) system covering the whole Derby road network. The control system will be	a) Noted and agreed. b) Noted and agreed. Refer to our response to this question in [REP3-026]. c) Noted and agreed. d) Noted and agreed.

Ref	Source	Comments	Applicant's Response
		regularly adjusted in response to changing circumstances. Consequently, it is inconceivable that it would simply be 'turned off' at some point in the future. In practice, the UTC system will be used in some form or another to control traffic flows through Stafford Street (and the wider network) well beyond 2024. c) Not considered necessary by DCiC as we already complete our own network of monitoring within the City. In any case, whilst monitoring is useful to provide an indication of overall concentrations of air pollutants at a particular location, they do not provide any information on the sources of pollution that may be contributing to the concentrations. Consequently, any changes in concentrations during the scheme programme could not be attributed confidently to the scheme or any other source for that matter and would therefore be of little use if intended as a basis for mitigation response.	

Ref	Source	Comments	Applicant's Response
		d) None required according to the modelling, however it is acknowledged that predictive modelling carries many uncertainties. There are already considered to be sufficient controls applied through the OEMP (and subsequent CEMP and TMP) and this is considered by DCiC to be the best available approach in order to secure appropriate mitigation.	
1.16		22a) Not considered necessary by DCiC. It is inevitable that some degree of harm from noise will be caused during construction. The OEMP sets out an appropriate way of managing noise during construction, as far as is reasonably possible, by applying the concept of Best Practical Means (BPM) in order to design noise mitigation under the CEMP and associated Construction Noise Management Plan. b) The approach is outlined in the OEMP which has been agreed by DCiC. c) This point was discussed at length during the ISH2 and there appeared to be a degree of confusion at that time. For	a) Noted and agreed. b) Noted. c) Noted and agreed. Refer to our response to this question in [REP3-026]. d) Noted. Refer to our response to this question in [REP3-026]. e) Noted and agreed.

Ref	Source	Comments	Applicant's Response
		clarity, The Environmental Protection Team at DCiC's position is as follows: The methodology and conclusions of the ES have already been agreed by DCiC and this is still the case. This should not, however, be taken to mean that the ES provides a guarantee of any sort that significant impacts during construction in particular, won't occur. To the contrary, some degree of noise impact is inevitable and exceedance of SOAELs is very possible at times throughout the period of construction. The point around whether it may be appropriate or not to apply a concept that determines noise impact based on how many days the relevant SOAEL might be exceeded in any 15 day period, should not be used as a basis for construction noise management design as it is looking at it the wrong way round. In practice, the construction noise management plan produced as part of the CEMP should be focussed on minimising noise impacts as far as possible, not outlining mitigation	

Ref	Source	Comments	Applicant's Response
		which ensures that the ES significance thresholds are not exceeded. As it happens, the OEMP already does this by applying the principle of BPM and this approach has already been agreed by DCiC and is still the case. d) Whilst the ES and OEMP make some assumptions about this, it is accepted that this is not yet known. e) DCiC is satisfied that, based on the currently available information, best estimates of where the most significant construction noise impacts might occur have already been made.	
1.17		23a) DCiC is unsure as to how this could work in practice, especially given that significant impacts from construction noise are inevitable. The OEMP and DCO commits the construction contractor to apply the best practical means to avoid noise nuisance and, provided that this process is properly managed and regulated, this approach is agreed as the most appropriate way to manage construction noise.	a) Noted and agreed. Refer to our response to this question in [REP3-026]. b) Noted and agreed. Refer to our response to this question in [REP3-026]. c) Noted. Refer to our response to this question in [REP3-026]. d) Noted. Refer to our response to this question in [REP3-026] which

Ref	Source	Comments	Applicant's Response
		b) Mitigation will be outlined in the Construction Noise Management Plan within the CEMP. c) It is acknowledged by DCiC that some night-working will be unavoidable. It would be preferred if DCiC were able to 'agree' construction works outside of core hours, as would normally be the case for developments within our area, however DCiC acknowledges that the rules tend to be different for a nationally significant infrastructure project operated under a DCO. Furthermore, DCiC agrees that the construction of the scheme shouldn't be delayed unnecessarily. d) As clarified previously, DCiC doesn't see a need for Section 61 approval. In fact, such an approval appears to be duplication of the DCO process.	highlights that the OEMP does not require the Section 61 process to be adopted for works within DCiC's administrative area.
1.18		24 a), b) and c) The OEMP has already been agreed by DCiC.	Noted and agreed. Refer to our response to this question in [REP3-026].
1.19		25 a) and b) This has previously been outlined by DCiC in our response to the first examiner questions.	a) & b) Noted. Refer to our response to this question in [REP3-026]. c) Noted and agreed.

Ref	Source	Comments	Applicant's Response
		c) DCiC agrees with the conclusions of the ES in terms of significance of impacts, as outlined in the SoCG.	
1.20		26a) For HE to respond. b) For HE to respond.	a) & b) Refer to our responses to these question in [REP3-026].
1.21		27a) DCiC have already agreed the conclusions of the ES regarding noise in the SoCG. b) If practical/feasible, then yes, erecting the 4m barrier at the earliest opportunity would provide the greatest degree of protection to the Royal School for the Deaf Derby, both in terms of increased road noise following the demolition of the houses on Queensway, but also in terms of construction/demolition noise.	a) Noted and agreed. b) Noted and agreed. Refer to our response to this question in [REP3-026].
1.22			
1.23		1) To be clear on the points that are made below on this question, the comments refer to modelling of the construction traffic management on predicting the impacts on the operation of the network and the physical queues and delays to traffic during the peak weekday traffic periods. This is different to	ISH2 Q1a: Modelling of travel patterns during construction. DCiC's response noted and agreed. ISH2 Q1b: DCiC's response noted. Use of LINSIG to model temporary

Ref	Source	Comments	Applicant's Response
		considering how the outputs from the network model are used to model noise and air quality. The reason is that in terms of the physical traffic management it is trying to understand the maximum peak queues that will occur within the peak traffic period and the operational knock-on impacts that this has. For air quality and noise it is the total change in traffic conditions, or daily cumulative traffic impacts, that are used to calculate impacts on the network. From this perspective the profile of traffic within the peak, is less important to understanding environmental impacts. a) SATURN is an industry standard simulation model that is used to model the impact of traffic infrastructure changes to the transport network over time. Its outputs underpin the journey time benefits that provide the economic justification to the business case, and provides the inputs used in environmental models. However, such models are strategic and a generalised view of the real world, limited by the data and	traffic signalled junction layouts will be added to the outline TMP. Agreed: The award of the Construction contract will initiate the process of designing the construction phases and the associated temporary traffic management layouts.

Ref	Source	Comments	Applicant's Response
		parameters that are used to model highway networks. Specifically when considering the potential operational impacts of construction traffic management, SATURN provides a useful tool in determining the potential reassignment routes that traffic will take. However the software isn't designed to model queues, which are more dynamic than journey times and saturation flows. This is a limitation of strategic transport models rather than the methodology used in the assessment of the A38 Derby Junctions scheme. The A38 SATURN highway model provides a picture of the average delays and re-routing of traffic within a single hour period. What SATURN can't do is model the maximum peak profile. Particularly the build-up from one hour period to the next, which might cause queues on the network to cumulatively build up. To try and put this into context, there might be an average journey time	

Ref	Source	Comments	Applicant's Response
		increase between 08:00 and 09:00, on a 1 mile radial route on the approach to one of the A38 junctions, of 5 minutes as a result of the construction scheme. However, in reality this could equate to a delay to each vehicle of 1 minute traveling at 8:00 but a delay of 9 minutes at 8:30. As a consequence the queue lengths will be very different between the hourly average and maximum queue. Further, traffic demand on the network isn't constrained to rigid hourly intervals and the peak traffic period could begin at 7:30 and cause problems that have a cumulative impact on the next hourly period. b) AECOM suggest that perhaps the use of the signal junction software LINSIG could be used to better model the curved profile of traffic demand rather than the hourly average. DCiC would strongly recommend this approach in designing the temporary traffic management schemes to the Derby Junctions. Potentially also key junctions on the local road network that are on the defined diversion routes need to be	

Ref	Source	Comments	Applicant's Response
		included to develop a wider traffic management strategy with DCiC. This needs to be identified in the TMP as a specific requirement. Further, The TMP identifies the intention to award the construction to BAM Nuttall. It would not be unreasonable to set out in the TMP a process for detailed construction dialogue to begin in early 2020.	
1.24		2a) For Derby all traffic management scenarios are likely to provide disruption to the local road network and issues of severance, in particular for local communities such as Mackworth. Strategic modelling can be used as a tool to predict and develop a traffic management strategy. However, it can't be used to provide the definitive solution. As such, the key will be developing a TMP that is able to react dynamically to problems and unplanned events. This will require dedicated resources and direct accountability from the applicant.	ISH2 Q2a: HE has recently engaged with DCiC leads on 21 January 2020 and introduced BAM, the contractor, to the Council to ensure there is effective Stakeholder Engagement and also support the A38 Behavioural Change Group, where there was also a meeting held on 15 January 2020. Discussions held including the current DCO progress, TMP development and how HE/BAM/DCiC and the wider key stakeholders would work together to plan and manage the impact A38 Derby Juncs Scheme will have on Derby and the wider surrounding areas and road network. It was agreed that a quarterly strategic meeting and a

Ref	Source	Comments	Applicant's Response
		b) We can only reiterate that the process needs to include the local highway authorities and their intelligence of impact, tolerance levels of the local network, and the identification of opportunities. A process to secure early identification and communication will be essential – this should be part of the development of the TMP, the construction preparation, and on-going through the construction period. The TMP should be specific that HE will collaborate through the Local HAUC (Highways and Utility Committee) coordination meeting. This has been established for approximately 20 years and is a joint group with DCC and DCiC and the local statutory Undertakers. c) The assessment of the environmental impacts of construction on local roads uses the outputs from the traffic modelling in a different way as discussed in the answer to Q1.	monthly Technical Working Group would be set-up for all to work closely together. Issues and concerns raised in the Behavioural Working Group will be collated and forwarded to the Technical Working Group to discuss what merit there is, before moving forward. ISH2 Q2b: DCiC's request for the Applicant's project and Contractor teams to "c*ollaborate through the Local HAUC (Highways and Utility Committee) coordination meeting*" is noted. Highways England's operations (i.e. East Midlands Asset Delivery) team already collaborate with the local highway authorities. ISH2 Q2c: Note: the OEMP was updated at Deadline 3 [RE3-003]. DCiC response noted and agreed.
1.25		3a) The TMP needs to be substantially updated and expanded to reflect the specific issues raised by the local authorities. The development of	ISH2 Q3a: DCiC's response noted. See Applicant's Deadline 3 [REP3-026] response to this question.

Ref	Source	Comments	Applicant's Response
		construction preparation needs to be further informed by these issues. It is also expected that the future development of construction details will then lead to additional development of the TMP. b) The need for agreement is critical. Under Requirements 4 and 11 of Schedule 2, Part 1 the DCO identifies that the TMP will have to be signed off by the SOS and that the development must be constructed in accordance with the approved TMP. This appears to be contradictory – a 'live document' which is then finalised? Also 1.3.1 suggests agreement of the local authorities, whilst this states consultation. The process needs to be clear, is this a live document, if so what is the process, triggers, review periods and the Local Authority agreement that should be a requirement. c) The local bus operators are a key partner and have been clear that they welcome direct engagement with HE via the Derby City Behaviour Change Group. Further, the TMP must include specific measures to reflect the operation to the	ISH2 Q3b: DCiC's response noted. See Applicant's Deadline 3 [REP3-026] response to this question. To be clear, the TMP will need to be at 'Final' status prior to the start of Construction, which SoS will need to sign-off. As noted in Q3a & Q3b above, the process of managing traffic will need to be flexible to adapt to situations that may arise during construction. ISH2 Q3c: DCiC's response noted. ISH2 Q3d: DCiC's response noted. See Applicant's Deadline 3 [REP3-026] response to this question. ISH2 Q3f: DCiC's response noted. ISH2 Q3h: DCiC has provided comments on a copy of the TMP. The Applicant will review these and draft a revised outline TMP. HE will discuss the next draft TMP with DCiC in February prior to submitting to DCO. The Applicant is required to consult with the Highway Authorities in developing the TMP and the SoS will ask for this consultation to be

Ref	Source	Comments	Applicant's Response
		hospital. It must show the result of direct dialogue with hospital managers and emergency services transport. There needs to be a wider consultation commitment in the DCO to specific interests, such Derby and Burton NHS Trust, University, Public Transport Operators, and key businesses. All of these need an opportunity to influence the TMP with their core requirements – most of the critical interests are represented within the Derby City Behaviour Change Group. Suggest that the TMP identifies a check list of organisations that have been involved in the development of the document and their level of involvement. For example, a consultee (how they have been consulted), key partner such as the LHA and that they have agreed to the TMP. Perhaps this is also the answer to a) above. d) AECOM/HE to answer. However, the TMP does not identify a process to deal with events, such as a joint plan for emergencies or unplanned network	evidenced as part of the 'sign off' process. The LHAs can include other parties in this consultation and the Applicant will be happy to take part in this. The LHA is best placed to identify the other parties that should take part in this process.

Ref	Source	Comments	Applicant's Response
		failure (recent examples such as flooding events or Alfreton Road bridge closure). Any of the above could be on HE or Local Roads and there doesn't appear to be any process to communicate or joint plan for adapting the priorities to switch control of junctions to respond e) See answer to c. f) No, however, the TMP isn't finalised because the final design and construction phasing needs to be agreed with the contractor. The LHA need to be involved in this design stage because of its links to the TMP. g) See above. h) At the Hearing the AECOM/HE agreed to review the TMP and the Inspector suggested that the LHA also provide comments to the draft document.	
1.26	**DCIC response noted.**	4 a) There will be impacts on the operation of the local road network during construction. The design and phasing of construction will be an important process to maintain capacity through the system.	ISH2 Q4a: response reiterates discussions at Q1 to Q3 above. DCiC's responses are noted. The Applicant interpreted this question to be about the environmental impacts during

Ref	Source	Comments	Applicant's Response
		However, predicting the location and scale of queuing and delays on the local road network will be difficult. As such, the robustness of the TMP is important and the ability of the applicant to manage issues will be critical. However, it will also be DCiC's ability to respond to requests from the HE/contractor that will be critical. For example, reacting to non-planned events and managing signal timings to react to changes in traffic patterns.	construction and responded in REP3-026.
1.27		5) The transport assessment that accompanied the DCO application has not considered the wider impact of the scheme on the local road network. DCiC accept the applicant's response in Rep2-020 Ref 1.31, that the Derby Junctions Scheme will provide benefits on the local road network. However, we don't accept the argument that the traffic signals will automatically adapt, assuming the wider impacts are at signal controlled junctions. Further, that wider impacts can't be considered because changes to the local network were not included in the business case.	Derby Junctions is a capital spend scheme and there are no funds available to improve the Local Highways Authority Network. The National Planning Policy Statement says: *104. Planning policies should: a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities; b) be prepared with the active involvement of local highways authorities, other*

Ref	Source	Comments	Applicant's Response
		As a 'planning consideration', the applicant should consider the wider impacts of their development. The National Planning Policy Framework makes clear provision to do so where there are significant impacts and that these should be mitigated to an acceptable degree particularly where there are safety and capacity issues. DCiC believe that there are a number of junction locations that are relatively close to the development, where there are significant impacts. A couple of the junctions have the potential to directly impact on the operation of the A38. In particular, the Kedleston Road Junction and Palm Court/Abbey Hill Junction. The Prince Charles Avenue/A52 Junction has been removed from the list provided in the LIR because this was considered by AECOM in a technical note in September 2018, although this has not been submitted with the application.	*transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.* It was highlighted in the recent Behavioural Working Group and at the Derby City Strategic Meeting with Highways England that there are potential funding gaps and there will be a need to find this funding. Highways England will work with all stakeholders involved over the coming months to establish this gap and look at funding avenues that may be available to all parties. However, the Highways England Project Manager has recently attended meetings with Derby City Council leads and the A38 Derby Junctions Behavioural Working Group (BWG) and all have agreed that we need to work closely together to capture concerns and issues. It has been agreed by all to set-up a Technical

Ref	Source	Comments	Applicant's Response
		The following provides a list of junctions including the change in traffic from the 2024 forecast model. • Manor Road/Uttoxeter Road. Manor Road shows an increase of around 300 pcus in AM1. • Kingsway Junction/Cherry Tree Close/ Kingsway Retail Park. +265 increase towards Retail Park from A38 in AM2 Peak. • Uttoxeter New Road/Brick Street/ Ashbourne Road. A61 Sir Frank Whittle Way/ Alfreton Road. +224 increase from junction towards A38 in AM2 Peak, +163 increase towards A38, mixture of increase/decrease on other arms. • A608/A61/ Hampshire Road. No significant change, this could be to do with the routing through the Meteor from Mansfield Road – increase through meteor is 253 in AM2 peak. Decrease on north and south bound towards Pentagon.	Working Group (TWG) to look at BWG issues, which include funding gaps. Highways England and the Contractor are currently collating the BWG issues and concerns, and with Derby City Council forming the TWG to deal with these issues as part of the ongoing stakeholder engagement, customer and communications requirements to successfully manage the A38 Derby Junctions project. It is expected that the discussions at the BWG and TWG will help resolve these issues and reassure Local Highways Authorities.

Ref	Source	Comments	Applicant's Response
		• Kedleston Road Slips. AM2 +150 right turn and 242 left increase to southbound on-slip A38. • A38(T)/ A6 Duffield Road – Palm Court Island. +397 increase in northbound off slip in AM2 peak – increase of 332 on A6 Duffield Road approach from the north.	
1.28		6a) It is noted that the applicant has identified in REP2-020 Ref 1.45 that the issues identified by DCiC will be reviewed in the detailed design. This should include the McDonald's Access. The Applicant in Rep2-20 Ref 6.9 has identified that technical information has been provided to McDonalds and Euro Garages, including swept path analysis. DCiC has not seen this information and has concerns about the width of the access for pedestrians and swept path for HGVs from the A38. b) A joint decision between DCiC and Highway's England is needed on the Signalisation of Ford Lane. Signalising the junction could cause problems along the A6. Already queuing occurs in the PM Peak back onto the Palm Court/Abbey Hill Junction from Allestree, which in turn	a) DCiC has been involved in the early optioneering for this junction as they have been consulted on the relocation of the Markeaton Park access and combining this with the McDonald's and Euro Garage access. They have been consulted on the type of junction and the arrangements within the park. Discussions have been ongoing with McDonald's and Euro Garages to agree their access arrangements from the A52 Ashbourne Road. The Applicant has shared the preliminary technical details with DCiC who has confirmed that they have no objections to the general principlesand discussions regarding maintenance arrangements for this junction are continuing and will be included within the MRSS and DLOA.

Ref	Source	Comments	Applicant's Response
		creates a queue on the northbound off-slip of the A38. Further during the off-peak, placing a signal Junction on the A6 is going to cause unnecessary delays. Perhaps an alternative scheme, such as a signalised crossing on A6, could provide some breaks to allow traffic to turn right whilst improving safety for pedestrians. Manual and Automated traffic counts were utilised in order to validate the flows in and out of the Ford Lane area. Differences between the observed and modelled flows on Ford Lane and Derwent Avenue have been noted within the analysis. For example, During the PM peak 42% of the 169 vehicles observed on Ford Lane travelled through to the A38/ Ford Lane junction. The 2015 baseline model shows that 16% of the 235 eastbound vehicles on Ford Lane travel through to the A38/ Ford Lane junction. During the PM2 peak in the 2024 DM model, the percentage of vehicles traveling through to the A38 falls 0.05%. As such, the A38 forecast	b) Noted.

Ref	Source	Comments	Applicant's Response
		demand model is generating traffic flows from within the Ford Lane area and growing this traffic into the future. In reality, there will be less traffic because there is more through traffic between the A6 and A38 than in the A38 model. There is therefore currently insufficient detail of the scheme as stated in the HE documentation and it is not clear to DCiC what the justification for this proposal is. Neither the council nor HE can therefore fully understand the impacts on the local or national highway network to give a definitive position until further analysis is completed. Whilst DCiC do not reject this part of the scheme outright, we reserve the right to do so at a later date and / or develop an alternative scheme with HE, if this part of the network requires one. If a scheme does go ahead we require HE to fully fund the works, from design to completion, and to make arrangements with DCiC to cover the costs of continued maintenance after the asset has transferred to the Highway Authority.	

Ref	Source	Comments	Applicant's Response
1.29		8) DCiC does not have an issue with the principle of Stopping Up and Traffic Regulation Order Articles in the DCO. However, we still have concerns over the process and making sure that it fits with format that DCiC uses. For example, the draft TRO's need to be imported into our map-based schedule, so that they can be checked. The HE in their response REP02-20 REF1.19, has identified that they will consult with DCiC as part of the SoCG process. We welcome this, however, if the HE want the schedules in the DCO agreeing as part of the Hearing process, this needs to happen early in the 2020.	Highways England has been in discussion with DCiC on this point and responded to a number of queries raised. Highways England is content to continue these discussions should DCiC have any further questions about the stopping up or TRO process secured through the DCO.
1.30		11) a) We don't know specifically what mitigation is going to be implemented, such as bus priority through the works. The TMP talks about personalised travel planning, and travel plan campaign. However, there is no detail to comment on. b) We support this approach, as the duration and level of disruption will create an opportunity for travel behaviour change. This line of thought was the	a) Reference to personal travel planning, bus priority and e-bikes will be removed from the next version of the TMP. There is no funding commitment to these measures. b) Noted. Highways England welcome the initiative and the opportunity to engage with the Behavioural Change Group.

Ref	Source	Comments	Applicant's Response
		stimulus for the creation of the Derby City Behaviour Change Group to provide a forum for the key interests in the city to begin and develop a direct relationship with HE and plan ahead of the start of works to make alternative provision.	
1.31		15 b)/c) DCiC are not aware of a specific Travel Plan. The TMP identifies that it will make provision through the works for NMUs. Highways England are also talking to the Derby Cycle Group. Again, the Behaviour Change Group provides an opportunity for Highways England to engage and use this group to design the TMP. However, it requires someone from the Highways England delivery team who can take direct decisions and tap into funding and support. Need to be aware that the University run P&R out of Markeaton Park. The works are likely to have a major impact on this service.	ISH2 Q15b: DCiC's response in relation to NMU is noted. Applicant's response was provided in REP3-026. ISH2 Q15c: DCiC's response in relation to behavioural change opportunities is noted. The Applicant's response was provided in REP3-026. Highways England is aware that the University operate a P&R facility in the Markeaton Park public open space. The Scheme design incorporates a U-turn facility for buses and traffic signals to assist the egress of buses onto the A52.
1.32		41 a) DCiC did not indicate at the initial hearing that it was comfortable with Guilllotine provisions. We stated that we did not know the answer and would have to go back and ask.	a) Highways England awaits DCiC's response to this point.

Ref	Source	Comments	Applicant's Response
		b) Confused by Article 15 Temporary Stopping up. If this is a temporary street closure as part of works this will require Permit or Street Works Notice? Probably okay for Article 19 (Traffic Regulation). However, there is a question in terms of when the 12 weeks' notice for permanent and 4 weeks temporarily start. Also when do the orders become operational, on the 29th day? However, not comfortable with Article 20 Discharge of Water. 28 days notice is not enough and we would want to see some clause similar to Article 19. Article 22 authority to survey and investigate land. Not for Highways, other than if TM is needed and then would become a TM issue. Yes specification of what is included in the application would be useful. At the Hearing the applicant confirmed that they would discuss further with Derby City Council. This is probably the best way of understanding each	b) Please see the entry to the Explanatory Memorandum which sets out the purpose of article 15. In terms of article 19, the 12 week and 4 week periods referred to are to be taken from the date on which Highways England intends to exercise the power under the article. As such, the onus will be on Highways England to ensure that sufficient notice is given to the Council prior to exercising this power. It is assumed this is a reference to article 19(11) and deemed consent. It is not an order which becomes operational but the exercise of the power under article 19(2) which becomes valid where the authority does not notify Highways England of its decision within 28 days of receipt of the application for consent. Highways England is aware that DCiC has concerns with the approach set out in Article 20 and it is seeking clarification on this point from the council.

Ref	Source	Comments	Applicant's Response
			Noted. Noted.
1.33		46a) Highways England response identifies that they will secure Detailed Local Operating Agreement to detail the extent of each other's responsibilities during construction of the scheme. In principle this is reasonable but again early engagement to inform design rather than during construction is critical. Suggest an infrastructure workshop with asset managers. DLOA needs to include any agreement on commuted sums.	Highways England Major Projects Team and the Operations Directorate are in discussions with the contractor BAM on the DLOA and any potential commuted sums. HE/BAM are about to start detailed design and this will also form part of the discussions with Derby City over the coming months.
1.34		48) In specific response to REP2-20 REF 1.9: Registerable activities on the city local road network will require Notices to be submitted or Permits to be obtained. The Local Highway authority has a statutory duty to keep a register of works and to coordinate works (under NRSWA, as amended by the TMA 2004, and under the Traffic Management (Derby City Council) Permit Scheme Order 2013 SI2013 No 1781 – amended to comply with The Traffic Management Permit Scheme (England)(Amendment) Regulations 2015 (SI 958/2015). The	Highways England is proposing (as set out in its response to the SWQs) to disapply the permit scheme in place in DCiC. DCiC has responded to say that they will need to consider this point in more detail. Highways England has asked to arrange a meeting between D4 and D5.

Ref	Source	Comments	Applicant's Response
		statutory obligations do not allow local highway authorities to choose not to exercise the general duties associated with Notices and Permit processes. We also have obligations in respect to statutory undertakers' apparatus in the local public highway. This is an additional reason and requirement for the need for records of activities on the network. The insistence on Notices being served and the Local authority does have discretion in exercising the obligations under NRSWA / TMA, particularly in relation to shortening timescales when practical. This is intended to allow us to facilitate works activities in the best way possible. Suggest a meeting in Early 2020 to resolve this legally.	
1.35		53) Not had a specific conversation about this with Highways England.	See response to 1.34 above.
2 Breadsall Parish Council			
2.1	REP3-028	Part 1 – Selection of the preferred route	Breadsall Parish Council has made the same points as were raised in their Relevant Representation and these

Ref	Source	Comments	Applicant's Response
			were addressed in the Applicant's Deadline 1 submission [REP1-003].
2.2		The Parish Council continues to be concerned that the tree belt alongside the southern end of the slip road and the roundabout is far too narrow in the present design to provide effective screening.	As discussed at the ISH, it is considered that with the provision of the 2.5m high noise/ screening barriers along the A38 mainline and along the off-slip to the A61, together with woodland planting on the A38 mainline embankment (approximately 10m wide), that appropriate landscape screen mitigation planting has been included in the Scheme design. Additional woodland planting elsewhere is not required for mitigation and would increase permanent land take of adjacent land by compulsory acquisition. Nevertheless, at the ISH it was stated that the landscape design is indicative and that it will be reviewed with DCC during the detailed design stage – as part of this review Highways England will review the screen planting proposals – as such the revised OEMP [REP3-003] D-L3 in Table 3.2c states that Highways England will "*investigate whether the tree belt near the highway runoff attenuation ponds/ ecology ponds adjacent to Dam Brook at Little*

Ref	Source	Comments	Applicant's Response
			Eaton junction can be increased in width to provide further screening".
2.3		Highways England state that the current composition of the tree belts is based on ecological considerations and includes just 10% evergreen species. The Parish Council asserts that a much higher proportion of evergreens is needed to provide year- round screening.	At present the landscape design specifies that the tree belt on the east side of Little Eaton junction would comprise 10% evergreen species. Given the ecological function of the woodland planting, it would not be appropriate for the woodland to comprise of a higher percentage of evergreen species, noting that the planting proposals need to accord with the tree and woodland planting guidance in the applicable section of the 'Landscape Character of Derbyshire' publication. It is also noted that the 2.5m high noise/ screening barriers along the A38 mainline and along the off-slip to the A61 would provide year-round screening. Nevertheless, Highways England confirmed that the evergreen mix in the woodland planting can be reviewed during the detailed design stage in consultation with DCC (who committed to consulting with Breadsall Parish

Ref	Source	Comments	Applicant's Response
			Council). The revised OEMP [REP3-003] D-L3 in Table 3.2c states that the applicable local authorities will be consulted during the detailed design of the landscaping works and that "*At present the landscape design specifies that the tree belt on the east side of Little Eaton junction will comprise 10% evergreen species. Highways England will view the proportion of evergreen mix in this woodland planting during the detailed design stage to determine if additional evergreens can be added*".
2.4		Diversion of Footpath 3 - the discussion at the hearing on December 11th was somewhat inconclusive and it is understood that the Parish Council will be invited to join further discussions with Highways England and the County Council concerning Footpath 3 and the crossing of the A61.	The Applicant's response to the ExA's Q14 for ISH2 adequately addresses this issue.
3 Derbyshire County Council			
3.1	REP3-029 The numbered references below refer to the Examining Authority's issues and		

Ref	Source	Comments	Applicant's Response
	questions for Issue Specific Hearing 2		
3.2	1a) 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? b) Is there an acceptable process for LHA engagement in the modelling to be carried out during detailed design?	a) Chapter 2 of the Environmental Statement 'the scheme' [APP 0-40] describes the construction sequencing which indicates that banned turns would be between the A38/A61/Bl179 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. 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.	ISH2 Q1a): The TMP describes the construction phases envisaged. Little Eaton Phase 2 assumed a right-turn ban from B6179 to A38 Southbound. This is a worst case for the environment impact assessment, which was reported in the applicable Environmental Statement chapters. The traffic modelled changes in journey times are documented in a Technical Note, which will be made available to DCC. Q2b): Noted and agreed.
3.3	3b) Should the TMP be subject to approval by the LHA rather than, or as well as, by the Secretary of State? c) Are the measures set out in the TMP for engagement with key stakeholders and communication during design development and	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. c) The Local Highway Authority believe that establishment of a TMP Officer Working Group attended by	ISH2 3b) Noted. ISH2 3c) Noted. DCiC's [REP3-027] requested the Applicant's project / Contractor teams collaborate through the Local HAUC (Highways and Utility Committee) coordination meeting. ISH2 3f & 3g) DCC response is noted. Mitigation during the construction phase would be subject to what is

Ref	Source	Comments	Applicant's Response
	construction clear and adequate? f) Do the LHA have any other comments on the TMP [APP-254] provided by the Applicant with their application? 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?	representatives of all the Highway Authorities would be beneficial to the ongoing development of the TMP. 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 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.) Derbyshire County Council considers that the TMP should also consider additional	included in the Development Consent Order, land for a temporary park & ride site has not been included.

Ref	Source	Comments	Applicant's Response
		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.	
3.4	4) 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.	ISH2 Q4: DCC's response refers discussions at Q3f to Q3g above. The Applicant interpreted this question to be about the environmental impacts during construction and responded in REP3-026.
3.5	6a) Do the LHA have any outstanding concerns about junction layouts?	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.	Please refer to Applicant's Response to the Examining Authority's issues and questions for Issue Specific Hearing 2; Q14 a) and b): [REP3-026] and Deadline 3 submission – Little Eaton Junction Existing & Proposed Rights of Way Plan [REP3-016].

Ref	Source	Comments	Applicant's Response
3.6	9a) 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? 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?	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 response is awaited from the consultants at the time of writing.	Highways England has made requests to DCC regarding arranging a meeting to discuss this issue.
3.7	14a) Update on discussions regarding the proposed public right of way diversions at Little Eaton. b) Does the route of the proposed diversion of Breadsall FP3 appropriately balance considerations of safety and convenience? Does the existing route from Breadsall to Little Eaton via	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 alignment is so positioned and its shape	Noted – please refer to the Applicant's response to the ExA's question 14 for ISH 2.

Ref	Source	Comments	Applicant's Response
	Breadsall FP8 provide a convenient alternative? Would the alternative route proposed by Breadsall Parish Council be safe and viable? 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 the ensure that the proposed scheme would provide safe and convenient access for pedestrians?	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. 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. 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	

Ref	Source	Comments	Applicant's Response
		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 awaiting further clarification from WSP on the next steps and way forward.	
3.8	28b) 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. DCC's Additional Written Statement indicates that the additional photomontages prepared [REP3-018] have enabled DCC to agree with the landscape and visual impacts and effects as reported in the Environmental Statement (Chapter 7) [APP-045], as related to Little Eaton junction.	Noted and agreed.
3.9	29a) 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?	a) to d) Please see Derbyshire County Council's Additional Written Statement, which clarifies the County Council's position on this issue. DCC's Additional Written Statement indicates that the additional photomontages prepared [REP3-018]	Noted and agreed.

Ref	Source	Comments	Applicant's Response
	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?	have enabled DCC to agree with the landscape and visual impacts and effects as reported in the Environmental Statement (Chapter 7) [APP-045], as related to Little Eaton junction.	
3.10	30 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. DCC's Additional Written Statement indicates that DCC consider that the Scheme would have no materially greater impact on the openness of the green belt than the existing junction and that the openness of the green belt would be preserved.	Noted and agreed.
3.11	31 a) How, and to what extent, does the character of	a) to f) Please see Derbyshire County Council's Additional Written Statement,	Noted and agreed. The revised OEMP [REP3-003] indicates that DCC would

Ref	Source	Comments	Applicant's Response
	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? 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	which clarifies the County Council's position on this issue. DCC's Additional Written Statement indicates that the additional photomontages prepared [REP3-018] have enabled DCC to agree with the heritage impacts and effects as reported in the Environmental Statement (Chapter 6) [APP-044], as related to the effects of the Scheme on the OUV of the Derwent Valley Mills WHS. DCC's Additional Written Statement indicates that DCC would like to be involved in the detailed design of the flood compensation area, Little Eaton junction lighting proposals as well as the junction landscape planting proposals (which should accord with the tree and woodland planting guidance in the applicable section of the 'Landscape Character of Derbyshire' publication).	be consulted during the detailed design of the flood compensation area, the junction lighting proposals and the junction landscape planting proposals.

Ref	Source	Comments	Applicant's Response
	compensation works on the OUV of the WHS?		
3.12	32 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?	a) and b) Please see Derbyshire County Council's Additional Written Statement, which clarifies the County Council's position on this issue. DCC's Additional Written Statement indicates that DCC conclude that the Scheme 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.	Noted and agreed.
3.13	38 c) Has adequate information on existing and proposed discharge rates been provided to allow a proper assessment of flood risk? d) Do the proposals provide for adequate treatment of highway runoff before it discharges to outfalls?	c) based upon the information submitted to press, yes. d) Yes, although wherever possible, alternatives to using by-pass separators would be preferred (Natural processes eg SuDS). f) No, although more detail would be required at the Land Drainage Consent stage. g) Presumably all assets would be either maintained by Highways England or	c) Noted and agreed. d) As indicated in our response to this question in [REP3-026], the water meets the required treatment criteria. However, during the detail design stage within the confines of the site, additional SuDS features would be sought to be included. f) Noted – as indicated in the revised OEMP [REP3-003] DCC would be

Ref	Source	Comments	Applicant's Response
	f) Is it necessary to provide further details at this stage to ensure that the realignment of Dam Brook would be appropriately 'naturalised'? g) How would the monitoring and maintenance of the alleviation works associated with the Dam Brook realignment be secured through the dDCO?	DCC. It needs to be clear who is responsible for what, along with a maintenance plan.	consulted during the detailed design of the Dam Brook realignment works. g) Noted - as indicated in our response to this question in [REP3-026]. The maintenance interface plans and proposals have been circulated to all maintaining agents and authorities. Responses to these remain outstanding.
3.14	39 Whether the proposal makes adequate use of Sustainable Drainage Systems (SuDS)	Derbyshire County Council would prefer to the see the use of SuDs in the Little Eaton junction scheme wherever possible.	As indicated in our response to this question in [REP3-026], a range of SuDS features have been included in the Scheme design at Little Eaton junction.
3.15	45 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? b) Update on discussions regarding who would be responsible for maintaining the flood alleviation channels,	45a – agree 45b – Refer to comments on 38g and d	45b - Noted - as indicated in Highways England's response to this question in [REP3-026]. The maintenance interface plans and proposals have been circulated to all maintaining agents and authorities. Responses to these remain outstanding. In addition please see response to this point in the SWQs 1.5.

Ref	Source	Comments	Applicant's Response
	swales, etc. How would that be secured?		
3.16	59 b) Add provisions for consultation with Derwent Valley Mills World Heritage Site Partnership to Requirements 9 and 12? 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)? d) Add a provision for consultation with the sewerage undertaker to Requirement 13? e) Add provisions for consultation with local authorities with respect to potential impacts on local authority assets? f) Add provisions for consultation with local authorities regarding any improvements, diversions,	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. c), d), e), f) and g). Derbyshire County Council agrees with the provisions for it to be consulted on Requirements 1 – 21.	b) As indicated in our response to this question in [REP3-026], it is not considered that the DVMWHSP should be added to the list of consultees given that the relevant planning authorities that form part of this organisation will consult with this body in any event. In addition, DVMWHSP consultation requirements as associated with archaeological investigation aspects (Requirement 9) and during the Scheme detailed design stage (Requirement 12) are now clarified in the revised OEMP [REP3-003]. c), DCC confirmed at the hearing that it was content to be consulted and in turn consult with the LLFA. As such, Highways England does not consider it necessary to include the LLFA as a consultee in the DCO as DCC will undertake the liaising exercise on consultation. d), relates to a sewerage undertaker and not DCC

Ref	Source	Comments	Applicant's Response
	stopping up or future maintenance liabilities for the Public Rights of Way network? g) Any further requests for consultation by local authorities or others?		e), as DCC has noted, it is content with the drafting of the requirements and the manner in which it is proposing to be consulted f) DCC is a consultee in respect of these items, in its capacity as the local highway authority g) see response to e) above
3.17	60 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.	Noted and agreed.
3.18	65 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.	Noted. A more up to date response to this point is covered in the SWQs.
3.19	66 Update on discussions between the Applicant and LHA regarding de-trunking	These discussions are ongoing between the applicant's consultant and Derbyshire County Council.	Discussions are continuing with the LHAs and HE Area Team (last meeting held 24/01/2020) to progress the maintenance arrangements for the

Ref	Source	Comments	Applicant's Response
	and Traffic Regulation Order engagement.		operational stage of the scheme; the general principles have been agreed. The final details will be agreed during the next design stage when details become available for all aspects of all infrastructure.
3.20	74 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	Derbyshire County Council has no other outstanding concerns on the range of matters other than as identified on the other questions above.	Noted.

Ref	Source	Comments	Applicant's Response
	impacts under the Construction Environmental Management Plan; i) events in Markeaton Park; j) after care, monitoring and maintenance of the environmental mitigation measures and replacement public open space; and k) evidencing net gains, including enhancing the natural environment and reducing pollution?		
3.21	DCC Written Summary of Oral Contributions at Issue Specific Hearing 2	Under the Heading of Impact on the Openness of the Green Belt and paragraphs 2.11-2.12 DCC state that: *"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."*	Highways England welcomes this conclusion from DCC.
4 Alan Bradwell			

Ref	Source	Comments	Applicant's Response
4.1	REP3-030	Mr Bradwell asked why does the plan not solve the 40-year old problem of mixing A38T traffic and Derby Urban traffic, which leads to delays stating Kingsway and Queensway will still be a shared Trunk/Urban road. He also stated the A38T should be a separate road from the A5111 Derby Ring-Road and went on to describe an alternative scheme that was greatly different to the scheme that is being examined.	Mr Bradwell has made the same points that he raised in his Relevant Representation and these were addressed in the Applicant's Deadline 1 submission.
5 Alyson Lee (on behalf of Extinction Rebellion, Derby)			
5.1	REP3-031	The publication dates of the PEIR, local planning policies and EU Directives and Highways England's Environment Strategy all precede the Declaration of a Climate and Ecological Emergency made by Parliament and Derby City Council in May 2019. Considering the existential threat to human life, as well as all other species, caused by the Climate and Ecological Emergency, we would strongly suggest that all major projects that are still in the planning stage should be postponed until new policies have been developed that take account of the catastrophic situation the world finds itself in.	Under the Planning Act 2008, the Scheme is to be determined in accordance with the National Policy Statement for National Networks. Notwithstanding the declaration, the policies have not been amended to reflect this. It is for the Government's to determine whether the NPS policies should be amended.

Ref	Source	Comments	Applicant's Response
5.2		The Biodiversity section of TR010022 Volume 6 6.4 Environmental Statement Non-Technical Summary it is stated that: "The construction phase would be the most disruptive period for ecology and nature conservation. Vegetation clearance would remove habitats in the short term before the maturation of new landscape planting, and the exclusion of protected species from the construction works areas would be required. This would cause significant disruption to local habitats and local animal populations in the short term. Construction works would also cause temporary disruption and disturbance at watercourses, with the requirement for in-channel works and increased risk of pollution incidents". In addition, the summary of the construction phase assessment gives two notable adverse effects of the project: • The A38 Roundabout LWS (Local Wildlife Site) would be permanently lost, resulting in a significant adverse effect. • Significant adverse effect upon semi-natural broadleaved woodland in the short to medium term.	The Non-Technical Summary also states that taking into account the defined mitigation measures: "*The Scheme has the potential to have a significant beneficial effect on biodiversity in the medium to long term; particularly on standing water (ponds), running water, foraging and commuting bats, otter, terrestrial invertebrates, aquatic invertebrates and fish. This would be achieved through the implementation of mitigation measures and by identifying opportunities for biodiversity gains, including the retention, protection and creation of ecological habitats together with associated features for protected and notable species"*. The full ecological effects of the Scheme (construction and operation) are detailed in Environmental Statement Chapter 8: Biodiversity [APP-046], which details the various actions and measures that have been taken to avoid and mitigate potential ecological effects, as well as

Ref	Source	Comments	Applicant's Response
		This is totally unacceptable in a world where one of the existential threats to human life is the loss of biodiversity and wildlife – we are in the 6th Mass Extinction event and cannot afford to continue with projects that adversely affect wildlife.	opportunities taken to enhance biodiversity.
5.3		In the Climate section of the same report the Summary of construction assessment states • No significant adverse effects with regard to greenhouse gas emissions. Considering the government have committed to Net Carbon emissions by 2050 and are nowhere near attaining the levels of reduction required to attain this goal that statement is monumentally wrong! To attain the government's goal for 2050 major changes have to be made in all areas of the economy including transport infrastructure and this has to start now – Highways England must reconsider all of their projects to focus on integrated transport systems which will help the public move away from car use.	Environmental Statement (ES) Chapter 14: Climate [APP-052] details the potential greenhouse gas emissions associated with Scheme construction and operation. The assessment indicates that in the context of the current UK carbon budgets, estimated emissions are not deemed to be significant. It is recognised that the assessment was written prior to the publication of the new Government carbon reduction targets set within the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (i.e. the net zero target). As such, the assessment does not take the revised carbon reduction target into account. The trajectory of delivery for the UK's 2050 carbon reduction target is set out through a series of five-year carbon reduction budgets published by

Ref	Source	Comments	Applicant's Response
			the Government. To understand the CO_2e impact of the Scheme, estimated CO_2e emissions from the Scheme have been compared against the five-year carbon budget period in which they would arise to determine if the Scheme will have an impact on the UK meeting the 2050 target. The carbon assessment in ES Chapter 14: Climate [APP-052] was undertaken using the set of carbon budgets available at the time of the assessment, which were calculated to meet the previous (80% reduction) target. The Committee on Climate Change, the body responsible for setting the carbon budgets, has announced it will revise its assessment of the appropriate path for emissions over the period to 2050 to meet the net zero carbon target as part of its advice later this year (2020) on the sixth carbon budget. It is therefore not possible to update the assessment of the CO_2e impact of the Scheme against the new net zero carbon target until the revised carbon budgets are published. However, the assessment as set out in ES Chapter 14: Climate [APP-052] demonstrates that the

Ref	Source	Comments	Applicant's Response
			Scheme's greenhouse gas impact as a proportion of total UK carbon emissions is negligible such that it can be considered to be immaterial. In such circumstances, Highways England does not consider that the new net zero target gives cause to alter the assessment findings. It should also be noted that the GHG emissions presented in ES Chapter 14 are considered to be a worst case scenario. For example, they do not account for current or future Government policy promoting the update of low carbon and electric vehicles and the decarbonisation of the national electricity grid.
6 Dave Clasby			
6.1	REP3-032	I believe that the scheme is not justified on traffic grounds. Analysis of traffic data by Derby Cycling Group DCG has shown that the majority of the traffic is local journeys. (See separate submission from DCG) The money would be better spent on improvements to walking, cycling and public transport facilities in the city. This could remove much of the local traffic.	Highways England notes "Appendix B - Analysis" attached to the separate submission from DCG **[REP3-033; see PDF page 19]**. Highways England's traffic model for the scheme was based upon observed flow-volume data collated across the study area and on an analysis of anonymised mobile phone movements. The latter data source provided a high sample of

Ref	Source	Comments	Applicant's Response
		There would then be no need for these changes.	individual journeys through and within the study area. There were 123,000 vehicles per day that used at least one of the three A38 Derby junctions (note: many of these journeys used more than one junction). Of the 50,000 vehicles per day (two-way) on the A38 immediately to the north of the Little Eaton junction, 21,000 (42%) were still on the A38 at a point to the south of the Kingsway junction. Note: this might be interpreted to imply that the remaining 58% were 'local journeys' but this is not correct. The remaining 58% were using the A38 strategic road network from 'local' origins to reach distant destinations or travelling to 'local' destinations from distant origins. The Scheme is promoted by Highways England, the government-owned organisation responsible for maintaining the strategic road network. The Scheme has a positive business case; based on an assessment of motor vehicle movements alone. Cycle traffic and pedestrian traffic would also

<table>
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<tr><td></td><td></td><td></td><td>benefit from the junction improvements.</td></tr>
<tr><td>6.2</td><td></td><td>There is absolutely no justification in increasing the traffic speed to 50mph. This will merely increase fuel consumption and air pollution. Motorways are major sources of air pollution. Please see DEFRA's air quality models. The Derbyshire air quality heat map clearly shows that it is faster roads that have the worst air quality.</td><td>Emission rates of NOx and CO_2 are highest at low speeds (congested conditions), are lowest at around 40 – 50 mph and then increase with increasing speeds. This is illustrated in the table below, which shows NOx and CO_2 emissions in 2024 with emission rates obtained for motorways from Defra's Emission Factor Toolkit. On the A38 with the Scheme, journeys through Kingsway and Markeaton junctions would be smooth flowing and at speeds up to 50 mph, which would result in the lowest emissions per vehicle. As the majority of the A38 traffic would no longer use the roundabouts at Kingsway, Markeaton and Little Eaton junctions with the Scheme, there would be a reduction in emissions from queuing traffic in these areas.
<table>
<tr><td>Speed (mph)</td><td>NOx emission rate (g/km)</td><td>CO_2 emission rate (g/km)</td></tr>
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Ref	Source	Comments	Applicant's Response

10	0.461	*339*
20	0.329	*239*
30	0.270	*197*
40	0.243	*187*
50	0.240	*194*
60	0.271	*208*
70	0.344	227

Vehicle emissions from motorways are often higher than from many other types of road due to the high volumes of traffic using the motorways rather than due to the speed of the traffic.

Improving the A38 will attract some journeys onto the smooth flowing strategic road network corridor and away from the stop-start conditions currently experienced on the local road network.

The Scheme would also have safety benefits by reducing the number of road traffic collisions. Over a 60-year period the Scheme would save 1,875

Ref	Source	Comments	Applicant's Response
			casualties including 143 that would otherwise be killed or seriously injured **[REP3-005; para 5.5.5]**.
6.3		The proposed increase to three lanes between Kedleston Road and Kingsway roundabout will see an increase in traffic usage. When will the increased speed and volume of traffic lead to the air quality going back to what it is now? I am told the models do not predict that within 5 years but it will certainly happen eventually. There is no sign of the mass increase in electric cars, in fact SUV's are increasing significantly in sales which emit more air pollution than standard family cars.	The increase in traffic volumes on the A38 between Kedleston Road and the Kingsway roundabout would mostly result from the rerouting of trips from the away from the local road network and onto the more suitable A38. The traffic forecasting method included a process to account for the potential for the higher quality journeys associated with the Scheme to induce trips. Emissions per vehicle are expected to decrease in the future as newer cleaner vehicles penetrate the vehicle fleet due to increasingly stringent emission standards for new vehicles. The emission forecasts for future years take into account changes in fuel type and size of vehicles based on the latest government forecasts which are based on vehicle sales figures. Air quality predictions have been made for 2015 (base year) and 2024 (Scheme opening year). As an example, annual mean NO_2 concentrations at Receptor R53 which is next to the A38 on

Ref	Source	Comments	Applicant's Response
			Kedleston Old Road as reported in the Environmental Statement (ES) Chapter 5: Air Quality [APP-043] are 33.2µg/m^3 in 2015 and 27.3µg/m^3 in 2024 with the Scheme. Concentrations will continue to decrease after 2024 due to the cleaner vehicle fleet. This is demonstrated by the regional emission calculations where NOx emissions from the affected road network are calculated to be 311 tonnes/year in 2015, 166 tonnes/year in 2024 and 123 tonnes in 2039.
6.4		The scheme will have a detrimental affect on air quality in the city during construction. This is because the road width will be restricted to one lane for most of the time. The congestion this will cause will mean drivers will seek other ways to make their local journeys which means an increase in motorised vehicles on the city streets. This will increase the poor air quality in Derby. Then combine with the changes to the inner ring road due in 2020 which will change the inner ring road from Stafford St to Uttoxeter Old Road. This will see NOx levels in the city become illegal once again. Levels are	During construction it is proposed to maintain two lanes in each direction during peak periods to maintain the existing travel times along the A38 (refer to the outline TMP). Traffic management will be implemented during the construction phase with the purpose of maintaining traffic flows on the A38. This is explained in the Environmental Statement (ES) Chapter 2: The Scheme [APP-040, paragraph 2.6.78]. During the most active construction phase, traffic management has the potential to increase the A38 journey time by

Ref	Source	Comments	Applicant's Response
		already very close to illegal across a lot of the city. This scheme will lead to illegal levels of NOx in Derby during construction.	approximately two minutes (ES paragraph 2.6.81). This strategy would minimise the amount of traffic taking alternative routes through the city. Air quality across the city during the construction phase has been assessed and the results are reported in the ES Chapter 5: Air Quality. Air quality is predicted to be within the objectives and limit values across the city, apart from in Stafford Street where there is a risk of the annual mean NO_2 objective and limit value being exceeded. However, work carried out by Derby City Council with their proposed traffic management measures to improve air quality in place, predicts that air quality in Stafford Street will also be compliant as would all other locations in the city.
6.5		The monitoring of air quality in the city is not as accurate as it could be and carried out almost exclusively using diffusion tubes which have an accuracy rating of about +/- 20%.	Diffusion tubes are a recognised and accepted technique by Defra to measure NO_2 concentrations. The majority of NO_2 monitoring in the UK is carried out using diffusion tubes due to the ease with which measurements can be made. Diffusion tubes are less accurate than the reference method, the chemiluminescent analyser, which is a sophisticated and expensive

Ref	Source	Comments	Applicant's Response
			instrument and a result is deployed at far fewer sites in the UK. Defra recommends that measurements made using diffusion tubes are bias corrected based upon local or national co-location studies with a chemiluminescent analyser to adjust for the difference between the measurements made using diffusion tube and chemiluminescent analysers. Bias represents the overall tendency of the diffusion tubes to under or over read relative to the chemiluminescent analyser. Derby City Council has bias adjusted its diffusion tube results to improve their accuracy in-line with guidance issued by Defra. The measurements made by DCiC using diffusion tubes are considered to be fit for purpose by Defra.
6.6		The gross carbon emitted by the construction of this alone can not be justified on any level if we want to have a planet habitable for future generations. The Tyndall Centre in a BEIS funded study have forecast for Derby 'At 2017 CO2 emission levels, Derby would use	Environmental Statement (ES) Chapter 14: Climate [APP-052] details the potential greenhouse gas emissions (GHG) associated with Scheme construction and operation. The impact of the Scheme on the climate due to GHG emissions has been assessed in line with the

Ref	Source	Comments	Applicant's Response
		this entire budget within 7 years from 2020.	requirements set out in the National Planning Statement for National Networks (NPSNN). This requires that the impact of any Scheme is considered in the context of the UK meeting its national carbon budgets. As this Scheme is part of national highways network, with GHG impacts considered across the wider affected road network, it is considered more appropriate to put the impacts of the Scheme into a national context. The assessment indicates that in the context of the current UK carbon budgets published by Department for Business, Energy and Industrial Strategy (BEIS), estimated emissions are not deemed to be significant. It is recognised that the assessment was written prior to the publication of the new Government carbon reduction targets set within the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (i.e. the net zero target). As such, the assessment does not take the revised carbon reduction target into account. The trajectory of delivery for the UK's 2050 carbon reduction target is set out through a series of five-year

Ref	Source	Comments	Applicant's Response
			carbon reduction budgets published by the Government. To allow for a gradual transition towards a low carbon UK economy, the carbon budget trajectory presents a steady decrease in the allowable threshold of GHG emissions towards the 2050 target. Construction emissions from the Scheme will fall under the near-term carbon budgets which permit greater emissions, while still allowing the UK to remain on course to meet 2050 targets. To understand the CO_2e impact of the Scheme, estimated CO_2e emissions from the Scheme have been compared against the five-year carbon budget period in which they would arise to determine if the Scheme will have an impact on the UK meeting the 2050 target. The carbon assessment in ES Chapter 14: Climate [APP-052] was undertaken using the set of carbon budgets available at the time of the assessment, which were calculated to meet the previous (80% reduction) target. The Committee on Climate Change, the body responsible for setting the carbon budgets, has

Ref	Source	Comments	Applicant's Response
			announced it will revise its assessment of the appropriate path for emissions over the period to 2050 to meet the net zero carbon target as part of its advice later this year (2020) on the sixth carbon budget. It is therefore not possible to update the assessment of the CO_2e impact of the Scheme against the new net zero carbon target until the revised carbon budgets are published. However, the assessment as set out in ES Chapter 14: Climate [APP-052] demonstrates that the Scheme's greenhouse gas impact as a proportion of total UK carbon emissions is negligible such that it can be considered to be immaterial. In such circumstances, Highways England does not consider that the new net zero target gives cause to alter the assessment findings. It should also be noted that the GHG emissions presented in ES Chapter 14 are considered to be a worst case scenario. For example, they do not account for current or future Government policy promoting the update of low carbon and electric

Ref	Source	Comments	Applicant's Response
			vehicles and the decarbonisation of the national electricity grid.
7 Derby Cycling group			
7.1	REP3-033	Derby Cycling Group made comments on selected ExA questions on ISH 2	The Applicant has already responded to these in its Deadline 3 submission [REP3-026].
7.2		Derby Cycling Group made comments on ExA question 64 on ISH 2 – this is in relation to the Traffic Management Plan	Refer to Applicant's response in REP2-020 at item 5.27.
8 Environment Agency			
8.1	REP3-034	34) The Environment Agency has no direct remit on the carbon footprint of this scheme. However, we did offer some general advice as part of our response to the written questions for Issue Specific Hearing 1. That advice still stands that we would encourage any opportunities for Carbon Reduction.	Noted. The advice previously provided by the Environment Agency has been reviewed. Highways England consider that the revised OEMP [REP3-003] makes appropriate provisions for minimising the carbon emissions as associated with the Scheme – reference to MW-CC1 in Table 3.2b indicates that Highways England will develop and implement an Energy and Carbon P plan to reduce energy consumption and associated carbon emissions. Energy consumption and materials use will be recorded and reported on an ongoing basis during the construction phase of the Scheme

Ref	Source	Comments	Applicant's Response
			using Highways England Carbon Reporting Tool.
8.2		35) a) We would encourage the aim for 25% as the national target as a minimum despite the East Midlands target being 14%. Some large projects have provided more than the 25%. For example the London Olympics achieved a 34% recycled content rate (by value) for materials used in that scheme (para 10.18 No Time to Waste, Commission for a Sustainable London 2012, March 2010 http://www.cslondon.org/wp-content/uploads/downloads/2010/03/2010_Waste_Review.pdf?id=2010_Waste_Review.pdf .	Noted. Refer to our response to this question in [REP3-026].
8.3		b), we would agree that the SWMP should be required to consider waste minimisation (designing out waste and preventing it from arising in the first place is a key aspect of Site Waste Management Plans, and is consistent with the waste hierarchy, where it is better to prevent waste from being produced, than having to recycle / dispose of it), The SWMP should also ensure that the waste management chain is fully auditable by having checks and	Noted. Refer to our response to this question in [REP3-026].

Ref	Source	Comments	Applicant's Response
		processes in place to ensure that waste is passed to authorised persons, and disposed / recycled at appropriately authorised facilities. This will support the legal waste industry and protect it and the environment from price undercutting and consequent unlawful disposal by illegal operators.	
8.4		37) The Environment Agency is satisfied that in respect of main rivers affected by the scheme there is no net loss proposed. We are aware that environmental enhancements are taking place on ordinary watercourses and the ecologists working for the councils have engaged with the development of these proposals.	Noted and agreed.
8.5		38) We have no comments on this section as these are matters that relate to matters within the domain of the councils rather than the Environment Agency.	Noted.
8.6		41) We would ask that the Inspector adopt the wording from the DCO model provisions "Nothing in this article overrides the requirement for an environmental permit under regulation 12 (requirement for environmental permits) of the Environmental Permitting (England	As mentioned in previous responses, Highways England does not consider that inclusions of this nature in the DCO (which are essentially "for the avoidance of doubt" provisions) are necessary. The dDCO does not seek to disapply the EPR in any way and as

Ref	Source	Comments	Applicant's Response
		and Wales) Regulations 2016", in respect of Article 20 of the DCO. This will make it clear that the applicant will need to obtain a permit for any water discharge activity which requires such a permit pursuant to the 2016 Regulations.	such this regime will continue to operate and the Scheme will need to adhere to the legislative framework set in it. However, Highways England understands that the Environment Agency is keen to include this provision in the dDCO as they consider that the position will be clearer for third parties. To accommodate the EA's position on this Highways England has included this in article 20 and this is included in the dDCO submitted at D4.
8.7		44) a) To date the Environment Agency has not had any detailed discussions with the applicant, however, we understand that the applicant proposes to disapply Environment Agency byelaws. We will wait for the applicant to contact us with further specifics.	Noted. Highways England will pick this matter up directly with the Environment Agency for further discussion.
8.8		b) Dissaplication of legislation and protected provisions are inherently linked. Where an applicant is looking to dissapply legislative requirements relevant to the Environment Agency's regulatory role, the Environment Agency's protected provisions ensure that that the disapplication is subject to the provisions	Highways England has revised the PPs provided to it by the EA and returned these to the EA. HE and the EA's legal teams are discussing these provisions, together with the approach taken by HE on the disapplication of legislation.

Ref	Source	Comments	Applicant's Response
		(conditions) contained within them thus protecting the Environment Agency's regulatory interests.	
8.9		59) a) The Environment Agency are happy to be consulted via the LPA for requirements 3, 8 and 14.	As per Highways England's responses submitted at D3, the EA is now included as a consultee in respect of these requirements.
8.10		g) Verification We have previously expressed a need to have a verification process, which validates any remedial action deemed necessary under requirement 8 (land and groundwater contamination) of the draft Development Consent Order (dDCO). This is because the framework upon which contamination risk assessment and remediation is based requires a need to demonstrate that any remedial action undertaken has been carried out as detailed within remediation strategy proposals, and also that it has been effective in reducing contamination risks.	The revised OEMP [REP3-003] (refer to MW-GEO3 in Table 3.2b) states that "*Where remediation works have been undertaken, Highways England will prepare a Verification Report to illustrate that the works have been undertaken in accordance with the Remediation Strategy. The Verification Report shall be submitted to and agreed with the Environment Agency*". Thus, whilst the need for verification will be detailed in the CEMP (which will be secured through the DCO via R3) the verification process will be undertaken separately. It is also noted that any contamination remedial works (which we assume the EA is eluding to) will be undertaken during the main

Ref	Source	Comments	Applicant's Response
		The applicant has indicated that this verification process can be included as part of the Construction Environmental Management Plan rather than through an amendment of the dDCO. Whilst we do not object to the principle of this proposal, but we do point out that the current wording of requirement 3 (CEMP) in the dDCO may not currently facilitate this. This is because remedial actions may constitute commencement of development, and/or may need to be undertaken during the course of development. If the verification process is included as part of requirement 3 (CEMP, which is a pre-commencement requirement) then the applicant may be unable satisfy requirement 3 - they cannot commence until it is satisfied, but cannot satisfy until after commencement. To this end, we would recommend that the wording of requirement 3 is reviewed by the applicant in consultation with the Environment Agency to ensure that in the event that remedial action is undertaken	works, and thus after the CEMP has been approved by the SoS.

Ref	Source	Comments	Applicant's Response
		and a verification report is to be produced, the Environment Agency is consulted as part of the process.	
8.11		61) As stated we would be happy to see the HEMP if it is required. We have no detailed comments further on this.	Noted. The revised OEMP [REP3-003] (refer to MW-G11 in Table 3.2b) states that the HEMP would be prepared in consultation with the local authorities and relevant statutory bodies. including the Environment Agency.
8.12		62) (a) No specific comments on the timescales. If timescales are proposed we would be content with a 21 day time scale to respond.	Noted.
8.13		(b) We would recommend that Requirement 4 is amended to include an obligation that the applicant must provide reasons for not incorporating an undertaker's recommendations within the report to the Secretary of State.	This is already a requirement in requirement 4 (see 4(3)). Where Highways England prepares a consultation report for the SoS it will have to reflect the consultation responses in the details submitted to the SoS for approval. Where the submitted details do not reflect the comments made by a consultee Highways England will explain why the

Ref	Source	Comments	Applicant's Response
			matter has not been included in the submitted detail.
8.14		69) As mentioned under 44), the Environment Agency is waiting for the applicant to provide further details on what is expected to be disapplied, although we understand that the disapplication may relate to Environment Agency byelaws only. Once the applicant has provided this information we will be able to provide a more detailed response.	Discussions are ongoing with the Environment Agency on this matter. Highways England will provide an update on the latest position at deadline 5.
8.15		70) We have not had any further approaches from the applicant in respect of applications for the relevant consents and permits. As such we are not in a position to comment on whether these consents will be granted or not until such time as we have seen the required detail. We would recommend that the applicant should submit any required applications for consents as soon as possible due to the risk of delay as a result of the consultation and consideration periods which will need to be included within the determination time scales.	Noted. Refer to our response to this question in [REP3-026].

Ref	Source	Comments	Applicant's Response
8.16		71) It is difficult to take a position when important detail remains outstanding. We have previously responded to written questions stating that standard pollution prevention control and best practice measures should be sufficient but until the specifics are detailed at a site meeting we cannot provide further information.	The revised OEMP [REP3-003] indicates that standard pollution prevention control and best practice measures will be implemented. Given that specific details of such measures will not be known until after the appointment of the construction contractor, the OEMP makes provisions for the Environment Agency to be consulted during the definition of such details - this includes the need for a site meeting with the Environment Agency prior to the start of the construction works (refer to MW-WAT8 in Table 3.2b).
8.17		72) At this stage, in respect of the documents provided for this DCO application, the Environment Agency has raised no concerns relating to the environmental aspects within our remit. However, we cannot provide a definitive response on the outcome of future permit and consent application that will be required until the detail and information is provided by the applicant.	Highways England note that the Environment Agency have not raised any concerns relating to the environmental aspects and consents within their remit. As highlighted in the Consents and Agreements Position Statement [APP-019] a number of consents will be needed from the Environment Agency. However, specific details needed for consent

Ref	Source	Comments	Applicant's Response
			applications will not be available before detailed design is finalised. Highways England consider that the commitments and procedures as detailed in the OEMP [REP3-003] illustrate that when such details are being developed, Highways England will consult with the Environment Agency who will be kept up to date with the Scheme which will in turn facilitate the approval process as part of obtaining any separate consent required.
8.18		74) e) Groundwater contamination - The Environment Agency has reviewed a technical note produced by the applicant which aims to address our queries on reports that were appended to the Environmental Statement. The subject of the technical note relates to contamination risk assessments, and we consider that this matter, whilst under discussion, is covered under requirement 8 of the dDCO. Contamination	Noted

Ref	Source	Comments	Applicant's Response
		We have reviewed the Technical Note for the a38 junctions produced by AECOM, dated November 2019 (ref: 60533462). The Technical Note looks to address questions made by us (Environment Agency) in response to risk assessments underpinning the Environmental Statement. We are encouraged that the updated assessment of risk no longer uses a statistical test (i.e. use of UCL95), which is not appropriate for the purposes of controlled waters risk assessment. Table 1 indicates that a number of aliphatic and aromatic hydrocarbon bands have been detected in elevated concentrations within groundwater within landfilled materials at the Kingsway Junction. However, there is no subsequent comment or assessment of risk posed to controlled waters receptors from these determinants. This point was raised in paragraph 6.4 of our Relevant Representations (July 2019) and remains an outstanding matter which has not been addressed.	Noted Noted Additional information has been issued to the Environment Agency (21st January 2020) regarding aliphatic and aromatic hydrocarbon bands that have been detected in elevated concentrations within groundwater that address the comments made for both Kingsway junction and Markeaton junction - this information is being submitted to the ExA at Deadline 4.

Ref	Source	Comments	Applicant's Response
		To a lesser extent, similar comments could be made about results of concentrations of similar compounds from groundwater analysis in BM05 within the Markeaton Roundabout area. We have no objections in principle to the conclusions drawn about the risks posed to controlled waters from other determinants in the other junction areas.	See above See above Noted
8.19		75) The majority of matters relating to SOCG are related to either groundwater or contaminated land. As mentioned at 74 e) above, the Environment Agency have reviewed new groundwater information as submitted by the applicant and our response is detailed above.	Noted and agreed.
9 Euro Garages Limited – written summary of oral contributions at hearings			
9.1	REP3-035	Mr Booker raised no issues that have not already been raised in Euro Garages' written representation.	Please refer to the Applicant's response to EG's written representation submitted at deadline 3 [REP2-020].
10 Euro Garages Limited – post-hearing submission requested by the ExA			

Ref	Source	Comments	Applicant's Response
10.1	REP3-036 Conclusion Para 8.1	It remains to be established by Highways England that the existing rights of way to the Service Station can provide safe and legal access following completion of the Scheme. If this cannot be demonstrated a substantial claim is likely to be made based on the total extinguishment of EG's interest unless the orders are amended to allow for the acquisition of appropriate access rights expressed in similar terms to the existing rights.	The Applicant is confident that access to the filling station (after the scheme is completed) can be achieved without going outside land that is currently designated highway or in the ownership of Euro Garages or in the ownership of McDonald's (but having rights for Euro Garages and its customers to pass over from a 1982 conveyance).
10.2	REP3-036 Conclusion Para 8.2	Unless it can be demonstrated that the revised single ingress arrangements are adequate to safely serve the delivery vehicles and in particular fuel tankers, EG may not be able to secure a fuel supply agreement with an oil company. These circumstances would be likely to lead to a claim for the total or partial extinguishment of the business at the Service Station.	As stated in the Applicant's previous responses, swept path analysis has shown that, after the scheme is completed, a fuel tanker will be able to safely enter the site from the A52 and exit the site onto the A38 slip road. This is subject to confirmation that the recently erected buildings and new car parking spaces within Euro Garages' site will not interfere with the vehicle swept paths.
10.3	REP3-036 Conclusion Para 8.3	Any adverse rights that are to be secured over EG's land in favour of third parties should be considered through due legal process and pending this, EG's position is fully reserved.	If, as has been suggested by McDonald's, there is an informal agreement in place to allow McDonald's vehicles to encroach onto Euro garages' site to manoeuvre into their delivery bay, this would not be

Ref	Source	Comments	Applicant's Response
			impacted by the Scheme and there is no reason that this cannot continue following completion of the Scheme.
10.4	REP3-036 Conclusion Para 8.4	EG's objective is to secure continued and effective representation at this location and it is hoped that this matter will receive serious consideration with the objective of both allowing the Service Station to continue to serve what will be a reduced trading potential in any event.	It is also the wish of the Applicant that this business should continue to operate following completion of the Scheme.
11 Intu Derby			
11.1	REP3-037	"*Issue 2. Impacts on local roads during construction*", at the second bullet point (on page 2) states: • As discussed at Hearing 2, the strategic traffic modelling for the construction period suggests minimal impacts in terms of overall journey times. Notwithstanding this, the modelling work undertaken to date provides insufficient details on the localised impacts of a road closure/banned turning movements and what impact this will have on driver routing to and through Derby city centre. It would be helpful for the HE to identify particular congestion hotspots / pinchpoints and likely queue lengths at these points. We feel this additional	HE has strategically modelled (using SATURN software) the envisaged construction phases. This analysis used average hour demands. The results from this modelling were used to assess the environmental impacts, which is the appropriate method. To predict queue lengths with any degree of certainty implies a comprehensive study of the micro-time period demands and trip patterns within the peak hours, combined with a process to make useful predictions. This is not possible with the modelling tools and traffic data available. However, it is noted that travel choices

Ref	Source	Comments	Applicant's Response
		insight is needed to develop an effective TMP as the likely problem areas must be identified before appropriate mitigation measures can be developed.	are made based on a drivers' perception of the road conditions, which are learned over a duration of time. SATURN models average hours. The outline Traffic Management Plan identifies the undertakings and considerations during the planning of the construction works. HE notes that 'Intu Derby' has been attending the 'Behavioural Change' group meetings. This is one potential vehicle for maintaining dialogue with stakeholders during the construction planning process that lies ahead.
12 Mair Perkins			
12.1	REP3-038	I am concerned about the disruption from years of road works. I'm worried that my husband may be delayed in getting to work and we may be cut off from the city.	The works are likely to take approximately four years. This length of construction is, in part, because of the need to keep construction activities contained within the working day and not disrupt nearby residents unduly. Firstly, Highways England would urge local residents to find alternative modes of travel during the construction

Ref	Source	Comments	Applicant's Response
			period, such as using the bus or bicycle. However, HE recognises that, in some cases, travel by a private vehicle is essential and Highways England will be implementing traffic management measures at each phase of the construction process to minimise the delays to all road users.
12.2		I'm also worried by increased air pollution levels and more traffic.	Air quality issues during Scheme construction and operation are considered in detail in Environmental Statement Chapter 5: Air Quality [APP-043]. The assessment indicates that during Scheme operation, all air quality objectives and limit values are predicted to be achieved at properties in the vicinity of Markeaton junction. Most properties on Enfield Road would experience an imperceptible change in air quality concentrations during Scheme operation, whilst those closest to the A38 would have a small improvement due to access to and from the A38 from Enfield Road being closed.
12.3		But I am very concerned about the harm to the nature in Markeaton Park and the	The ecological effects of the Scheme, including impacts upon Markeaton

Ref	Source	Comments	Applicant's Response
		removal of mature trees. With the declaration of a climate emergency, these proposed works should not be going ahead. Mature trees need to be protected for their biodiversity value and for their carbon capture	Park, are considered in Environmental Statement (ES) Chapter 8: Biodiversity [APP-046], whilst effects upon the park landscape are detailed in ES Chapter 7: Landscape and Visual [APP-045]. During the development of the Scheme design, Highways England has aimed to minimise the loss of existing trees, and where such losses are unavoidable, mitigation planting is proposed. As indicated in the Environmental Masterplan figures (ES Figure 2.12C and 2.12D [APP-068]), the environmental design at the park includes woodland, tree and shrub planting, as well as the provision of species-rich and amenity grassland. In addition, a range of ecology mitigation features will be provided in the park, including 10 bat roosts features in existing trees, use of felled trees to retain potential roost features for roosting bats and create log piles for amphibians.
13 Mary Smail (on behalf of Extinction Rebellion, Ashbourne)			
13.1	REP3-039	There is a climate emergency, there is too much CO2 in the atmosphere and we need to stop putting any more in there.	Environmental Statement (ES) Chapter 14: Climate [APP-052] details the potential greenhouse gas emissions

Ref	Source	Comments	Applicant's Response
		The atmosphere is global, what affects one affects all, and it is the global poor, those in marginal environments, the animals and the ecosphere which will suffer first and most. This is much more than a local issue.	associated with Scheme construction and operation. The assessment indicates that in the context of the relevant UK carbon budgets, estimated emissions are not deemed to be significant. It is recognised that the assessment was written prior to the publication of the new Government carbon reduction targets set within the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (i.e. the net zero target). As such, the assessment does not take the revised carbon reduction target into account. The trajectory of delivery for the UK's 2050 carbon reduction target is set out through a series of five-year carbon reduction budgets published by the Government. To understand the CO_2e impact of the Scheme, estimated CO_2e emissions from the Scheme have been compared against the five-year carbon budget period in which they would arise to determine if the Scheme will have an impact on the UK meeting the 2050 target. The carbon assessment in ES Chapter 14: Climate [APP-052] was undertaken using the set of carbon budgets available at the

Ref	Source	Comments	Applicant's Response
			time of the assessment, which were calculated to meet the previous (80% reduction) target. The Committee on Climate Change, the body responsible for setting the carbon budgets, has announced it will revise its assessment of the appropriate path for emissions over the period to 2050 to meet the net zero carbon target as part of its advice later this year (2020) on the sixth carbon budget. It is therefore not possible to update the assessment of the CO_2e impact of the Scheme against the new net zero carbon target until the revised carbon budgets are published. However, the assessment as set out in ES Chapter 14: Climate [APP-052] demonstrates that the Scheme's greenhouse gas impact as a proportion of total UK carbon emissions is negligible such that it can be considered to be immaterial. In such circumstances, Highways England does not consider that the new net zero target gives cause to alter the assessment findings. It should also be noted that the GHG emissions presented in ES Chapter 14 are considered to be a worst case

Ref	Source	Comments	Applicant's Response
			scenario. For example, they do not account for current or future Government policy promoting the update of low carbon and electric vehicles and the decarbonisation of the national electricity grid.
13.2		The poorer people in the local community who do not have cars and rely on buses will be the most inconvenienced and least benefited, so this is an economic justice issue. Travel by bus from Ashbourne is too expensive and the buses need to be more frequent. There will be delays during the construction and the money would be better spent on more frequent, cheaper buses all around Derby, which would benefit a larger number of people and the environment.	The Applicant is Highways England. Highways England is a government owned company responsible for maintaining and improving the strategic road network (trunk roads). Other organisations and bodies are responsible for maintaining and improving local roads, promoting non-car modes and improving public transport. The issues raised are outside of the scope of this Development Consent Order. The disbenefits resulting from delays to road users during construction was considered as part of the business case assessment. There is a positive transport economic business case for the Scheme. A distributional analysis of the transport user benefits indicated that the benefits would be evenly

Ref	Source	Comments	Applicant's Response
			distributed across social groups defined by income deprivation.
13.3		As for Visual amenity, the removal of elegant bridges will be adverse; demolition of houses detracts from the settled mature appearance of the area and the loss of mature trees depletes the environment of habitat, carbon sink and visual amenity.	It is presumed that the reference to "the removal of elegant bridges" refers to the loss of the Markeaton footbridge to the north of Markeaton junction. Whilst the existing bridge will need to be removed, it will be replaced by the Scheme with a like-for-like structure designed to be Disability Discrimination Act compliant. The Scheme at Markeaton junction does require the demolition of 15 detached properties along Queensway and two semi-detached properties on the A52 Ashbourne Road. Part of the area left vacant following building demolition at Queensway will be made into an area of public open space and appropriately landscaped forming a green link for pedestrians and cyclists between the A52 and the new footbridge. Thus, whilst some buildings will be lost, opportunities for environmental enhancement have been taken.

Ref	Source	Comments	Applicant's Response
			With regard to the loss of trees, the ecological effects of the Scheme are considered in Environmental Statement (ES) Chapter 8: Biodiversity [APP-046], whilst effects upon the landscape are detailed in ES Chapter 7: Landscape and Visual [APP-045]. During the development of the Scheme design, Highways England has aimed to minimise the loss of existing trees and vegetation, and where such losses are unavoidable, mitigation planting is proposed. As indicated in the Environmental Masterplan figures (ES Figure 2.12A and 2.12H [APP-068]), the environmental design includes woodland, tree and shrub planting, as well as the provision of species rich and amenity grassland. In addition, a wide range of ecology mitigation features will be provided – these are also detailed in the Environmental Masterplans.
13.4		Who benefits from this apart from the Contractors?	The A38 is an important route from Birmingham through to the M1 at junction 28. Congestion occurs at the three roundabouts where long distance traffic interacts with local traffic and there is a higher than average accident

Ref	Source	Comments	Applicant's Response
			record for these types of junctions. Grade separating the roundabouts will improve reliability times of journeys for long distance and local traffic, relieve congestion and make roads safer for vehicles and non-motorised users. Once complete, the scheme will facilitate Derby's aspirations for local housing and employment developments, which will allow for local economic growth. The scheme will add capacity to the roads which are being placed under strain by Derby's housing and employment growth.
14 McDonald's Restaurants Ltd			
14.1	REP3-040	McDonald's provided a written summary of oral contribution and no new issues have been raised.	The Applicant met with McDonald's on 15th January 2020 to progress outstanding issues and further develop the Statement of Common Ground.
15 Royal Derby Hospital			
15.1	REP3-041	The Royal Derby Hospital cited sections of the TMP and made comments as follows: *3.1.6 How would the TMP take these requirements into account?* • *Consider personal travel plan campaign to encourage residents to mode transfer*	The A38 Derby Junctions is a capital funding scheme to grade separate three junctions on the strategic road network. Since the outline TMP was drafted, Highways England has applied for funding for complimentary integrated

Ref	Source	Comments	Applicant's Response
		from car to use other forms of transport (e.g. bus, cycle, Derby's e-bikes) · *• Provide priority to bus and cycle movements through the works.* What are the plans for other forms of travel? Will there be extra buses? Will the cycle routes be safe for cyclists to use? Are e-bikes coming back to Derby? If traffic is going to build up on other local routes will it be safe to cycle or walk (crossing roads). How are HE going to prevent car users using earlier junctions that would lead them through Derby? (e.g. off the A38 at Littleover turn off creating more congestion on Pastures Hill and Burton Road. Also the hospital junction leading to congestion on Uttoxeter Road.)	travel planning, but this application for funding was not successful. These statements will need to be removed from the next version of the TMP. The Derby e-bikes scheme is, as is noted by RDH's response, no longer operational. Highways England is not able to support a scheme that no longer exists. Bus and cycle routes will be maintained through the works, but buses will not be given dedicated road space. The traffic management strategy during the various construction phases is to provide enough capacity at the temporary junction layouts and to maintain journey times along the A38 route, such that road users would not divert onto local routes and use earlier junctions.
15.2		*3.2.12 · Traffic diverted to the newly constructed dumbbell roundabout layout, with 2 lane entries from A38 onto the roundabouts, and with speed restrictions continuing to apply due to the construction work adjacent to the junction. · Kingsway Park Close would be*	This is a reference to Traffic Management scenario 3 (TM3), at which time the construction of the Kingsway junction would be at Phase 2. Construction Phase 2 at Kingsway is expected to in place for 5 months. The temporary layout is shown on Drawing:

Ref	Source	Comments	Applicant's Response
		opened to traffic. The Brackensdale and Raleigh Street connections to the A38 would be closed. · The entries to the new roundabouts; from A38 northbound, from Kingsway Park Close and from A5111 Kingsway, would be signal controlled to assist the traffic flow, which would still include the A38 through-movements in this Phase. if it is signal controlled this will put even more pressure on Uttoxeter road and the roundabout outside the hospital and staff are going to be delayed getting out of the Manor Car park and this will be a time period of 6 months approx.	HE514503-ACM-GEN-Z1_ZZ_ZZ_ZZ-DR-CH-0004 at Appendix B of the Traffic Management Plan [**APP-254**] (on pdf page 44). The proposal to temporarily control the roundabout entries using traffic signals will be an additional cost to the Scheme. The advantage of implementing traffic-signal control is that it will provide the Contractor with a degree of control over the journey times along the A38. Maintaining the journey times along the A38, will reduce the potential for traffic to be displaced onto the A516 Uttoxeter New Road. It is noted that during Construction Phase 3 at Kingsway, from about February 2023 onwards, the traffic along the A38 will free flow underneath the Kingsway roundabout and will start to deliver traffic relief to the A516 corridor; an improvement on the existing conditions.
15.3		*7.4.1 Special attention would need to be given to the access arrangements to the Derby Royal Hospital, including the emergency access routes which may*	Highways England has discussed the Behavioural Change Group with Derby City Council in a meeting held on Tuesday 21 January. It was decided to

Ref	Source	Comments	Applicant's Response
		include sections of the A38 under Traffic Management measures. This would need to be considered throughout Stage 4 & 5 with all key stakeholders involved; including the emergency services This would need to be discussed with both the hospital and the bus operatives that come to the hospital. When will the A38 behaviour change meetings (or a similar meeting) be recommencing and who will be coordinating the meeting as this would be a perfect opportunity for these types of discussions?	arrange a Technical Working Group for HE/the Contractor to work closely with DCiC and issues / concerns such as Derby Royal Hospital and transport measures which have already been identified through the change group will be fed into the Technical Working Group to action. Highways England PM will work with Derby Junctions and Chair the initial meetings but medium to long-term this will be a joint chair on a bi-monthly arrangement.
16 Simon Morris			
16.1	REP3-042	Mr Morris advised that the representations that have been made by Breadsall Parish Council regarding the A38 Little Eaton junction proposals are fully endorsed by him and as such they have his full support and can be viewed as voicing his views also.	Refer to responses to Breadsall Parish Council in Section 2 above.
17 Tony Roelich			
17.1	REP3-043	Mr Roelich's submission is in relation to the re-establishment of the 'A38 Junctions Behavioural Change group', he submitted a chain of emails that	The A38 Derby Junctions Behavioural Change Group has now been established with the Highways England PM acting as chair initially until a rota

Ref	Source	Comments	Applicant's Response
		demonstrated good progress on this issue.	system is set-up to allow the group the opportunity to also chair. Current issues and concerns have been sent to HE and being collated by the Project Team. The next meeting is planned for Feb/March 2020, where the issues will be reviewed by all in DCiC offices.

Appendix – Existing/Proposed Drainage Discharge Rates (ref. item 1.9)

KINGSWAY JUNCTION												
EXISTING SITUATION					PROPOSED SITUATION							
Catchment No.	Description	Return Period of Design Storm N			Catchment No.	Return Period of Design Storm N			Return Period of Design Storm N			
		1	5	100		1	5	100	1	5	100	
		Flow (Modified Rational Method) (l/s)				No Climate Change (MicroDrainage Results)			40% Climate Change (MicroDrainage Results)			
Catchment 1	Bramble Brook	136	214	425	Catchment 1	9	9	9	9	9	10	
Catchment 3	Bramble Brook	116	182	361								
Total		252	396	786	Total	9	9	9	9	9	10	
Catchment 2	Mackworth Park - Bramble Brook	89	139	277	Catchment 2	6	6	7	6	7	7	
Catchment 4	Connection to existing culvert	20	31	61	Catchment 5	90	149	386	126	200	515	
Catchment 5	Connection to existing culvert	76	119	236								
Catchment 6	Connection to existing culvert	47	75	148								
Catchment 7	Connection to existing culvert	37	58	115								
Total		180	283	560	Total	90	149	386	126	200	515	
Catchment 8	Connection to existing culvert	82	130	258	Catchment 3	63	104	237	87	144	257	
Catchment 9	Kingsway Park Close	130	204	405	Catchment 4	33	54	176	46	73	254	

NOTE: These discharge rates are based on the A38 preliminary drainage design, attenuation has been provided up to and including 100 yr + 40% climate change, including within the carrier system. This was to ensure enough land take at the DCO stage. It is acknowledged, this is above DMRB criteria, the design will be reviewed at the detailed design stage.

MARKEATON JUNCTION												
EXISTING SITUATION					PROPOSED SITUATION							
Catchment No.	Description	Return Period of Design Storm N			Catchment No.	Return Period of Design Storm N			Return Period of Design Storm N			
		1	5	100		1	5	100	1	5	100	
		Flow (Modified Rational Method) (l/s)				No Climate Change (MicroDrainage Results)			40% Climate Change (MicroDrainage Results)			
Catchment 10	Markeaton park entrance track	16	25	50	Catchment 6	Confirm existing network via drainage survey. Match existing flow rates as minimum, betterment will be provided if possible.			Confirm existing network via drainage survey. Match existing flow rates as minimum, betterment will be provided if possible.			
Catchment 11	Existing culvert passing under A38	632	995	1975	Catchment 7	117	194	474	165	270	538	
					Catchment 10	16	17	18	17	18	18	
					Total	133	211	492	182	288	555	
Catchment 12	N/B Kedleston slip road - existing culvert	85	133	265	Catchment 8	59	88	196	74	116	251	
Catchment 13	S/B Kedleston on slip + mainline - existing culvert	166	261	519	Catchment 9	65	106	227	91	141	256	
Catchment 14	Ashbourne Rd	43	68	135	Catchment 11	16	26	75	22	37	103	
NOTE: These discharge rates are based on the A38 preliminary drainage design, attenuation has been provided up to and including 100 yr + 40% climate change, including within the carrier system. This was to ensure enough land take at the DCO stage. It is acknowledged, this is above DMRB criteria, the design will be reviewed at the detailed design stage.												

LITTLE EATON JUNCTION												
EXISTING SITUATION					PROPOSED SITUATION							
Catchment No.	Description	Return Period of Design Storm N			Catchment No.	Return Period of Design Storm N			Return Period of Design Storm N			
		1	5	100		1	5	100	1	5	100	
		Flow (Modified Rational Method) (l/s)				No Climate Change (MicroDrainage Results)			40% Climate Change (MicroDrainage Results)			
Catchment 15	Connection to Dam Brook	112	176	349	Catchment 12	11	11	11	11	11	12	
Catchment 16	Connection to existing culvert	205	323	641	Catchment 14	54	89	187	75	124	227	
Catchment 17	Connection to Ford lane	9	14	27	Catchment 13	8	9	9	9	9	9	
Catchment 18	Connection to Dam Brook	179	282	559								
Catchment 19	Connection to Dam Brook	37	58	115								
Total		225	354	701								
Catchment 21	Connection near Railway	112	177	351	Catchment 15	61	95	208	84	124	315	
Catchment 20	Connection to Dam Brook	39	62	123	Catchment 16	Embankment drainage only						

NOTE: These discharge rates are based on the A38 preliminary drainage design, attenuation has been provided up to and including 100 yr + 40% climate change, including within the carrier system. This was to ensure enough land take at the DCO stage. It is acknowledged, this is above DMRB criteria, the design will be reviewed at the detailed design stage.