

A38 Derby Junctions
TR010022
8.11(b) Statement of Common Ground
with
Environment Agency

Planning Act 2008

Rule 8 (1)(e)

Infrastructure Planning (Examination Procedure) Rules 2010

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**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**A38 Derby Junctions
Development Consent Order 202[]**

**Statement of Common Ground
Environment Agency**

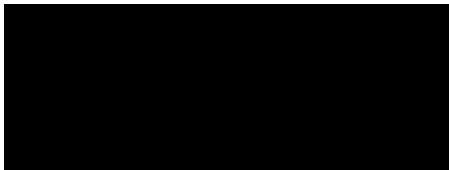
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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) the Environment Agency.

Sign



Chris Archbold

Project Manager on behalf of Highways England

Date: 10th of February 2020

Signed.....J. Drewry.....

Joseph Drewry

Planning Specialist, on behalf of the Environment Agency

Date: 10th of February 2020

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Appendix A: The Planning Inspectorate Statement of Common Ground Issues List (Annex E, Rule 6 Letter)

1 Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the proposed A38 Derby Junctions ('the Application') made by Highways England Company Limited ('Highways England') to the Secretary of State for Transport ('Secretary of State') for a Development Consent Order ('the Order') under section 37 of the Planning Act 2008 ('PA 2008').
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/ or the Planning Inspectorate's website¹.
- 1.1.3 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the Applicant and Environment Agency (EA).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1st April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency to be conferred upon or assumed by Highways England.
- 1.2.3 The EA is a non-departmental public body, established in 1995 and sponsored by the Government's Department for Environment, Food and Rural Affairs, with responsibilities relating to the protection, regulation and enhancement of the environment in England.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter (Section 3) of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" is where points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to EA, and therefore have not been the

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to EA.

2 Record of Engagement

2.1.1 A summary of key meetings and correspondence that has taken place between Highways England (and AECOM as Highways England's design consultant) and EA in relation to the Scheme is outlined in Table 2.1.

Table 2.1: Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
03.12.14	Meeting between EA (and DWT) and AECOM	Discussion regarding Scheme effects upon protected ecology species and mitigation requirements.
19.01.15	Meeting between EA (and other stakeholders) and AECOM	Meeting to discuss drainage and flood risk issues associated with the Scheme. Included a review existing knowledge, flood risk models available and modelling requirements; discussion regarding the interactions between the proposed drainage and flood risks; to gain an understanding of the scope of the flood defences proposed by the EA at Little Eaton and the implications for the A38 Scheme; to agree the scope of the Flood Risk Assessment; and to identify and discuss any new project risks and issues.
03.02.15, 19.02.15, 03.07.15	E-mails from EA to Highways England	Provision of the flood risk models to be used for the River Derwent modelling works.
04.06.15	Meeting between EA (and other ecology stakeholders) and AECOM	Meeting to discuss baseline ecological survey data, survey requirements, and outline mitigation details.
24.09.15	Meeting between EA (and other ecology stakeholders) and AECOM	Meeting to discuss Scheme ecology objectives, opportunities for enhancements and broader mitigation initiatives, and potential enhancement ideas.
17.08.16	Meeting between EA and AECOM	Meeting to discuss hydraulic flood risk modelling works associated with River Derwent flooding.
22.09.16	Site visit with EA (and other ecology stakeholders) and AECOM	Site visit to discuss potential ecological enhancement opportunities in the vicinity of the Scheme.
27.02.17	EA report to AECOM	EA provision of external review comments on AECOM's flood risk model for the River Derwent.
03.03.17	Meeting between EA (and other ecology stakeholders) and AECOM	Meeting to provide a Scheme update, ecology survey data, survey requirements, and mitigation proposals.
21.03.17	Meeting between the EA and AECOM	Meeting to discuss the external review comments on AECOM's flood risk model for the River Derwent.
26.05.17	E-mail and document from the EA to AECOM	EA comments to AECOM responses to the external review of AECOM's flood risk model for the River Derwent.
25.01.18	E-mail from EA to AECOM	EA comments on submitted flood risk modelling associated with the River Derwent.
02.02.18	E-mail from EA to AECOM	EA comments on AECOM responses to EA comments received on the 25 th of January 2018 regarding flood risk modelling associated with the River Derwent.

Date	Form of Correspondence	Key topics discussed and key outcomes
09.02.18	E-mail from EA to AECOM	EA request for additional information regarding flood risk modelling associated with the River Derwent.
23.03.18	Meeting between EA (and other ecology stakeholders) and AECOM	Meeting to provide a Scheme update, ecology survey data, survey requirements, licence requirements and mitigation proposals.
09.04.18	Letter from the EA to the Planning Inspectorate	Letter from the EA to the Planning Inspectorate providing comments on the EIA Scoping Report.
11.04.18	Email from AECOM to EA	Provision of updated A38 Little Eaton Modelling Technical Note, as well as outline proposals for floodplain compensation.
18.05.18	E-mail from EA to AECOM	EA request for additional information regarding flood risk modelling associated with the River Derwent.
07.06.18	E-mail from EA to AECOM	EA confirmation that they happy with the River Derwent flood risk modelling proposals.
08.06.18	E-mail from EA to AECOM	EA confirmation that they were content with the proposed approach to flood risk mitigation/ floodplain compensation proposals at Little Eaton junction, and that residual flood impacts were acceptable.
05.10.18	Letter from the EA to Highways England	Letter from the EA to Highways England providing comments on the Preliminary Environmental Information Report (PEIR).
22.11.18	Email and telephone conversation between the EA and AECOM	Discussion on the approach and Water Framework Directive (WFD) compliance assessment.
11.01.19	Telephone conversation between the EA and AECOM	Confirmation that an application for a fish permit does not need to be made prior to DCO application.
12.07.19	E-mail from the EA to AECOM	EA acceptance to prepare a SoCG
31.07.19	Relevant representation letter from the EA to the Inspectorate	Relevant representation letter from the EA providing commentary on the DCO submission.
14.10.19	E-mail from the EA	E-mail relating to EA acceptance that white clawed crayfish are absent from Dam Brook, plus contentment with the Environmental Statement cumulative impact assessment findings (regarding technical aspects of interest to the EA).
04.11.19	Letter from the EA to the Inspectorate	Written representation from the EA to the ExA (Deadline 1).
04.11.19	Letter from the EA to the Inspectorate	Post-hearing submissions requested by the ExA – Response to Action Points (Deadline 1).
04.11.19	Letter from the EA to the Inspectorate	Written responses from the EA to the ExA first written questions (Deadline 1).
26.11.19	E-mail from the EA to AECOM	Details of EA comments on information supplied to the Environment Agency (including comments regarding the use of UCL95).
18.12.19	E-mail from the EA to AECOM	Comments on the Highways England Technical Note for the A38 junctions produced by AECOM, dated November 2019 (ref: 60533462).

Date	Form of Correspondence	Key topics discussed and key outcomes
19.12.19	Letter from the EA to the Inspectorate	Deadline 3 letter from the EA providing commentary regarding the issues specific hearing held on the 11 th of December 2019.
31.01.20	Email from the EA to AECOM	Comments on the Highways England Technical Note regarding groundwater contamination produced by AECOM, issued the 21 st of January 2020.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between Highways England and EA in relation to the issues addressed in this SoCG.

3 Issues

3.1 Introduction and General Matters

3.1.1 This chapter sets out the ‘issues’ which are agreed, not agreed, or are under discussion between the EA and Highways England.

3.1.2 The letter provided to Highways England by The Planning Inspectorate on the 23rd of August 2019 under Section 88 of the Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6 (hereafter referred to as the ‘Rule 6 Letter’), sets out the issues that The Planning Inspectorate want Highways England and the relevant parties to address in their SoCG. Specifically, Annex E sets out the parties that The Planning Inspectorate wants Highways England to produce a SoCG with and the issues that they want to see addressed. This bullet point list has been replicated using a numbered list and is available at Appendix A of this SoCG. The issues set out below refer to this numbered list, making it clear which issues have been addressed.

3.1.3 It is noted that issues mentioned in the Rule 6 Letter not covered by the below are as follows, together with reasons why:

- **A-D.21** (Any other relevant matters included in the Initial Assessment of Principal Issues in Annex B): not used as at present no issues outside of the Initial Assessment of Principal Issues have been identified.
- **A-D.22** (Any other relevant matters and important considerations): not used as at present as no other relevant matters or important considerations have been identified.
- **A-D.23** (Any other matters on which agreement might aid the smooth running of the Examination): not used as all matters agreed or under discussion are covered by other specified issues.

3.1.4 It is noted that where the EA requests changes to the draft DCO Requirements, Highways England will work with the EA and propose new Requirement wording.

3.1.5 Highways England acknowledges that the EA have provided relevant representation comments. Where these comments present additional issues or points of discussion to those provided during the drafting of draft DCO, Highways England has addressed these within this SoCG. Where it is considered that these comments have been addressed within the draft DCO submission, these comments have not been addressed within this SoCG. Notwithstanding this, Highways England will provide a response to all of the relevant representation comments made by the EA through the production of relevant representation response documents.

Environmental Statement and Environmental Management Plans

3.1.6 No objections to the Outline Environmental Management Plan (OEMP) [**APP-249 / Volume 6.12**] or the Traffic Management Plan (TMP) [**APP-254 / Volume 7.4**] have been provided by EA, therefore, it is assumed that EA agrees with Highways England on the contents of these documents (Issues ref A-D.15). However, it is noted that an updated OEMP will be prepared and submitted to the ExA during the Examination containing revised wording as

requested by the EA regarding the need for a Verification Report, plus the need for the Verification Report to include details of the effectiveness of any implemented remedial measures. It should be noted that a Construction Environmental Management Plan (CEMP) and a Handover Environmental Management Plan have not been produced as of yet, as a contractor has not been procured to construct the Scheme (Issues ref A-D.15). The CEMP will be based upon the OEMP [APP-249 / Volume 6.12]. Delivery of the OEMP is a Requirement in the draft DCO.

Legislation and Policy

- 3.1.7 The Planning Statement (Appendix A) [APP-252 / Volume 7.2] and the Environmental Statement (Chapters 5 to 15 [APP-043 to 053 / Volume 6.1]) identify the relevant policy framework against which the Scheme is to be considered. This includes detail on how it complies with policies set out in the National Policy Statement for National Networks (NPSNN) (as outlined in Appendix A of the Planning Statement [APP-252 / Volume 7.2]).
- 3.1.8 In addition, the applicable legislation and policies (from the relevant local development plans) considered by Highways England during the production of the DCO documents, are set out within Chapters 1, 4 and 5 to 16 of the Environmental Statement [APP-039 to 053 / Volume 6.1]; and Chapter 6 and Appendix A of the Planning Statement [APP-252 / Volume 7.2] (Issues ref A-D.1).

3.2 Issues related to the Environmental Statement

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Environmental impact assessment						
Issues ref: A-D.1, relating to applicable legislation and policy	ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 / Volume 6.1]; Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]	-	Applicable legislation and policy	The EA is content that the ES includes details of applicable legislation and policy for those topics of EA interest.	Details of the applicable legislation and policy are reported in the ES (refer to each topic-specific chapter within the ES).	Agreed
Issues ref: A-D.2, relating to impact assessment methodologies	ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 / Volume 6.1]; Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]	-	Impact assessment methodologies	The EA is content that the impact assessment methodologies applied within the ES are appropriate, as applicable to the topics of EA interest.	Details of the impact assessment methodologies are reported in the ES (refer to each topic-specific chapter within the ES).	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]					
Issues ref: A-D.3, relating to the extent of the areas of potential impact	ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 / Volume 6.1]; Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]	-	Study areas	The EA is content that the study areas considered by the topics of EA interest are appropriate.	Details of study areas are reported in the ES (refer to each topic-specific chapter within the ES).	Agreed
Issues ref: A-D.4, relating to baseline information	ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 / Volume 6.1]; Chapter 11: Material	-	Baseline information	The EA is content that the ES appropriately defines baseline conditions for those topics of EA interest.	Details of baseline information are reported in the ES (refer to each topic-specific chapter within the ES).	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Assets and Waste [APP-049 / Volume 6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]					
Issues ref: A-D.5, relating to expert judgements and assumptions	ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 / Volume 6.1]; Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]	-	Limitations and assumptions	The EA is content that the limitations and assumptions made within the ES (as applicable to the topics of EA interest) are reasonable and do not impact upon the validity of the assessment findings.	Details of applicable limitations and assumptions are reported in the ES (refer to each topic-specific chapter within the ES).	Agreed on the basis that further investigative works are proposed at the detailed design stage
Issues ref: A-D.6, relating to the Identification and sensitivity of receptors	ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 /	-	Identification and sensitivity of receptors	The EA is content that applicable sensitive receptors have been identified and their sensitivities appropriately defined within the ES for those topics of EA interest.	Details of the receptors and their sensitivity are reported in the ES (refer to each topic-specific chapter within the ES).	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Volume 6.1]; Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]					
Issues ref: A-D.7, 8, 12, relating to likely effects and their significance	ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 / Volume 6.1]; Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]	-	Predicted impacts and effects	The EA is content that the predicted impacts and effects are appropriately covered in the ES, as applicable to the topics of EA interest.	Details of the predicted impacts and effects are reported in the ES (refer to each topic-specific chapter within the ES).	Agreed
Issues ref: A-D.9, relating to reasonable worst case parameters	ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-	-	Limits of deviation	The EA is content that the limits of deviation are appropriately taken into account within the topics of	Details of the applicable limits of deviation that are taken into account within the ES are detailed in	Agreed on the basis that further investigative

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	<p>046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 / Volume 6.1]; Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]</p>			EA interest as reported in the ES.	Section 2.5 of the ES (refer to paras. 2.5.37 to 2.5.43).	works are proposed at the detailed design stage
Issues ref: A-D.18, consents, permits, licenses and impact assessment	<p>ES chapters of interest to the EA – including Chapter 8: Biodiversity [APP-046 / Volume 6.1]; Chapter 10: Geology and Soils [APP-048 / Volume 6.1]; Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]; and Chapter 13: Road Drainage and the Water Environment [APP-050 / Volume 6.1]</p>	-	Predicted impacts and effects	The EA is content that where permits, consents and licenses have been included as mitigation to predicted impacts, the impact assessment has taken account of this appropriately.	Details of consents and permits are provided within the Consents and Agreements Position Statement [APP-019 / Volume 3.3].	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Dust, odour, artificial light, smoke and steam						
Issue ref: B.1, Dust, odour, artificial light, smoke and steam	Environmental Statement [APP-039 to 055 / Volume 6.1]	-	-	The EA is content that the Environmental Statement appropriately assesses Scheme impacts and effects associated with dust and artificial light. The EA is content that impacts associated with odour, smoke and steam are not anticipated and that any such nuisance impacts that may arise during the Scheme construction phase would be managed through adherence to appropriate best practice construction mitigation measures as detailed in the Outline Environmental Management Plan (OEMP) [APP-249 / Volume 6.12].	During the Scheme construction phase best practice construction mitigation measures as detailed in the OEMP [APP-249 / Volume 6.12] would be implemented to control issues associated with dust, odour, artificial light, smoke and steam. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Biodiversity						
Issues ref: A-D.3, extent of the areas of potential impact considered	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1]	Section 8.3 Assessment methodology	Scope and extent of ecological surveys	The EA has confirmed that the ecological survey coverage and survey methods are appropriate for the ecological impact assessment.	The ecological surveys undertaken have enabled ecological baseline conditions to be appropriately defined. Such survey requirements have been subject to ongoing	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					discussions between Highways England and the EA during the DCO application.	
Issues ref: A-D.2 and 3, Environmental Impact Assessment methodology and extent of the areas of potential impact considered	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1]	Section 8.3 Assessment methodology	Ecological impact assessment methodology (and study areas)	The EA has confirmed that the ecological impact assessment methodology (and defined study areas) is appropriate for assessing the ecological effects of the Scheme.	The ecological impact assessment methodology used was reported in the EIA Scoping Report and Environmental Statement and has taken account of EA comments.	Agreed
Issues ref: A-D.10, 11 and 12, necessary mitigation	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1]	Section 8.9 Design, mitigation and enhancement measures	Scheme mitigation measures for ecological features	The EA is content that defined ecological mitigation measures are appropriate (and will result in defined residual effects), noting that such mitigation measures have been defined taking account of EA comments.	Environmental Statement Chapter 8: Biodiversity provides details of mitigation measures associated with ecological species (construction and operation).	Agreed
Issues ref: A-D.10, necessary mitigation	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1]	Section 8.10 Assessment of likely significant effects	Scheme effects upon fish, otter, water vole, white clawed crayfish	Effects upon fish (including lamprey), otter, water vole and white clawed crayfish take account of defined mitigation measures which have been agreed with the EA.	Environmental Statement Chapter 8: Biodiversity provides details of residual effects upon fish, otter and water vole mitigation (construction and operation), including a	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				Following the EA review of the 2018 survey report, EA agree that white-clawed crayfish are likely absent from Dam Brook due to records of signal crayfish.	mitigation approach should water voles be found in Dam Brook during preconstruction surveys, and mitigation as associated with lamprey. Surveys have indicated that white clawed crayfish are now absent from Dam Brook, and thus no mitigation measures for this species are detailed in the Environmental Statement Chapter 8: Biodiversity.	
Issues ref: A-D.10, necessary mitigation	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1]	Section 8.10 Assessment of likely significant effects	Precautionary mitigation strategy for water vole	The EA is satisfied that a precautionary mitigation strategy has been proposed if water vole are found within the Dam Brook. The EA want to be updated on further survey work undertaken on Dam Brook.	Environmental Statement Chapter 8: Biodiversity provides details of the precautionary mitigation strategy should water vole be found within the Dam Brook. Highways England will update the EA regarding further survey work undertaken on Dam Brook.	Agreed
Issues ref: A-D.13, 16 and 17, mitigation and consents, permits and licenses	Environmental Statement Appendix 2.1 Outline Environmental Management Plan	Table 3.3	PWBIO9 – Fish	The EA has confirmed that a fish permit does not need to be made prior to the DCO application. An application prior to the	A permit associated with fish trapping in Dam Brook will be made at the appropriate time during the construction phase.	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	[APP-249 / Volume 6.12]			applicable works would be required. The EA has confirmed that an equipment permit will need to be applied for (from the EA Fish Movements team) before using electric fishing equipment, however a site permit is not required to move the fish.		
Issues ref: A-D.10, necessary mitigation	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1] and Environmental Statement Appendix 2.1 Outline Environmental Management Plan [APP-249 / Volume 6.12]	Section 8.10 Assessment of likely significant effects	Fish mitigation	The EA has requested that any in-channel works to Dam Brook should not be carried out during fish spawning (closed) seasons. The EA is happy to discuss the situation nearer the time if avoiding works during the trout closed season cannot be avoided and they have asked to be contacted if this situation arises.	As detailed in Section 8.10 of Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1], the diversion works associated with Dam Brook will take account of the constraints associated with fish. Highways England will consult with the EA regarding mitigation measures and the construction programme.	Agreed
Issues ref: A-D.10, necessary mitigation	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1] and Environmental Statement Appendix 2.1 Outline	Section 8.10 Assessment of likely significant effects	Fish mitigation	The EA has recommended to avoid electric fishing and translocating fish activities in air temperatures above 18°C if possible. Ideally the temperature of the donor and receiving waters should	As detailed in Section 8.10 of Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1], the diversion works associated with Dam Brook will require electric fishing	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Environmental Management Plan [APP-249 / Volume 6.12]			<p>be within a couple of degrees of each other to avoid thermal shock to the fish.</p> <p>The EA require that before de-watering Dam Brook channel, all fish must be rescued and translocated in advance. The EA is satisfied by the method (electric fishing) and that sufficient research has been conducted to identify suitable relocation sites with similar habitats. The River Derwent supports substantial populations of brown trout and as Dam Brook and Watermeadow Ditch are connected to the Derwent, they are regarded as tributaries and the translocation of trout to the Derwent should not be an.</p>	and translocating fish to suitable receptor sites. Highways England confirm that they would aim to undertake such activities in air temperatures below 18°C.	
Issues ref: A-D.10, 13, 14 and 15, necessary mitigation, and environmental	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1] and Environmental Statement Appendix 2.1 Outline	Appendix B: Outline biosecurity management plan	Biosecurity management measures	The EA has confirmed that they are satisfied that biosecurity has been considered (especially in terms of crayfish) and that	Outline biosecurity measures are detailed in Appendix B: Outline biosecurity management plan contained within the OEMP [APP-249 / Volume 6.12]. Delivery of the	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
management plans	Environmental Management Plan [APP-249 / Volume 6.12]			there will be a management plan put in place.	OEMP is a Requirement in the draft DCO.	
Issues ref: A-D.10, 13, 14 and 15, necessary mitigation, and environmental management plans	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1] and Environmental Statement Appendix 2.1 Outline Environmental Management Plan [APP-249 / Volume 6.12]	Section 8.12 Monitoring	Ecological monitoring prior to and during Scheme construction	The EA has confirmed that they are satisfied that ecological monitoring will take place prior to construction including additional surveys, during construction.	Ecological monitoring details are provided in Section 8.12 of Environmental Statement Chapter 8: Biodiversity as well as detailed in the OEMP. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: A-D. 10, 13, 14 and 15, necessary mitigation, and dDCO provisions	Draft DCO [APP-016 / Volume 3.1]	Section 34 part (12)	The maintenance period	The EA has confirmed that they are satisfied that there will be a 5 year aftercare period following completion of Scheme construction.	As detailed in the draft DCO, the maintenance period, in relation to any part of the authorised development, means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.	Agreed
Issues ref: A-D.10, necessary mitigation	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1] and Chapter 13:	Section 8.9 and 13.9 Design, mitigation and	Habitat creation and biodiversity opportunities associated with watercourse	The EA considers that appropriate measures have been included in the Scheme design to mitigate potential WFD impacts.	The realignment and culverting of Bramble Brook at Kingsway junction; and the realignment of Dam Brook at Little Eaton	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Road Drainage and the Water Environment [APP-051 / Volume 6.1] – also refer to ES Appendices 13.3A [APP-232 / Volume 6.3] and 13.3B [APP-233 / Volume 6.3]	enhancement measures	features to mitigate potential WFD impacts		junction has included design measures to mitigate potential WFD impacts and ensure WFD compliance. Mitigation measures are detailed in the ES Chapter 13: Road Drainage and the Water Environment and in the Appendix 13.3A – Kingsway Water Framework Directive Assessment and Appendix 13.3B – Little Eaton Water Framework Directive Assessment.	
Issues ref: A-D.10, 13, 14 and 15, mitigation measures and environmental management plans	Environmental Statement Chapter 8: Biodiversity [APP-046 / Volume 6.1] and Environmental Statement Appendix 2.1 Outline Environmental Management Plan [APP-249 / Volume 6.12]	Section 8.9	Securing ecology and biodiversity mitigation measures	The EA is content that the ecology and biodiversity mitigation measures as detailed in the ES are appropriate and would result in the defined residual effects, and that such measures are covered by the OEMP.	Ecology and biodiversity mitigation measures are detailed in ES Section 8.9 and have been translated into the OEMP. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Geology and Soils						
Issues ref: B.6 and A-D10, 11,	Environmental Statement Chapter	Section 10.9	Securing measures to	The EA considers that the mitigation measures (as	Construction phase mitigation measures	Agreed on the basis that

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
12, 13, 14 and 15, contaminated land and securing mitigation	10: Geology and Soils [APP-048 / Volume 6.1] and the OEMP [APP-249 / Volume 6.12]		control potential impacts associated with contaminated materials	detailed in the Environmental Statement Chapter 10: Geology and Soils; and in the OEMP) are appropriate for managing impacts associated with contaminated materials (and will result in defined residual effects). This includes the appropriate management of contamination issues at the former Rowditch tip at Kingsway junction.	associated with contaminated materials are detailed in the Environmental Statement Chapter 10: Geology and Soils (and in the OEMP). Delivery of the OEMP is a Requirement in the draft DCO.	further investigative works are proposed at the detailed design stage
Issues ref: B.6 and A-D10, 13, 14 and 15, contaminated land and securing mitigation	Environmental Statement Chapter 10: Geology and Soils [APP-048 / Volume 6.1] and Appendix 10.1: Ground Investigation Factual Report [APP-222 / Volume 6.3]	Section 10.9 and Appendix 10.1	Measures to control potential impacts associated with existing ground contamination	The EA has reviewed the additional groundwater risk assessment information submitted by Highways England and are content that appropriate measures will be put in place to manage potential impacts associated with ground contamination and controlled waters.	Construction phase mitigation measures associated with existing ground contamination are detailed in the Environmental Statement Chapter 10: Geology and Soils (and in the OEMP). Delivery of the OEMP is a Requirement in the draft DCO.	Agreed on the basis that further investigative works are proposed at the detailed design stage
Issues ref: B.6 and A-D10, 13, 14, 15 and 16, contaminated	Environmental Statement Chapter 10: Geology and Soils [APP-048 / Volume 6.1] and the	Section 10.9	Measures to control potential impacts associated with	The EA considers that a verification report should be produced which provides a record of the remedial activities undertaken and	Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
land and securing mitigation	OEMP [APP-249 / Volume 6.12]		existing ground contamination	demonstrates the effectiveness of the remedial measures.	<p>Chapter 10: Geology and Soils (and in the OEMP) Delivery of the OEMP is a Requirement in the draft DCO. 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”. The next version of the OEMP will also state “that the Verification Report will report on the effectiveness of the implemented remedial measures”. Thus the need for verification will be detailed in the CEMP, with the verification process</p>	

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					being undertaken separately. It is noted that any contamination remedial works will be undertaken during the main works, and thus after the CEMP has been approved by the Secretary of State.	
Issues ref: A-D.16, matters for which detailed approval needs to be obtained	Environmental Statement Chapter 10: Geology and Soils [APP-048 / Volume 6.1]	Section 10.9	Measures to control potential impacts associated with excavation of the former Rowditch tip	The EA understand that a passive gas system is in place at the former Rowditch tip. Therefore, the EA state that Scheme construction proposals must ensure they do not disrupt this system. The risks associated with the disruption of this system are likely to relate to human health receptors, and therefore the EA recommend that the Local Authority Environmental Health Department are aware of this proposal.	Mitigation measures to be applied during the construction works to control impacts associated with works in the former Rowditch tip are detailed in ES Section 10.9. The works are not anticipated to impact upon the exiting passive gas system. Nevertheless, the construction contractor will liaise with the Local Authority Environmental Health Department regarding works at the former Rowditch tip.	Agreed
Issues ref: A-D.13, 14, 15 and 16, dDCO provisions and matters for which	Environmental Statement Chapter 10: Geology and Soils [APP-048 / Volume 6.1]	Section 10.9	Securing measures to control potential impacts to controlled waters	The EA agree with the proposed approach to undertake location-specific risk assessments in proposed piling areas to	Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
detailed approval needs to be obtained				ensure they will not cause pollution of controlled waters. The EA interpret from the report that these assessments will take place at the detailed design stage, and therefore do not need to be addressed with a requirement on the DCO.	Chapter 10: Geology and Soils (and in the OEMP [APP-249 / Volume 6.12] – this includes the completion of location-specific piling risk assessments. Delivery of the OEMP is a Requirement in the draft DCO.	
Material Assets and Waste						
Issues ref: B.8 and A-D.10, 13, 14 and 15, processes and waste management; and management plans	Environmental Statement Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1] and [APP-249 / Volume 6.12]	Section 11.9	Securing measures to control potential impacts associated with waste materials	The EA welcomes that the Applicant intends to produce a Site Waste Management Plan (SWMP) for the Scheme. This should not only cover the recycling and disposal of waste, but also consider waste minimisation in terms of design and construction of the scheme, including using construction methods and practices which minimise waste and spoilage or damage to materials. The SWMP should also consider to whom waste will be passed and ensure that appropriate checks are made and	A SWMP would be prepared as detailed in Environmental Statement Chapter 11: Material Assets and Waste (and in the OEMP). This would cover the recycling and disposal of waste, as well as define measures to minimise waste generation, and consider to whom waste will be passed. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				recorded on the waste carriers and sites to whom the waste will be transferred.		
Issues ref: B.8, processes and waste management	Environmental Statement Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]	Section 11.9	Recycled aggregate target rates	The EA encourage a higher recycled target aggregate than is currently specified (i.e. 14%).	<p>The OEMP specifies a target that 14% of aggregates used during the construction phase should be secondary and recycled aggregates (for those applications where it is technically and economically feasible to substitute alternative materials for primary aggregates). Delivery of the OEMP is a Requirement in the draft DCO.</p> <p>Specification of a 14% target is considered to be appropriate. However, this does not preclude Highways England from setting a more demanding target during the detailed design and construction phase. As such, Highways England will liaise with the construction contractor to determine whether they are</p>	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					able to work towards the national target of 25%.	
Issues ref: B.8, processes and waste management	Environmental Statement Chapter 11: Material Assets and Waste [APP-049 / Volume 6.1]	Section 11.9	Disposal of material from former landfill at Kingsway junction	The EA agree that material excavated from the former landfill site at Kingsway junction may best be disposed of to landfill. However, other options should be considered that have the potential to recover additional quantities of waste which would be suitable for use and help reduce the amount of waste requiring disposal.	At the former Rowditch Tip it is assumed that the contaminated material will be excavated to the required depth, and then disposed of to landfill (with the works being undertaken in an appropriate manner given the potential for asbestos containing materials). As part of the detailed design stage, Highways England will carry out supplementary ground investigation to inform preparation of a Remediation Strategy for this location. There is an opportunity to utilise a more sustainable approach by undertaking stabilisation/ solidification of the excavated material containing asbestos and re-use that material at depth within the Scheme's earthworks, either beneath the road in the cutting or within other embankments	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					at the Kingsway junction. This reduces the volume of materials requiring disposal and reduces the volume of fill that needs to be imported to the site. Any such works would be undertaken in accordance with the OEMP and only if such activities would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.	
Issues ref: A-D.16 and 20, land quality pollution control, waste and Environmental Permits	Environmental Statement Chapter 11: Material Assets and Waste and Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1] ; and Consents and Agreements Position Statement [APP-019 / Volume 3.3]	Section 11.9 and 13.9 of the environmental statement chapters. Section 3 of the Consents and Agreements Position Statement	-	The EA considers that the proposed environmental permits are adequate to regulate contaminated land, land quality pollution and waste management.	Mitigation measures are detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1] and details of consents and permits are outlined in the Consents and Agreements Position Statement [APP-019 / Volume 3.3] .	Agreed This matter relates to permit matters which are still to be submitted. It is agreed that Highways England apply for the relevant permits in due course

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Road Drainage and the Water Environment						
Issues ref: B.3, flood risk assessments	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1], plus Flood Risk Assessment in ES Appendix 13.2C (Little Eaton Junction) [APP-231 / Volume 6.3]	Section 13.10 and Appendix 13.2C [APP-231 / Volume 6.3]	Scheme effects on flooding risks at Little Eaton junction	Having read the draft DCO in conjunction with the FRA for the Little Eaton junction of the A38, the EA is satisfied that proposed mitigation measures at Little Eaton junction are robust. The Environment Agency has reviewed and agreed with the hydraulic model outputs for the Little Eaton junction and the proposed mitigation has been produced in line with the modelled outputs.	Flood risk modelling undertaken using EA models has enabled the definition of the flood risk mitigation strategy at Little Eaton junction which entails the provision of a floodplain compensation area to the west of the River Derwent. Mitigation details are detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1], together with residual flooding risks.	Agreed
Issues ref: B.2, the water environment	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1]	Section 13.10	Impacts upon main rivers, groundwater and other water bodies	The EA is content that the ES has identified and assessed Scheme impacts upon relevant water environment resources.	Impacts upon water environment receptors are detailed in Section 13.10 of ES Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1].	Agreed
Issues ref: B.2, B.5, A-D.10, 13, 14, 15 and 19, the water environment,	Environmental Statement Chapter 13: Road Drainage and the Water Environment	Section 13.9	Securing construction phase mitigation measures to	The EA has reviewed the construction phase mitigation measures (as detailed in the Environmental Statement	Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
pollution control framework, environmental management plans and potential releases and the pollution control framework	Environment [APP-051 / Volume 6.1]		protect controlled waters	Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1]; and in the OEMP [APP-249 / Volume 6.12] for managing impacts to controlled waters (including impacts associated with water abstractions, discharges, pollution control). The EA is satisfied that there would be effective water pollution prevention control in place to minimise this risk (as detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1]; and in the OEMP [APP-249 / Volume 6.12]. The EA recommend a watching brief during operations, whereby water quality parameters (specifically temperature, dissolved oxygen and pH levels) are monitored using a YSI multi-meter before, during and after the works. Silt	Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1] (an in the OEMP [APP-249 / Volume 6.12]). EA water environment monitoring and mitigation recommendations will be taken into account during preparation of the Contractor's Water Management Plan which will form part of the Construction Environmental Management Plan (CEMP) (to be based on the OEMP). As detailed in MW-WAT7 in the OEMP 'The main works contractor shall adopt measures to prevent the deposition of silt or other material in any existing watercourse, lake, borehole, aquifer or catchment area, arising from work operations. The measures would accord with the principles set out in industry guidelines, including CIRIA's report	

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				curtains also add an additional safety measure to this kind of operation, when focusing on minimising mobilisation of fine sediment and avoiding smothering eggs/ asphyxiation of fish.	<i>C532: Control of water pollution from construction sites, and GPP 5: Works and maintenance on and near water</i> . Delivery of the OEMP is a Requirement in the draft DCO.	
Issues ref: A-D.10, 11, 12, 13, 14 and 15, mitigation measures and environmental management plans	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1] and the OEMP [APP-249 / Volume 6.12]	Section 13.9	Securing water environment mitigation measures	The EA is content that the water environment mitigation measures as detailed in the ES are appropriate and would result in the defined residual effects, and that such measures are covered by the OEMP.	Water environment mitigation measures are detailed in Section 13.9 in ES Chapter 13: Road Drainage and the Water Environment, have been translated into the OEMP. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: B.4, drainage	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1] and the Road Drainage Strategy (refer to ES Appendix 13.4) [APP-234 / Volume 6.3]	Paragraph 13.9.3 and Appendix 13.4	Provision of a highway drainage system that appropriately controls highway runoff quality and quantity	The EA considers that the highway drainage system as detailed in the Road Drainage Strategy (ES Appendix 13.4) is appropriate for managing water quality impacts associated with highway runoff – including impacts associated with the use of de-icing agents.	The road drainage strategy has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) and includes sustainable drainage (SuDS) features where feasible. Details are provided in the Road Drainage Strategy (refer to ES Appendix 13.4).	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Climate						
Issues ref: B.7, climate change	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051 / Volume 6.1] and the Road Drainage Strategy [APP-234 / Volume 6.3]	Para. 13.7.62 and the Road Drainage Strategy	Climate change provisions associated with the drainage design and the flood risk mitigation proposals	The EA is content that the climate change provisions included within the drainage design and the flood risk mitigation proposals take account of latest UK Climate Projections.	Climate change provisions associated with the drainage design and the flood risk mitigation proposals are detailed in para. 13.7.62 (ES Chapter 13) and the Road Drainage Strategy (ES Appendix 13.4).	Agreed
Cumulative Effects						
Issues ref: A-D.2, cumulative effects	ES Chapter 15: Assessment of Cumulative Effects [APP-053 / Appendix 6.1]	Sections 15.1 to 15.13	Cumulative effects	The EA is content with the cumulative impact assessment methodology and the assessment findings (as related to topics of interest to the EA).	Cumulative effects are reported in ES Chapter 15: Assessment of Cumulative Effects.	Agreed (as related to topics of interest to the EA)
* https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37024						

3.3 Issues related to Consents and Permits

Issues Reference (see Appendix A)	Consents and Agreements Position Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: A-D16 and 17, identification of consents, permits or licenses	Consents and Agreements Position Statement [APP-019 / Volume 3.3]	Section 3	Requirement for fish permit	The EA has confirmed that a fish permit does not need to be made prior to the DCO application. An application prior to the applicable works would be required. The EA has confirmed that an equipment permit will need to be applied for (from the EA Fish Movements team) before using electric fishing equipment, however a site permit is not required to move the fish.	A permit associated with fish trapping in Dam Brook will be made at the appropriate time during the construction phase.	Agreed
Issues ref: A-D16 and 17, identification of consents, permits or licenses	Consents and Agreements Position Statement [APP-019 / Volume 3.3]	Section 3	Requirement for a dewatering permit	The EA confirmed at since 1 st January 2018, most previously exempt water abstractions (such as dewatering) require an abstraction licence. As such abstraction licences will be required for dewatering activities.	Construction of the cutting at Markeaton and in addition for any other cutting within the scheme that intersects with groundwater including perched groundwater. The extent of dewatering and need for consent will be discussed with the EA during the preliminary works phase and any	Agreed

Issues Reference (see Appendix A)	Consents and Agreements Position Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					necessary consent secured at that time.	
Issues ref: A-D16 and 17, identification of consents, permits or licenses	Consents and Agreements Position Statement [APP-019 / Volume 3.3]	Section 3	Permit for the use of recycled materials	The EA confirmed that the use of recycled materials or waste materials in the Scheme would require an exemption or an environmental permit, or the use of an end of waste quality protocol, such as the Wrap Quality Protocol for Aggregates or the CL:AIRE Definition of Waste Development Industry Code of Practice.	It is considered that the majority of the earthworks materials excavated during the works would be re-used within the works following the guidance in CL:AIRE (2011) Definition of Waste: Development Industry Code of Practice (v.2) (DoWCoP). Agreement will be sought from the EA that they are satisfied that the DoWCoP route is acceptable for the earthworks proposed at the site and that the correct procedures have been followed. This agreement will be secured outside of the DCO process.	Agreed
Issues ref: A-D16 and 17, identification of consents, permits or licenses	Consents and Agreements Position Statement [APP-019 / Volume 3.3]	Section 3	Requirement for various permits and consents from the EA as detailed in the Consents and Agreements	The EA notes the need for various permits and consents and will work with the construction contractor to have these in place for Scheme construction.	Various permits and consents will be required from the EA as detailed in the Consents and Agreements Position Statement. It is the intention that such permits	Agreed

Issues Reference (see Appendix A)	Consents and Agreements Position Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
			Position Statement		will be applied for following DCO submission and prior to the construction works.	

3.4 Other Matters

- 3.4.1 In regard to the Scheme, the EA has not raised any other relevant matters (beyond the Principal Issues set out in Annex B of the Rule 6 Letter), important considerations, or matters which require agreement in order for the Examination to run smoothly (Issues ref: A-D.21 to 23).

Appendix A: The Planning Inspectorate SoCG Issues List (Annex E, Rule 6 Letter)

SoCGs are requested to be prepared between the Applicant and:

A. Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

1. Compliance with the development plans, impacts on land use and the acceptability of proposed changes to land use
2. The need for development
3. Alternatives and compliance with relevant legal requirements and policy, including with respect to the Environmental Impact Assessment (EIA), flood risk and Compulsory Acquisition
4. Whether the business case and economic case adequately consider local matters
5. Minimisation of land take
6. Impacts on local transport networks, impact and mitigation of temporary and permanent closures of roads and other rights of way
7. Traffic management and communication with residents and businesses during construction
8. Air quality and the potential for a zone compliant with the Air Quality Directive to become non-compliant and the potential for delays for a non-compliant zone to achieve compliance
9. Dust, odour, artificial light, smoke, steam impacts and nuisance
10. Noise and vibration and impacts on local residents and others, construction noise and working hours limits, noise barriers, other mitigation and the need for any specific requirements in the draft Development Consent Order (dDCO)
11. Biodiversity and impacts on sites and habitats and species and mitigation
12. Impacts on open space, any assessments of whether any open space is surplus to requirements and the suitability of proposed replacement
13. “Good design” including functionality and aesthetics, the replacement bridge, noise barriers, site restoration, and “good design” in terms of siting and design measures relative to existing landscape and historical character and function, landscape permeability, landform and vegetation.
14. Landscape and visual impact assessment and lighting
15. Green Belt
16. Impacts on Public Rights of Way, on pedestrians, cyclists and horseriders, and opportunities to improve
17. Temporary and permanent impacts on recreation
18. Socio-economic impacts
19. Community isolation, severance and accessibility, including by disabled users
20. Common law nuisance and statutory nuisance, nuisance mitigation and limitations and appropriate provisions in the dDCO
21. Whether the maintenance and decommissioning activities have been adequately defined in the dDCO and whether they have been appropriately assessed and mitigated
22. Measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts on health
23. Safety impact assessment and consistency with relevant highways safety frameworks
24. Whether appropriate bodies have been consulted about national security implications and whether any issues have been adequately addressed
25. The assessment of civil and military aviation and defence matters in accordance with the National Networks National Policy Statement

B. The Environment Agency, Derby City Council, Derbyshire County Council, Erewash Borough Council and Severn Trent Water to include:

1. Dust, odour, artificial light, smoke and steam scope and methodology of assessment
2. The water environment including main rivers, groundwater and other water bodies, any concerns on impacts on water quality/resources and the need for any specific requirements in the dDCO
3. Flood risk, adequacy of the Flood Risk Assessments, the selection of mitigation sites and any concerns about the proposal on flood risk grounds
4. Drainage, Sustainable Urban Drainage Systems (SuDS), compliance with national standards and the appropriate body to be given the responsibility to maintain any SuDS
5. Water abstraction, discharge, pollution control and permits and whether potential releases can be adequately regulated under the pollution control framework
6. Contaminated land
7. Climate change, including the appropriate use of UK Climate Projections, identification of maximum credible scenarios, adaptation, impacts, radical changes beyond the latest projections
8. Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted

C. Natural England, Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

1. The Applicant's Habitat Regulation Assessment – No Significant Effects Report (NSER) and the included matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects
2. Impacts on habitats and species, habitat replacement and opportunities for enhancement
3. Assessment of noise, vibration, air and water quality impacts on designated nature conservation sites, protected landscapes, protected species or other wildlife.
4. Agreement of biodiversity and ecological conservation mitigation measures, any comfort/impediments for the granting of relevant licences and their timescales
5. Waterbodies
6. Agricultural land
7. Green infrastructure

D. Historic England, Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

1. Whether heritage assets have been identified and assessed appropriately
2. Derwent Valley Mills World Heritage Site
3. Darley Abbey Scheduled Ancient Monument
4. The approach to archaeology
5. Other historic assets, including non-designated historic assets identified by local authorities and in Historic Environmental Records
6. Written scheme of investigation
7. Historic landscape character areas
8. The need for any specific requirements in the dDCO

SoCGs A-D to include:

1. The applicable legislation and policy considered by the Applicant
2. The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included
3. The extent of the areas of potential impact considered
4. Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies
5. The application of expert judgements and assumptions
6. Identification and sensitivity of receptors with the potential to be affected by the proposed development, magnitude and the quantification of potential impact
7. Likely effects (direct and indirect) on protected (or equivalent) biodiversity sites, habitats and species
8. Nature of the likely effects (direct or indirect) on receptors
9. "Reasonable worst case" Rochdale Envelope parameters
10. Mitigation that is necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable
11. Whether the secured mitigation measures are likely to result in the identified residual impacts
12. The significance of each residual impact
13. Whether the mitigation identified in the Environmental Statement (ES) is adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses
14. dDCO provisions
15. The Outline Environmental Management Plan, The Construction Environmental Management Plan, the Transport Management Plan and the Handover Environmental Management Plan
16. Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other independent statutory and regulatory authorities
17. The identification of consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted
18. Whether the effectiveness of consents, permits or licenses as mitigation have been accurately identified in the impact assessment
19. Whether potential releases can be adequately regulated under the pollution control framework
20. Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits
21. Any other relevant matters included in the Initial Assessment of Principal Issues in Annex B
22. Any other relevant and important considerations
23. Any other matters on which agreement might aid the smooth running of the Examination

E. Network Rail to include:

1. Bridge widening comfort/impediment
2. Any other matters on which agreement might aid the smooth running of the Examination

F. Statutory Undertakers to include:

1. Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation
2. The adequacy of the provisions in the dDCO to protect the public interest
3. The Outline Environmental Management Plan
4. Any other matters on which agreement might aid the smooth running of the Examination

G. The Royal School for the Deaf to include:

1. The assessment and mitigation of potential impacts, including in relation to the use and reinstatement of temporary possession land, noise and vibration, air quality, safety and security, access and liaison during construction
2. Any other matters on which agreement might aid the smooth running of the Examination

H. Cherry Lodge children's residential care home to include:

1. The assessment and mitigation of potential impacts, including in relation to parking, noise and vibration, air quality, other changes to the local environment and potential impacts on well-being, access and operation
2. Any other matters on which agreement might aid the smooth running of the Examination

I. Existing Businesses in the vicinity of Markeaton junction to include:

1. The assessment and mitigation of potential impacts, including in relation to access, safety and economic impact
2. Any other matters on which agreement might aid the smooth running of the Examination