

A38 Derby Junctions
TR010022

8.71 Written Summary of Oral
Submissions to ISH4 19 February 2020

Planning Act 2008

Rule 8 (1)(i)

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 8

March 2020

Infrastructure Planning

Planning Act 2008

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

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

**Written Summary of Oral Submissions to ISH4
19 February 2020**

Regulation Number	Rule 8 (1)(i)
Planning Inspectorate Scheme Reference	TR010022
Application Document Reference	TR010022/APP/8.71
Author	A38 Derby Junctions Project Team Highways England

Version	Date	Status of Version
Version 1	03 March 2020	Deadline 6 submission

Table of contents

Chapter	Pages
1 INTRODUCTION.....	1
1.1 Purpose of this Document.....	1

1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This document sets out a written summary of the oral submissions made by Highways England at the fourth Issue Specific Hearing (ISH) for the A38 Derby Junctions Scheme. The ISH took place at 10:00 on 19 February 2020 at The Best Western - Stuart Hotel.
- 1.1.2 The 'ExA written question/issue no.' referred to in the first column of Table 1-1 below is a reference to the items in the ExA's agenda relating to this ISH. The ExA's questions (and any additional comments made in the ISH) are reproduced in the second column of the table.

Table 1-1 Written Summary of Oral Submissions to ISH4 19 February 2020

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
------------------------------	-----------------------	---

<p>Item 3</p>	<p>Transport networks and traffic</p> <p>a) The openness and robustness of the qualitative assessment of congestion, route uncertainty, journey reliability, journey times and fear of accidents during construction. Explanations of where the assessment is uncertain. The potential for “<i>sustained periods of severe congestion as a result of construction</i>” suggested by DCiC.</p> <p>b) The consideration given to the range of likely impacts on the population arising from changes to congestion, route uncertainty, journey reliability and journey times on the local road network during construction. Consideration given to the inner ring road and major routes identified by DCiC.</p>	<p>HE explained how the assessments had been carried out. First, there is the transport assessment and secondly, the Environmental Statement (ES) Chapter 12 (People and Populations), which looks at the effects of construction impacts in particular, on road users and members of the public. The technical work and transport assessment which feeds into TMP and is considered in the the ES.</p> <p>HE explained that the ES and the traffic assessment are different. In response to a) HE invited LAs to ask specific questions if there were particular points that they were uncertain of. HE outlined that detail around mitigation will be dealt with at a later stage through the TMP and management during the construction phase. HE can say generally how traffic management will be conducted at this stage of the process, but it is impossible to say on X day that there will be issues with a particular junction, for example. This will be dealt with at detailed design stage. No project at this stage could provide this level of detail.</p> <p>HE confirmed that due to the nature of the scheme being a city scheme and the interaction between the strategic and local networks, the assessment and work completed in this area is more detailed than what HE would usually have completed on one of their projects at this stage.</p> <p><u>Traffic model</u></p> <p>HE went on to explain that with only some minor adjustments, it had applied DCiC’s own base model which DCiC use to develop its own policies and which assists DCiC’s understanding and management of journey times and queues etc.</p> <p>DCC and DCiC both confirmed that this was the case.</p> <p>HE explained that the ES is based on the results from the traffic model. The model has also been used to identify where mitigation is required. There will be further traffic modelling when the detailed design is completed for the temporary junctions. HE</p>
----------------------	--	---

		<p>confirmed that it was not beneficial to complete a further analysis when it does not know the construction process in the level of detail required for individual assessment of junctions. This will be done through the TMP process once the construction programme is completed. The detail will be shared with DCiC and DCC and used to identify and manage key pinch points.</p> <p>The DCC and DCiC confirmed that they were satisfied with this approach.</p> <p>HE provided further detail regarding traffic and traffic modelling and explained how this has been assessed. HE has an internal process that is applied to a scheme as it develops. As part of this process, HE has a series of gateways. At Gateway 3, HE has to demonstrate that it has completed certain assessments to proceed to the DCO application. A number of traffic models and outputs looking at journey times during construction phases and looking at traffic model changes and traffic flows must have been completed together with a business case for the project.</p> <p>HE has identified eight different construction scenarios and modelled how this might look. HE had discussed with both councils regarding their interested routes. The A38 was considered first and then Rykneld, Duffield, Kedleston and Ashbourne Roads. Journey times had been mapped out through various construction phases.</p> <p>HE reiterated that it will reapply the models as the project progresses through construction mapping and temporary junction plans. This process will include consultation with both highway authorities</p> <p>HE confirmed to the ExA that congestion and journey times have been substantially based on quantitative assessment through its modelling work.</p> <p>HE confirmed that to assess route uncertainty and journey reliability (components of the driver stress assessment) it is necessary to look at qualitative assessments. Journey</p>
--	--	---

		<p>reliability, for example, is effectively how much earlier people have to leave to get to a meeting on time. This requires subjective judgment – it relates to day-to-day uncertainty.</p> <p>HE confirmed to the ExA that it had applied professional judgement based on the modelling to assess route uncertainty and reliability.</p> <p>DCC and DCiC confirmed that professional judgement is acceptable to assess route uncertainty and journey reliability and that this would be sufficient for the ExA to assess the likely impacts of the scheme.</p> <p>HE confirmed that the routes assessed included the whole of Derby City, including north and west on the A38 corridor.</p> <p>HE confirmed that for the purposes of the traffic model used for the construction period, flooding would be considered a one off incident.</p> <p>HE confirmed its position is that there will be no sustained periods of congestion because of the mitigation that will be put in place.</p> <p><u>Fear of Accidents</u></p> <p>HE confirmed that Item 3 b) and fear of accidents has been dealt with in Chapter 12 of the ES. This assessment includes the effect on road users, not just drivers, and also includes the impact on public transport in terms of construction of the scheme as well as its operation. There is no recognised methodology to assess fear of accidents.</p> <p>HE further considered that fear of accidents is one component of driver stress which is a qualitative method of assessment based on best practice and one which is used on other HE projects, such as the A303 Stonehenge scheme.</p>
--	--	---

		<p>In response to Item 3 b), HE explained that it had considered a range of different impacts associated with traffic during construction and operation of the scheme including driver stress impacts on the community, drivers views, community severance, bus users, human health and wellbeing, access to facilities (including health services), access to community infrastructure etc. This is all covered in detail in Chapter 12 of the ES.</p> <p>DCC stated that it was important to consider points on the network where pedestrians or drivers may take risks. DCC confirmed that the impacts had been assessed appropriately by HE.</p> <p>DCiC are to provide a written response as to whether they consider that the current assessment is adequate and accounts for all relevant factors. HE requested that DCiC consider Chapter 12 of the ES in its review.</p> <p>HE confirmed that the impact on non-motor users including pedestrians had been considered as part of the People and Communities chapter of the ES. The assessment did not find any significant effects and takes mitigation measured and the TMP into account.</p>
--	--	---

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>c) The modelling of queuing and junctions, the adequacy of the Saturn model and the need for LINSIG modelling for the assessment of impacts arising from disruptions to the local road network during construction.</p>	<p>HE explained that it has used the Saturn modelling program as an alternative to LINSIG. LINSIG assesses one junction in particular. LINSIG provides better outputs when developing a traffic controller and is quicker at developing capacity and operational capacity at an isolated junction. However, LINSIG is unable to assess the relationship between multiple junctions. Whilst the Saturn model does not use LINSIG, it uses equivalent software to assess each junction and is able to use this information to apply its assessment across multiple junctions. HE explained that it had gone further in its assessment in respect of its modelling of the junctions than it usually would on another scheme due to the urban nature of this scheme.</p> <p>DCiC explained that it uses the LINSIG model to demonstrate local impacts and queue lengths. DCiC further explained that it would be able to identify issues during planning for construction and through the TMP.</p> <p>HE confirmed that the LINSIG model uses one hour average time periods.</p> <p>DCC confirmed that the Saturn model was sufficient for its requirements.</p> <p>DCiC is required to provide further written submissions regarding its concerns relating to Saturn and why it considers LINSIG to be more appropriate.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>d) The updated Traffic Management Plan. The balance of prioritisation given to the A38 and to the local road network. Comments from the Local Highways Authorities, the A38 Behavioural Change Group and other stakeholders. Construction uncertainties, stakeholder engagement and resources. The Community Relations Manager and their liaison with DCiC and DCC. The ongoing role of the A38 Behavioural Change Group and how that should be secured.</p>	<p><u>Behavioural Change Group</u></p> <p>HE confirmed that the Behavioural Change Group was going well.</p> <p>The Derby Cycling group agreed that the group was going well and outlined that it would like additional provisions for cycling in the TMP.</p> <p>The Derby Cycling representative explained that as a participant in the group, some elements are included in the TMP and that it was its understanding that the group will extend post initial stages.</p> <p>HE confirmed that it had engaged with DCiC in early January and that it would be setting up strategic quarterly meetings with DCiC. There is also a technical working group that will deal with some of the issues arising from the behavioural change group. HE explained that it did not envisage the work of the groups to be included in the DCO.</p> <p>DCiC agreed that the group will be maintained.</p> <p>HE confirmed that the Behavioural Change Group was included in the latest version of the TMP. HE agreed to consider the role of the Behavioural Change group.</p> <p>HE confirmed it would provide further detail on engagement with the group and where this should be secured.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p><u>Customer and Stakeholder Manager (CSM)</u></p> <p>HE confirmed that the need for a CSM was recognised to provide an interface between HE and stakeholders. It had agreed that the CSM would be based locally. Unfortunately, the CSM could not be based in the DCiC offices due to space restrictions.</p> <p>DCiC confirmed that this was something that they felt quite strongly about and would welcome. DCiC explained that it would be helpful when dealing with complaints if the CSM was in the DCiC offices.</p> <p>DCC confirmed that a CSM being based locally would be acceptable to them.</p> <p>HE explained that whether the CSM could be based in DCiCs offices and a joint approach to complaint handling with DCiC would be considered in further detail.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>e) Impacts resulting from the proposed development on the local road network (including junctions, the inner ring road and major routes identified by DCiC) during operation. Responsibility for their mitigation. Proposed mitigation measures and how they are secured. The need to monitor local roads and for a separate agreement.</p>	<p>DCC and DCiC confirmed that they have no concerns in relation to this.</p>
	<p>f) DCiC's concerns regarding the process for Stopping Up and Traffic Regulation Orders.</p>	<p>HE explained that both authorities have raised a number of points in respect of the general process regarding how stopping up and Traffic Regulation Orders (TROs) are secured through the DCO process. HE offered to have further in-depth discussions regard the issues raised.</p> <p>DCiC and DCC had no further comments.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>g) Agreement of mitigation measures for Ford Lane bridge (DCC and Network Rail concerns) and the Ford Lane / A6 junction (DCiC concerns) and how they are secured.</p>	<p><u>Ford Lane bridge</u></p> <p>HE confirmed that it has carried out a further assessment and that DCC had confirmed that it was content with the assessment. The methodology had been agreed and HE were currently liaising with a contractor. There are no capacity issues, the intention is to restrict the bridge to one lane. HE stated that the results of the assessment may be available during the examination.</p> <p>DCC stated that any measures to narrow the bridge would need to be physical measures to ensure that two vehicles did not attempt to cross at the same time. HE confirmed that this would be the case. DCC content with this approach. HE agreed to provide an update to the ExA regarding Ford Lane bridge.</p> <p><u>Concerns raised by Network Rail</u></p> <p>The primary concerns for Network Rail are the size of vehicle that is able to cross the bridge as they require large vehicles to access their property via the bridge and turning circles.</p> <p>HE confirmed that Network Rail has confirmed the size of the vehicle required to assess the track and this can be accommodated. Network Rail requires access for a 40-ton vehicle. The ability to signalise the junction will provide HE with additional scope. HE confirmed that it had considered the full length required and that it had considered the junction with Ford Land and the A36. HE is to provide a response to issues raised by Network Rail.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p><u>Widening of the A6 Junction</u></p> <p>DCiC expressed its preference for localised widening of the junction to allow left and right turners out and the potential for a pedestrian crossing. This would also break up traffic flow onto the A6, allowing people out of the estate without a full traffic light control. HE confirmed that it was looking at options re DCiC suggestions for a pelican crossing but that it is mindful of Network Rail's requirements.</p> <p><u>Impacts on Cyclists</u></p> <p>Derby Cycling Group raised a number of concerns regarding access for cyclists and pedestrians including the Kingsway island, slip road and non-controlled crossings on a school route. ExA requested that concerns were provided in writing</p> <p>HE confirmed that there were design standards for signalised crossings for traffic flows and that the route to school will stay on the other side of the A38, crossing at the A6 and would travel on the east side and then over the bridges. HE requested that any concerns were specific rather than general points so they could be addressed by HE.</p>
	<p>h) Impacts on car parking during construction and operation, including at Cherry Lodge children's residential care home. Mitigation measures and how they are secured.</p>	<p>Not Discussed.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>i) Access to Derby Royal Hospital.</p>	<p>In response to a question from Derby Royal Hospital (DRH) HE explained that the traffic model used is set up for average days. The particular roundabout to which DRH referred to is the A516. The A516 is one of the roads that runs parallel to the A38. In general, there is a transfer of traffic from A516 to the A38 and so the route will benefit from scheme.</p> <p>DCiC explained that it was familiar with the issues on the roundabout raised by DRH. The traffic light sequencing is currently managed manually based on the queues. DCiC confirmed that this was an existing problem that it is aware of.</p> <p>HE noted that through the TMP and OEMP, access will be maintained to the hospital and all roadwork design will accommodate emergency vehicles. Within a dual carriageway there is width for vehicles to move out of the way for emergency vehicles. The closest junction is the Kingsway Junction and access will be facilitated. Maintaining access to the hospital is a key priority for the scheme. Assessments have been conducted and have looked at a typical situation. HE confirmed that it is, unfortunately, not the role of the scheme to solve all issues on the existing network.</p> <p>HE confirmed that the scheme would have little impact on the junction and access to the hospital. The overall strategy during construction is to keep traffic on the A38 and keep journey times on that route as they are today as far as possible, the aim being to prevent traffic from seeking alternative routes.</p> <p>A representative from Friends of the Earth raised concerns about air quality near Kingsway junction and the Royal Derby Hospital. The ExA recorded the point and explained that there was a procedural matter relating to air quality that would be dealt</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>with later in the agenda. The ExA confirmed that HE would be providing a written response to air quality matters.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
<p>Item 4</p>	<p>Land use, social and economic impact</p> <p>a) Footpath diversions at the Little Eaton junction including the linkages between existing and proposed footpaths and the proposed diversion of FP3.</p>	<p>HE confirmed that since the previous examination hearing it has received additional information regarding FP3.</p> <p>HE confirmed to the ExA that the plan represents the agreed footpaths and that there was an acceptance that the plan showed the correct representations. The proposed diversion of FP3 is as per the plan.</p> <p>HE responded to Breadsall Parish Council's request that FP3 remains on the same route and explained that there were serious safety concerns regarding the use of the existing route which means that where FP3 ends, users of the route then cross the A38 to access facilities on the other side of the A38. This entails crossing a very dangerous road, its speed limit being 70MPH. Design standards preclude a crossing at this point due to safety. HE could not condone a crossing in this area. The public are using it at their own risk. Where FP3 joins the A38, there is a footway in the verge which directs pedestrians around and to the south towards a crossing at the A61 bridge. Diversion of FP3 to FP1 is a safer route.</p> <p>DCC confirmed that it agreed that the diversion was a reasonable route.</p> <p><u>Toucan crossing</u></p> <p>HE confirmed that it is in discussions with DCC regarding a toucan crossing and that it is willing to fund it outside the DCO process.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>The ExA asked whether it was anticipated that the toucan crossing would be provided at the same time as the DCO works. HE explained that the plan was for it to be installed imminently but that DCC need to approve the design.</p> <p>DCC expressed concerns regarding safety and reduction of the speed limit from 70 to 50 mph, potentially in advance of putting the crossing in place.</p> <p>HE explained that a toucan crossing is not part of the Derby Junctions scheme and was not necessary mitigation. The crossing was being offered outside of the DCO process. There is currently no formal, authorised, controlled or managed crossing.</p> <p>DCC confirmed that at the moment it did not but that DCC would like to see a connection between footpaths on eastern sides of roads down to the toucan crossing.</p> <p>HE confirmed that following the representation from the DCC, provision of such a footway in the verge is being considered if the toucan goes ahead.</p> <p>In response to a question from Little Eaton Friends of the Canal HE confirmed that FP17 will be diverted around the compound and will then be reinstated (as sown on the footpath plan). All of the existing FP7 will remain, including the steps. HE confirmed that there would be no change to the exiting arrangement on FP7.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>j) The effect of the proposed development on the McDonald's and Euro Garages sites, including the capacity and geometry of the proposed access arrangements, existing access rights and the case for providing advance signage.</p>	<p>Representatives from McDonald's and Euro Garages were in attendance. McDonald's provided representations regarding the modelling of the junction.</p> <p>HE noted that some progress had been made. HE has modelled this junction based on road alignment. However, McDonald's has decided to do their own model and assessment as they are not accepting HE's assessment. The base data has been provided to them. It is of concern to HE how long it is taking McDonalds particularly as there is only a short period remaining in the Examination.</p> <p>McDonald's stated that they were hoping to issue models to Euro Garages in the next few days and then will provide the information to HE. McDonald's confirmed that they have not shared their modelling or methodology with HE.</p> <p>HE confirmed that they had been in discussions with McDonalds and believe McDonalds will be using LINSIG model. HE are familiar with that software.</p> <p>HE noted that it has presented a solution that it considers workable. Information regarding the scheme was given to them a number of years ago. There had been multiple and significant attempts at engagement over a number of months, which has been more successful recently but was not initially.</p> <p>In response to a question raised by the ExA, HE confirmed that any proposals for signage could be incorporated in the existing scheme.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>HE confirmed to the ExA that the car park is not in the red line boundary of the scheme and therefore any issues relating to the need to strengthen the car park (which has not been demonstrated) would be compensation matters.</p> <p>HE confirmed that it provided the technical note as requested by McDonald's at Deadline 4 (document 021). McDonald's and Euro Garages agreed to review and comment further as they had not seen it on the project website before the hearing.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>k) Potential effects on open space and events in Mackworth Park and Markeaton Park due to temporary possession, their mitigation and how that would be secured.</p>	<p>HE explained that there are provisions in the TMP and OEMP to deal with coordination of the works. HE confirmed that it has provided a response to DCiC regarding management of events in Markeaton Park. The Customer and Stakeholder Manager (CSM) will be a point of contact as part of OEMP. The CSM will maintain a diary of local events and will work with DCiC and stakeholders to ensure that matters are managed as much as they can be. The TMP commits to providing alternative access to Markeaton Park and to work with the DCiC. HE confirmed that access to the park will be maintained at all times and that no car parking will be affected.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>1) Whether the recent Supreme Court judgement [R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3 e] on the approach to Green Belt openness has implications for consideration of the proposed development.</p>	<p>HE confirmed that the Supreme Court case does not change the approach to Green Belt openness. The case refers to whether a decision maker is required to take into account visual impacts. The Court determined that it is not necessary as a consideration of openness. Regardless, HE has considered visual impact therefore if ExA considers it relevant to their assessment the information has been provided.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
<p>Item 5</p>	<p>Air quality</p> <p>a) Consideration of LA 105 for the potential for significant air quality effects for an increase in NO₂ due to the proposed development of >0.4 µg/m³. Reference to Table 5.6 of the Environmental Statement (ES) Chapter 5 [APP-043] and Table 1.13 of ES Appendix 5.3 [APP-172].</p>	<p>HE explained its position in relation to examination of air quality matters as explained to the ISH on 18 February.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>b) Local Authority comments on the Applicant's consideration of LA 105. Whether its' application would be likely to give rise to any additional significant impacts or materially new or materially worse adverse impacts. Whether OEMP mitigation measures for dust should be amended.</p>	<p>Not discussed – see note above.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>c) DCiC's outstanding air quality concerns, including:</p> <ul style="list-style-type: none"> a <i>"method for reconciling infrastructure scheme contributions with national PCM compliance modelling outputs"</i>; b <i>"modelling against EU Directive for some receptors"</i>; and c <i>"outstanding detail in CEMP"</i>. 	<p>Not discussed – see note above.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>d) Whether DCiC considers that the Applicant's assessment represents a reasonable worst-case scenario and whether on balance it agrees there are likely to be no significant effects during construction or operation.</p>	<p>Not discussed – see note above.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>e) Compliance with European Union Directives, the potential for a zone compliant with the Air Quality Directive to become noncompliant and the potential for delays for a non-compliant zone to achieve compliance. Balance of probability.</p>	<p>Not discussed – see note above.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
<p>Item 6</p>	<p>Noise and vibration</p> <p>a) The likelihood of other receptors in addition to those identified in the ES experiencing noise levels above Significant Observed Adverse Effect Level (SOAEL) during construction. The likelihood of the durations of the significant adverse construction noise effects identified in the ES being exceeded. Whether the assessment represents a reasonable worst-case scenario.</p>	<p>ExA explained that the ES set out the methodology and identified construction noise levels as being significant if they are above SOAEL.</p> <p>a) largely covered in writing by HE in previous questions.</p> <p>DCiC considered that the assessment completed as part of the ES had been agreed. As far as DCiC was concerned, the assessment provided for the worst case estimates so in theory construction impacts should not be as bad as presented in the ES. DCiC concurred with HEs' findings. Confirmed that it was unlikely that the predicted construction noise levels would be exceeded based on the information currently available.</p> <p>Erewash BC confirmed that if the measures provided in the OEMP are applied, it did not expect there to be any further findings of significant construction noise effects.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>b) The relevance of BS5228 duration provisions for:</p> <ul style="list-style-type: none"> • eligibility for noise insulation and temporary rehousing (<i>“a period of 10 or more days of working in any 15 consecutive days or for a total number of days exceeding 40 in any 6 consecutive months”</i>); or • the 5dB(A) change method for residential buildings, hotels and hostels, buildings in religious, education, health or community use (<i>“one month or more, unless works of a shorter duration are likely to result in significant effect”</i>). 	<p>HE explained that the approach used has been used on other schemes and was applied by HE on road schemes consistently. The method is now included in the new version of the Design Manual for Roads and Bridges (DMRB) so is now the standard UK method for construction noise impacts from road schemes, it specifically refers to 10 days in 15.</p> <p>All in agreement that duration is a factor and something that should be considered however, a very short exceedance of the SOAEL would not be significant, whilst a long exceedance would be. For the ES there was a need to draw a line somewhere between these.</p> <p>The method adopted in the ES is based on the ABC method in BS 5228 which mentions duration as a factor but gives no more guidance. Therefore, it has been necessary to look outside that specific method to conduct the assessment. The most appropriate place is within the same standard. Therefore, HE looked at other methods in the standard i.e. the 5dB(A) change method and the Noise Insulation and Temporary Re-housing guidance. Of the two options HE has used the most conservative i.e. the Noise Insulation and Temporary Re-housing guidance which uses 10 days in 15 combined with 40 days in 6 months. This gives a shorter duration than the 1 month option from the 5dB change method.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>c) The averaging time, T, used for daytime, evening and night-time construction noise SOAEL. Comparison of averaging times used with Table E.2 of BS5228-Part 1.</p> <p>d) Whether a later assessment of exceedances of SOAEL of up to 10 days in 15 or 40 days in 6 consecutive months would be a materially new or materially worse adverse noise effect in comparison with no exceedance of SOAEL. Whether, in this case, "<i>materially new or materially worse</i>" requires clarification.</p>	<p>HE explained that the assessment method used for construction noise is based on the BS 5228 ABC method. Therefore, HE has applied the durations of the ABC method of daytime 7am – 7pm plus Saturday mornings, night-time 11pm – 7 am etc. "T" used is the length of each period. Weekday daytime "T" of 12 hours assumed.</p> <p>ExA outlined that noise and temporary housing guidance uses different timing for "T" and they are all shorter than 12 hours, going down to as low as 1 hour. ExA explained that it required further understanding of the effects of the averaging period. If it is longer, then higher levels of noise for a longer period could be accommodated – potential for more noise for a greater duration if the "T" period is longer. The ExA considered that averaging time is material to noise levels.</p> <p>HE explained that a longer averaging period could include louder levels but these must be balanced by quieter periods to achieve the same average. But if using the 1 hour couldn't have the louder periods. The reasons HE has used the time periods from the ABC method is that this method is specifically for identifying significant effects at the ES stage. The Noise Insulation and Temporary rehousing guidance, and associated time periods, is for further down the line when more detail available. HE has only used a small part of the method from the Noise Insulation and Temporary rehousing guidance, to fill in the missing bit from the ABC method.</p> <p>HE explained that it had used the most appropriate methodology. At the ES stage it was not possible to predict hourly construction noise as this level of detail was not available to any scheme.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>DCiC explained that we are looking at two different techniques for assessing noise which serve two different purposes. For the ES the primary purpose is using the SOAEL to assess a development to predict at what point it will cause a significant effect, and therefore need to consider additional mitigation or refusal. If the project gets to construction stage, this is a different situation, the primary purpose is how to react to noise during construction and how to design the detail of construction works to minimise noise as low as possible. The ES is trying to predict the future with less detail available and worst-case scenario predictions.</p> <p>DCiC noted that HE has to conduct the assessment on the information known now. The way the assessment has been conducted is presenting a worst-case scenario e.g. the type of equipment HE has assumed. In reality, the levels are likely to be lower. DCiC expressed a good level of confidence that during construction the impact will be less significant than currently presented by HE.</p> <p>HE confirmed that the ES identifies everything above the SOAEL as potentially significant (1st criterion), but not taken account of duration (2nd criterion) to be conservative. If duration included in the decision, e.g. up to 9 days in 15 above SOAEL would not be significant. HE however confirmed to the ExA that it may be considered significant as some professional judgment applied e.g. 9 days 1 dB above may not be significant, but 10 dB above for 9 days could be.</p> <p>HE have taken a worst-case approach for the ES by not applying duration. Had it been applied less significant effects would have been identified. HE confirmed that duration has not been applied to the assessments and that the next stage will be to use the</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		methodology and apply durations during the construction stage to determine where mitigation is required (BPM mitigation will apply across the scheme).
	e) Whether there should be a dDCO or OEMP requirement for the construction contractor to explicitly demonstrate that its' detailed design and construction proposals would be unlikely to give rise to any materially new or materially worse adverse noise or vibration effects in comparison with those reported in the ES. Whether this should be subject to review by the Local Authorities and the Applicant	DCiC confirmed that the approach taken at the construction stage is one of employing best practicable means to minimise noise as far as possible, nothing more can be requested. Focus is not on significant effects at this stage. Have to accept that construction noise can be noisy, and it will cause some degree of disturbance. If we wish to carry on building projects, then have to accept will be some disturbance and need to manage this through BPM. Which could include using different equipment, barriers, completing certain works further away from houses. Mitigation will be an ongoing process and may be in response to complaints. Focusing on the level of construction noise is not always that helpful, other considerations include for example the nature of the noise, how often, other features, time of day etc. Can't apply a number to these subjective factors. No objective way to monitor other than levels, which doesn't tell the full story. From DCiC perspective, this is considered the best approach and that it will be a constantly evolving process. There will be a good amount of detail provided later once

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>and approval by the Secretary of State.</p> <p>Whether this is justified in order to preserve the validity of the impact assessment and the basis of any decision regarding development consent given detailed design and construction uncertainties and the flexibility sought through a Best Practicable Means approach. Whether such considerations should require the OEMP to specify a different approach to minimising noise and vibration based on the duration of the works or if a significant effect is identified.</p> <p>If this would be unlikely to result in unreasonable restrictions given that the Applicant "<i>considers it has enough flexibility in its design</i>"</p>	<p>details of the phases of the project are confirmed which will help to design BPM. DCiC explained that it can understand why the ExA would want it to reflect the ES assessment. However, it is not helpful to keep referring back to the ES. In practice the focus should be on reduction and mitigation as far as possible. Even if this results in one aspect being worse than in the ES it is still the best possible. The assessment completed so far is a worst-case scenario and reliance on BPM is the best approach.</p> <p>DCiC agreed that not allowing materially new or different effects could result in a worse impact by restricting BPM as, for example, if night working is allowed then construction is completed more quickly. If the works were not allowed, then this may extend the construction period significantly and the negative impacts of the extension of the construction period could be materially new or worse. DCiC considered it to be a constant balancing act between the noise levels and the duration.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>and “<i>the robust approach taken in the ES</i>”.</p>	
	<p>f) Whether all construction work outside core hours should be agreed in advance with the Local Authorities. Whether “<i>any other emergency work</i>” shouldn't need to be agreed in advance. Whether any further s61 provisions should be included in the OEMP.</p>	<p>HE confirmed that works outside core hours are identified in requirement 3 of the dDCO. Further detail on the management of these works is set out in the OEMP and DCO.</p> <p>DCiC and Erewash BC expressed a view that any works conducted outside core hours should be agreed or at least notified. DCiC and Erewash BC recognised that approval of emergency works in advance would be too onerous but that they would like to be informed as soon as reasonable practicable. For other works outside core hours would expect an approval or notification. DCiC explained the key reason they want to be notified was to ensure good communication with the public rather than for any other reasons.</p> <p>HE outlined that it understood that there was a difference in approach from the authorities, particularly regarding s.61 applications. The agreement with Erewash BC was that notification would be provided for any works outside core hours, including works listed in the OEMP and DCO via the s.61 application process. However, DCiC did not</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>require a s.61 application for works outside core hours listed in the OEMP. HE explained that the reason the particular works had been included in the OEMP was that for certain works HE anticipate that work will need to be conducted outside core hours.</p> <p>Having to agree works with the LA before they can be completed can be prohibitive e.g. if HE part way through works and need to continue. If prohibited without advance consent, it may extend the duration of works leading to additional time, cost etc. HE requested that the LAs consider notification requirements. Notification will be given for all works outside core hours, agreement is needed for any works outside of core hours, which are not already listed in the OEMP/DCO.</p> <p>DCiC's stated that its preference is not to require a s.61 application, and to have a flexible process that allows the parties to communicate properly.</p> <p>Erewash BC confirmed that it is seeking an approval process for all out of hours work except for emergency work. Notification is required for Emergency work.</p> <p>HE agreed to come to an agreed position regarding notification for works outside of core hours.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>g) Noise levels and durations from the demolition of the Queensway buildings. Temporary noise barrier and permanent noise barrier options to mitigate impacts on the Royal School for the Deaf Derby.</p>	<p>HE confirmed that their plan is to put in place the permanent noise barrier as soon as possible to mitigate the impacts on the Royal School of the Deaf during the construction phase. If this is not possible before the demolition works then a temporary barrier will be constructed. Constructing the permanent barrier before the demolition works is dependent on access to the Queensway properties and site conditions.</p> <p>HE explained that two receptors were used in the ES for the school; The Cottage and Lydia House. Demolition works on the Queensway properties would happen in one month. Demolition of the buildings would result in high noise levels at the school without any barrier. The permanent barrier would result in around a 10 dB reduction in noise levels, it is effective as it is close to the source of the noise and the school. The temporary barrier would provide the same mitigation if same size and mass but could potentially be smaller and provide similar mitigation as very close to the source of the noise and the school. HE explained that if a temporary barrier is required it is uncertain of its exact specification at this stage. HE are also considering, for example, discussing the timing of the demolition works with the school to see if some demolition works can be scheduled for periods when the school is closed (ie holidays). HE also explained the permanent barrier could be provided in stages combined with sections of temporary barrier. HE noted that in the OEMP there is a commitment to provide sound reduction as effectively as possible.</p>
<p>Item 7</p>	<p>Landscape and visual impact</p> <p>a) Landscape screen planting at Little Eaton junction.</p>	<p>HE referred to photomontage 24 which shows proposed planting in position at year 15. HE explained that the narrow belt of trees are those in front of the environmental barrier. On the embankment up to the flyover, there will be trees that will screen the A38 with a</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>10-metre belt behind it. HE confirmed that the montage view was taken from point 24 on the screen from a public footpath.</p> <p>In response to the ExA noting that the photomontage is at a lower level and that the views from the village would be slightly different HE explained that beyond the footpath there is a further treeline.</p> <p>HE confirmed that there will be planting in that area. There will be a discussion as to what the planting is at detailed design stage. Species mix will be of importance and this will be driven by the local authority's guidance. Consultation with Breadsall Parish Council would be conducted via the councils not HE.</p> <p>DCC gave an undertaking that it would liaise with Breadsall PCs. DCC confirmed that it was satisfied with what has been put forward.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>b) Whether the proposal would retain an adequate level of tree cover at the Markeaton junction. Whether adequate measures are in place to ensure retention of felled timber on the site as biodiversity mitigation.</p>	<p>HE confirmed that it had sought to minimise tree loss throughout the scheme. Tree loss plans indicate that HE has retained a lot of trees within the red line boundary of the scheme. Where there is tree loss it is unavoidable. Tree losses and gains will be firmed up at the detailed design stage. The scheme will result in the loss of approximately 50 individual trees south bound and approximately 50 individual trees north bound. This does not include groups of trees which will be considered at detailed design stage.. HE has an indication of the relevant categories of trees. Around the footbridge, there are a number of trees that are diseased and in need of removal or maintenance attention. There is no ancient woodland, one veteran tree and a low proportion of "Category A" trees in this area.</p> <p>In response to a question raised by the ExA, HE confirmed that there were no figures regarding the number of trees to be planted at Markeaton Junction. HE are looking to plant semi mature trees to replace trees lost along the boundary of Markeaton Park. HE will plant more trees than are taken down within Markeaton Park. This will be secured in the OEMP.</p> <p>HE confirmed that information regarding the trees loss will be detailed in the retention and hedgerow plans which will be provided to the applicable local authorities. This will be secured via the OEMP.</p> <p>HE explained that it is worth noting landscape planting secured through requirement 5 of the DCO. Nothing other than preliminary works can start until landscaping has been agreed with the council. Controls are there in order to ensure that DCiC and the other local authorities have agreed to the plans.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>HE confirmed that it would be able to indicate on the plan where the trees are that are being felled and planted, but that it would not be reasonable to state exact numbers.</p> <p><u>Adequate measures in place to ensure retention of felled timber</u></p> <p>HE confirmed that it had responded to questions regarding this at Deadline 4 and 5 and confirmed that in consultation with DCiC, details regarding the retention of felled timber will be included in the next version of the OEMP.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	c) Whether enough information has been provided to adequately assess the effect of the proposed development on existing hedgerows.	DCiC and Erewash BC responses.
	d) The effect of the proposed development on protected trees including T358, the correct identification of such trees and the appropriate Root Protection Areas. Updates required to the OEMP.	<p>HE stated that the key area where trees will be lost is Markeaton Park and that in this area there is a commitment to plant more trees than are felled.</p> <p>HE explained that the single veteran tree being lost is due to the relocation of footbridge. The tree impedes the removal and construction of the new bridge.</p> <p>HE agreed to re-consider whether this veteran tree could be retained</p>
Item 8	Biodiversity and ecological conservation	

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	a) The effect of the proposal on the Alfreton Road Rough Grassland Local Wildlife Site.	HE explained that the revised technical note on the impacts on the Alfreton Road LWS shows that it is not a <i>significant</i> effect and therefore does not require mitigation additional to that already specified. Discussions around alternative provisions are not needed for the scheme and therefore are being dealt with separately outside of the DCO process via Designated Funds. HE explained that discussions were ongoing with the LWT and will continue.
	b) The approach to biodiversity enhancement and the use of Biodiversity Metric Assessment.	<p>HE explained the need for biodiversity metric assessment. At this stage in process it has not been requested by any party. It is also HE's understanding that there is no requirement that a Biodiversity Metric Assessment is completed for these types of projects.</p> <p>HE agreed that the Biodiversity metric assessment would be undertaken during detailed design and included in the next version of the OEMP.</p> <p>DCiC agreed that the OEMP is probably the right place to commit to the future use of such a Biodiversity Metric.</p> <p>With regard to the approach to mitigation, HE confirmed that the ecological mitigation strategy has been carried out in consultation with the councils and the wildlife trust. HE requested that the ExA not lose sight of the degree of consultation that has taken place.</p> <p>HE outlined that the NPS is the principle policy and that NPPF is a material consideration but that principle policy is the national policy.</p>

Item 9	Other policy and factual issues a) Whether it is likely that potential discharges or emissions (which would affect air quality, water quality, land quality or which include noise and vibration) would be adequately regulated under the pollution control framework.	Responses to be provided in writing.
---------------	--	--------------------------------------

	<p>b) Whether the approach to carbon emissions adequately considers the Government's updated target for net zero carbon by 2050.</p>	<p>HE explained that the Committee on Climate Change's carbon budgets are due to be released in September 2020. At this stage HE has only been able to apply the current carbon budgets (from 2009 to 2015).</p> <p>In response to a question raised by the ExA, HE confirmed that the assessments had not been based on net zero.</p> <p>HE explained that a full assessment had been undertaken in Chapter 14 of the ES. The assessment has been conducted as per the National Networks NPS. The chapter clearly lays out how carbon has been measured. HE explained that the Department for Transport does not have its own carbon budget, the scheme has therefore been tested against the national carbon budget.</p> <p>HE noted that the examination does not have a remit to consider or challenge national policy. It is a requirement in the Planning Act 2008 that decisions are made in accordance with the any national policy statement..</p> <p>HE explained that the focus of this Scheme is to reduce traffic in and around Derby by separating local and strategic traffic. Currently this is causing congestion. The project is not just about journey times, it is about providing better facilities for cyclists and pedestrians and improving highway safety.</p> <p>HE outlined that there is a strong case for the Scheme. The Scheme is supported by DCiC and DCC and is even recognised in adopted local policy as being an important scheme. There are clear benefits of the Scheme which should be factored into the decision.</p>
--	--	--

	<p>c) Mitigation required to ensure that the carbon footprint would not be unnecessarily high. Benchmarking of construction emissions and embodied energy. The relative weight to be given to reduction in carbon and £ spent. Consideration of loss of mature trees and planting of new trees.</p>	<p>HE explained that the Design Manual for Roads and Bridges (DMRB) came out after the assessment and requires benchmarking of construction emissions. HE has therefore not applied this assessment. However, the Scheme was assessed (benchmarked) against others and is assessed as being in the middle.</p> <p>HE explained that the contractors engaged on the Scheme will have an obligation to report their footprint as they are constructing on a quarterly basis. KPIs oblige them to demonstrate the amount of carbon used compared to money spent. If the contractor does not meet the targets, then they will be penalised. The contractor will have to use the benchmark HE has set for the Scheme.</p> <p>HE agreed to provide further information on construction benchmarking, linking its response to the various PCF stages.</p>
--	---	--

	<p>d) The potential for impacts on civil aviation assets. Civil Aviation Authority response.</p>	<p>Responses to be provided in writing.</p>
--	--	---

	<p>e) Cyclist and pedestrian safety mitigation measures and how they are secured. Consultation provisions.</p>	<p>HE confirmed that as is standard practice, the contractors will have obligations to consider the safety of pedestrians and cyclists. HE confirmed that it is mindful of pedestrian and cyclist routes and the potential conflict with construction traffic.</p> <p>In response to a question from Intu Derby shopping centre HE explained that strategic traffic modelling is very much based on data from previous schemes. When a one off incident occurs on the network, the TMP is in place to deal with incidents, this is the role of the traffic coordinator.</p> <p>HE confirmed that it has used the DCiC transport model which is the local model.</p> <p>In response to a further query from Intu shopping centre, HE confirmed that the traffic modelling considers human behaviour.</p> <p>HE confirmed that although the questions being raised focus on construction traffic, the whole purpose of the project is to improve congestion. The scheme aims to separate traffic that flows onto the A38 without interacting with other junctions therefore improving the traffic on the A38 and Derby city. Work is being done to understand and explain the process including engagement of key users. Construction timings and alternative routes will be delivered in conjunction with DCiC and DCC so that traffic is managed. The assessment conducted by HE concludes that there are no significant effects to traffic during construction.</p> <p>HE outlined that is has assessed that 45% of traffic that uses the relevant section of the road is through traffic and is not going into Derby.</p> <p>HE confirmed that risks to children and other road users had been part of their assessment and that pedestrian safety is a key concern during construction and operation of the scheme. Pedestrian crossings will be shut to improve safety.</p>
--	--	---

	f) Whether enough information has been provided to establish future maintenance responsibilities for each element of the proposal. Is the Maintenance and Repair Strategy Statement available to the Examination?	Not discussed.
--	---	----------------

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
<p>Item 10</p>	<p>The water environment</p> <p>a) Hydraulic modelling at the Markeaton junction.</p>	<p>The EA confirmed that the data provided by HE was from 2013 and was the latest data set available.</p> <p>DCiC confirmed that it is happy with information provided by HE.</p> <p>In response to a question from the ExA regarding the potential for overtopping of surface water features HE explained that this issue had been discussed in a meeting with DCiC following its comments. It was agreed that HE could use the long-term flood risk map for surface water – specifically the more detailed information in respect of lowest risk surface water (a 0.1% AEP flood event) and assess against the information that HE had available in respect of the topography of the road. The revised flood risk assessment presents a worst-case scenario. The high point of the road is slightly higher than the potential highest at that 0.1% AEP event.</p> <p>HE confirmed that the present day 0.1 % AEP event has reasonable equivalence to a 1% AEP event plus 40% climate change allowance.</p> <p>HE also confirmed that the surface water flood risk map shows overtopping of road that is outside of the boundary of the proposed changes to the road. HE noted that this was why hydraulic modelling was not used initially.</p> <p>HE confirmed to the ExA that the modelling was primarily focused on the A38. HE confirmed that it considers that the assessment undertaken is appropriate at this stage. The current need is to understand potential likely impacts and whether they can be mitigated. HE explained that no parties had queried the ES assessment. When HE has final details of topography in terms of road elevation, HE will conduct a further</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>assessment as part of the detailed design stage. HE confirmed that it would provide further written responses to questions raised.</p> <p>DCiC confirmed that it had reviewed and accepted the hydraulic modelling. The approach taken by HE was suggested by DCiC. The method considers the most extreme impact of surface water run-off. A potential flood area was recognised and has been recorded. The modelling that has been used is a strategic model for the area and does not necessarily reflect all of the structures in place that would mitigate this risk. DCiC's view is HE has taken an extreme view and has demonstrated to DCiC that it is acceptable.</p> <p>DCiC confirmed that it accepts 0.1% AEP event and the topographical model. DCiC also stated that it suspected that the risk will decrease as the area is examined further. Initial output of DCiC current assessments (not complete yet) but that this will show that the assessment completed is the worst-case scenario.</p> <p>DCiC confirmed that clear given limitations on the scheme assessment had been used and that the assessment had been conducted appropriately.</p> <p>DCC also confirmed this.</p> <p>EA confirmed that the flood data model it has is from 2013. There is more up to date data but the EA would not be specifically involved in flood data at Markeaton Junction. The EA agreed to consider these points in writing.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>DCiC confirmed that HE had used the 0.1% AEP event as a proxy for the 1% AEP event plus 40% climate change allowance method which is based on an increase in rainfall. DCiC noted that 0.1% AEP event would take most climate change into account.</p>
	<p>b) Flood compensation storage at the Little Eaton, Markeaton and Kingsway junctions.</p>	<p>DCiC confirmed that the correct climate change allowances had been used at the junctions. This confirmation related to the Kingsway and Markeaton junctions only. However, DCiC confirmed that climate change allowance should and have considered different flooding scenarios. The Kingsway junction model had considered a combination of flood sources including sewer and surface water run-off. DCiC reiterated that it considered that the appropriate model had been used.</p> <p>HE stated that the EA had requested 50% climate change allowance at Little Eaton junction on the basis that it is flow and not rainfall. Kingsway junction is the responsibility of the lead local flood authority. HE explained that it would not expect DCiC to confirm the information for the Little Eaton junction as it is the responsibility of the EA.</p> <p>EA confirmed that 50% climate change allowance at Little Eaton junction is an appropriate figure and is in accordance with appropriate guidance.</p> <p>HE confirmed that there will be further negotiation regarding discharge rates with DCiC. With some outfalls, requesting a 30% reduction would not be justified. For example,</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		requesting a 30% reduction is unreasonable for minor alterations e.g. between Alston Road and the A38.
	c) Pollution control requirements at Markeaton junction. Whether petrol interceptors should be provided at all discharge points which do not have significant sustainable urban drainage provision.	<p>HE explained that its understanding is that petrol interceptors are used where the probability of spillage resulting in environmental impact is 1% which means that it is greater than a 1 in 100-year event.</p> <p>HE noted that this is dealt with in requirement 13 of the DCO and confirmed that a commitment to undertake this at detailed design stage was included in OEMP.</p> <p>DCiC confirmed that this can be dealt with in the OEMP. There is no specific requirement that states that mechanical drainage should be used if sustainable drainage is not possible. It should be taken into account that this is an alteration to an existing development. Sustainable drainage solutions will need to be taken into consideration where feasible and where most impact will be. DCiC reiterated that it was satisfied with commitment to agree this detail at a later stage.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	d) Need for further information on discharge rates and volumes.	<p>HE noted that some of this item was covered earlier than expected in the agenda. A 40% climate change allowance at Kingsway junction deals with run off as it affects flooding.</p> <p>DCiC confirmed that wording has been provided by HE in the OEMP to secure discharge rates and betterment where possible.</p>
	e) Scope of the hydraulic calculations for the Dam Brook diversion.	<p>DCC confirmed that it had no concerns regarding the assessments that have been carried out. DCC has identified two historic flooding areas and notice that those areas are outside the scope of the model that has been undertaken. DCC asked whether the model be expanded to those areas.</p> <p>HE confirmed that the proposed development would not affect the areas of concern in Breadsall village as the village is topographically higher than the proposed development area.</p> <p>DCC confirmed that the area is significantly upstream to the project.</p> <p>HE explained that the particular culverts being discussed sit within Breadsall Village. The proposed diversion of Dam Brook is below this level so should not impede the flow of water. HE does not believe that the development will impact those areas because of the topography of the land.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>f) Whether the maintenance responsibilities for the surface water drainage facilities at each of the junctions has been adequately defined at this stage.</p>	<p>DCiC outlined that drainage systems are designed to achieve a purpose and that it expects HE to pursue maintenance to ensure that there is no increase in the risk of flood.</p> <p>DCiC stated that there is scope for different mechanisms of maintaining apparatus. DCiC confirmed that it is correct at this stage that it is left to the more detailed design stage. DCiC will have to have responsibility for their own network. HE is to take responsibility for the maintenance of the drainage network that protects their infrastructure. There remains some discussion to be had where there are open water features. There may be some local agreement where the arrangement may be different.</p> <p>DCC confirmed that it is happy with the approach regarding drainage and that division of responsibility is to be dealt with at detailed design stage.</p>
	<p>g) The need for water quality monitoring during the operation of the proposed development. Whether the undertaker or the Local Authorities undertake regular monitoring of water quality adjoining the strategic or local highway network in any event.</p>	<p>HE confirmed that it does not consider water monitoring necessary during the operational phase unless in response to specific pollution incidents. In Chapter 13 of the ES there is an absence of significant adverse effects, and thus there is no requirement for routine water quality monitoring. In addition, HE does not currently monitor water quality in the vicinity of the existing A38, nor along the strategic road network. However, monitoring of individual pollution incidents will be undertaken and managed through the pollution management plan which is part of the CEMP and HEMP. That plan will be prepared in consultation with the local authorities and the EA.</p> <p>DCC stated that it is not aware that it undertakes regular monitoring of water quality and confirmed to that there would be no cause for that to change as a result of the proposed development.</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>DCiC confirmed that no issues had been raised regarding pollution monitoring as part of the scheme.</p> <p>EA noted that it had nothing to add and confirmed that it was content with the proposals.</p>
	<p>h) The use of sustainable urban drainage at the Markeaton and Kingsway junctions.</p>	<p>DCiC confirmed that at this stage of the project it is recognised that it is difficult to provide in certain areas. There is a commitment that the parties will consider this at detailed design stage.</p> <p>DCC confirmed that it has no issue regarding this approach.</p>
	<p>i) Little Eaton construction compound in relation to Source Protection Zones 2 and 1. Whether the Preliminary Works CEMP should include details of the drainage solution for the construction compound and relevant pollution prevention measures to mitigate the risks of pollution to controlled</p>	<p>Erewash BC stated that the detail of proposals of the site does require consideration and should not be left to future stage.</p> <p>The EA confirmed that due to the proximity to a pollution source there are proposals for dealing with a drainage solution and pollution prevention measures. The EA suggested that the proposals should be included in the OEMP and preliminary works CEMP. EA requested to be consulted/ involved in this process.</p> <p>EA confirmed to the ExA that the matter was principally an EA matter, as well as the protection of drinking water sources and also drinking water providers. The EA explained</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
	<p>waters from activities in this location.</p>	<p>that Severn Trent Water also has a role. EA confirmed that it was likely to be content with the proposals as provided so far.</p> <p>HE outlined that at Deadline 4 in response to 4.7, preliminary works in the CEMP will be prepared with relevant stakeholders, including the EA. This will include details regarding the pollution risk prevention measures and surface water drainage proposals – such measures will be included in the next version of the OEMP.</p> <p>Erewash BC explained that the parties will need to consider what is left after the construction compound has been removed. Understanding the drainage of the site will necessitate how that area is treated. Erewash BC outlined that it would expect to see this detailed in the proposals made.</p> <p>HE explained that as per the current proposals, the site will be left as found. There will be a site investigation regarding the risks and that information will be provided to the EA. HE will define mitigation measures and the measures will be provided for in the CEMP. The aim of site investigation is to define these details. The existing capping layer would not be removed.</p> <p>Erewash BC outlined that the land may not be in a sustainable position and that if HE are carrying out significant works, it should restore the land to a safe state.</p> <p>HE noted that it would consider the above. HE explained that the current condition of the land is a matter for the landowner. The land is owned by a third party. The landowner has overall control, and that HE are taking the site on a temporary basis only. HE would be complying with the DCO; where temporary control is taken, the land should be restored to</p>

ExA's Question/ Issue no.	ExA's Question/ Issue	Summary of Oral Responses by Highways England
		<p>its current state. HE need to review separately and understand the council's concerns and whether the responsibility should sit with HE. HE confirmed that it understood Erewash BC's position but the land was owned by a third party.</p> <p>HE agreed to discuss provisions to be included in the OEMP regarding the potential retention of certain compound components.</p>
Item 12	Issues and actions arising, the audio record of the hearing and the next steps in the Examination	Written submissions and other actions to be completed by 3 March 2020.
Item 13	Any other business and close of ISH4	