

The Planning Inspectorate  
Room 4/04  
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**Our ref:** LT/2020/125045/01-L01  
**Your ref:** A38 NSIP  
**Date:** 21 February 2020

Dear Sir/Madam

**ISSUE SPECIFIC HEARING 3 AND 4 ON THE 18TH AND 19TH FEBRUARY 2020 - ENVIRONMENT AGENCY RESPONSE A38 DERBY JUNCTIONS**

Thank you for the opportunity to speak at Issue Specific Hearings 3 and 4 on the 18<sup>th</sup> and 19<sup>th</sup> February 2020. Please find a summary of our comments made during during these hearings detailed below.

**ISH 3 – Draft Development Consent Order**

Q1) Guillotine matters – the Environment Agency confirms we have no further concerns regarding this matter.

Q4) Disapplication of legislation – Discussions have started to take place between the EA and Highways England and we understand they are now starting to look into the Midlands byelaws. Applicant understands that protected provisions covers the FRAP process.

Q12) Article 20 – Discharge of Water - We previously responded to the written questions on this matter saying that we were satisfied with bullet points 1) and 2) to be incorporated.

Q20) Management and mitigation plans – b) The latest addition of the Statement of Common Ground indicates that both the applicant and the Environment Agency have agreed the inclusion of a Verification Process through Requirement 3 (CEMP), and that the wording will refer to demonstrating the effectiveness of remedial actions.

Q21) CEMP and HEMP – a) we would be happy with the proposed approach.  
b) we would be happy with the proposed approach.

Q23) Preliminary Works - PW-WAT1 refers pollutions risks during weather events and construction and by inference drainage. In our response to a previous Inspector Question on the subject of drainage solutions in the main compound area, we stated that given the sensitivity of this location, details of the drainage solution and pollution prevention measures should be included within the Preliminary Works CEMP. We believe these matters should fall under PW-WAT1. After discussions in ISH4 on this matter we now understand that the details of drainage solutions and pollution prevention

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measures will now be included within the Preliminary Works CEMP.

Q32) Protected Provisions – We are happy as protected provisions will require applicant to provide all information that would be required for a Flood Risk Activity Permit (FRAP).

#### **ISH4 – The Water Environment**

The Environment Agency were asked to provide a written summary of our oral contribution to this section of ISH4 in relation to the latest Markeaton Brook modelling, the climate change allowances used in requirement 14 for the Little Eaton junction, and for matters relating to the compound situated on areas designated as source protection zones (SPZ) 1 and 2

**Markeaton Brook Modelling** – We can confirm that the latest model the Environment Agency has for the Markeaton Brook is our Derby City Tributary model that was undertaken in 2013.

**Climate Change Allowances** – As previously mentioned in our response to the written questions. The Environment Agency are satisfied with the 50% allowances proposed for the Little Eaton junction. Climate change allowances requirements are detailed on gov.uk dependent on the vulnerability of the development and the flood zone the development is situated in. For essential infrastructure in FZ3 the upper end climate change allowance in the Humber catchment would need to be used which is a 50% allowance, which is being proposed for the Little Eaton junction.

**Little Eaton Construction Compound** – As discussed in the hearing we now understand that the protection of controlled water will be detailed within the Preliminary Works CEMP which we would support.

Yours faithfully

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