



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

Issue Specific Hearing 3: Draft Development Consent Order on Tuesday 18th February 2020

Written Summary of Oral Contributions on Behalf of Derbyshire County Council

Little Eaton Junction Improvements

(Located within the Administrative Area of Derbyshire)

Question	DCC Response
1 Guillotine Provisions	
a) To c)	DCC made no particular comments on the ‘guillotine’ provisions in its written response to the Examination Authority’s (ExA) written questions. However, DCC’s opinion was invited at the hearing session by the Inspector, when DCC expressed the opinion that it would be reasonable for the application for consent to contain a statement drawing the consultees attention to the ‘guillotine’ provisions for clarity and certainty and that 28 days appeared to be appropriate from DCC’s point of view for consultation but that a 12 weeks consultation applied to Article 20, as suggested by Derby City Council would also be a reasonable requirement and was supported.
4) Disapplication of Water Resources Act 1991 and Land Drainage Act 1991.	
a)	DCC reaffirmed its comments made in its response to the ExA’s written questions that, based on its investigation of other DCO cases across the Country, disapplication of the Water Resources Act and Land Drainage Act was standard practice in the DCO process and so DCC was happy with the disapplication of these provisions. Consultation by Highways England with DCC as Lead Local Flood Authority on the detailed design of the drainage proposals was considered to be important.
b)	DCC expressed the view that there was a need for protection to ensure the LLFA can influence the detailed design of watercourse alteration to ensure flood risk is not increased. DCC considered that consultation at the detailed design stage would be sufficient to address its requirements for consultation. Such a position has subsequently been set out and agreed in the revised Statement of Common Ground that was submitted to DCC by Highways

	England's consultants (Aecom) following a meeting between the two parties on 28 th February 2020.
10) Article 11 - Street Works	DCC confirmed that discussions had taken place between Highway England's consultants (AECOM) and DCC's Traffic Management Officers. DCC had no concerns with the disapplication of the County Council's Street Works Permitting Scheme in principle but was concerned that a mechanism needed to be put in place to ensure that the County Council was given appropriate notification by Highways England about when and what works were going to be undertaken to the sensitive streets in DCC's control.
14) Article 27 – Public Rights of Way	DCC said that there were no outstanding issues that were relevant to the DCO process. However, discussions had previously taken place with Highways England's consultants (Aecom) regarding the provision of a toucan crossing on the A61 to the south of the Little Eaton Junction scheme and that HE had secured funding for the provision of the toucan crossing outside the DCO process. DCC highlighted an on-going issue in its discussions that a section of the highway verge adjoining the A61 from a point where diverted Footpath no. 3 met the A61 down to the proposed location of the toucan crossing was not surfaced. DCC was keen to work with HE to ensure that this section of verge was surfaced to assist in maximising the use of the toucan crossing by pedestrians using diverted footpath 3 to cross the A61.
19) Requirements 1 – 21: Provisions for Consultation	DCC expressed the view that ideally a requirement for consultation with the Derwent Valley Mills World Heritage Site Partnership should be added to Requirements 1 – 21 for clarity and certainty but that requirements for consultation through the OEMP would also be sufficient. The key issue was that consultation with the Partnership was carried out whether this was achieved through the Requirements or OEMP. DCC had no strong views either way.

21) CEMP and Handover Management Plan Requirement 3	
b)	DCC expressed the view that it supported the ExA's suggested additional three provisions to the HEMP.
22) Requirement 4	DCC considered that it was reasonable to add a 28 day consultation period to Requirement 4 and this was supported.
Schedule 3: Classification of Roads	
a) and b)	DCC confirmed that its officers had reviewed Part 1 – 8 of Schedule 3 and that DCC had no further comments to make as their concerns had been addressed by Highways England in the latest version of the DCO.
Schedule 4: Permanent Stopping Up of Highways	DCC confirmed that it had reviewed Parts 1 – 4 of Schedule 4. DCC highlighted that the stopping up of Ford Lane was referred to in Part 1 and that DCC was in on-going discussions with Highway England to resolve the weight restriction issue on Ford Lane Bridge associated with the stopping up of Ford Lane for which more detail would be discussed at the Topic Specific Hearing Session 4.