

A38 Derby Junctions
TR010022
8.7(a) Statement of Common Ground
with
Derby City Council

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
Derby City Council

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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) Derby City Council.

Signed

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Project Manager on behalf of Highways England

Date: []

Signed.....

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[] on behalf of Derby City Council

Date: []

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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 Scheme') 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 The 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 Derby City Council (DCiC).
- 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 DCiC is a unitary authority (including highway authority) and is responsible for planning and land use decisions within the City of Derby. The majority of the Scheme (including both Kingsway and Markeaton junctions) is located within the administrative boundary of DCiC.

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 DCiC, and therefore have not been the subject of any discussions between the parties.

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

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 DCiC 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
19.01.15	Meeting between, Atkins, DCiC, Derbyshire County Council and Environment Agency	Meeting to discuss drainage and flood risk issues associated with the Scheme. Included a review existing knowledge, model and model 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.
24.09.15	Meeting between Derbyshire Wildlife Trust, DCiC and the Environment Agency	Meeting to discuss baseline ecological survey data, survey requirements, and outline mitigation details.
03.11.15	Telephone conversation (AECOM to DCiC) and Email from DCiC to AECOM	Telephone conversation and confirmation e-mail regarding the scope of the noise impact assessment to be reported in the Environmental Statement and discussion regarding Noise Important Areas (NIAs) in the vicinity of the scheme. Confirmation with DCiC as follows: <ul style="list-style-type: none"> no particular concerns regarding noise complaints/sensitive receptors along the scheme; no standard DCiC policy on construction noise; standard construction hours 7:30-18:00 weekdays, 8:00-13:00 Saturdays with no working on Sundays and Bank Holidays; preference to control construction noise through BPM and a Construction Environmental Management Plan (CEMP) rather than limits or a Section 61 application; and no information on actions for DCiC NIAs available.
03.11.15	Meeting between AECOM and DCiC	Meeting to discuss flood risks and drainage associated with the Scheme – included a review of the Flood Risk Assessments (FRAs) for Kingsway junction and Markeaton junction, plus a discussion regarding highway drainage proposals.
17.05.16	Email from AECOM to DCiC	Email containing draft Non-Motorised User (NMU) provision drawings. DCiC asked to provide comment.
15.06.16	Email from DCiC to AECOM	Email containing comments on draft NMU provision drawings.
22.09.16	Site meeting between AECOM, Environment Agency,	A site visit to discuss potential ecological enhancement opportunities in the vicinity of the Scheme.

	Derbyshire Wildlife Trust, Derwent Wise, Highways England Area 7	
31.11.16	Meeting between AECOM and DCiC	Meeting was held to discuss the design of the Markeaton Park access. The meeting focused on swept path analysis, tree removal, NMU access and facilities and the removal of small parts of the historic wall surrounding the park.
03.03.17	Meeting between DCiC, Derbyshire County Council, Derbyshire Wildlife Trust, Environment Agency, Natural England and Highways England Area 7	Meeting to provide a Scheme update, ecology survey data, survey requirements, and mitigation proposals.
26.06.17	Meeting between AECOM and DCiC	Meeting to discuss statutory undertaker corridor near to Markeaton Park, the internal road and bus turning circle, and the A52/ Esso & McDonald's junction.
20.07.17	Email from DCiC to AECOM	DCiC responding to AECOM comments on flood risk modelling assumptions at Kingsway junction, including climate change assumptions.
16.10.17	Meeting between DCiC and AECOM	Meeting to discuss Public Open Space (POS) and land that could be exchanged for the use of existing POS.
26.10.17	E-mail from Atkins (DCiC's flood modelling team)	Provision of updated flood risk model for Kingsway junction.
15.11.17	E-mail from Atkins (DCiC's flood modelling team)	Provision of Technical Note detailing updates made to the flood risk model for Kingsway junction.
16.03.18	E-mail from DCiC to the Planning Inspectorate	Review of the heritage section of the EIA scoping/screening report. Identified a number of incorrect or missing policy document references. It also drew attention to various assets and asset types that should be highlighted and assessed, including Markeaton Park, listed buildings, locally listed buildings and nearby conservation areas. It also mentioned the potential impact of proposals on the OUV of the Derwent Valley World Heritage Site, its buffer and wider setting.
23.03.18	Meeting between DCiC, Derbyshire Wildlife Trust, Environment Agency and	Meeting to provide a Scheme update, ecology survey data, survey requirements, licence requirements and mitigation proposals.

	Highways England Area 7	
08.05.18	Meeting between AECOM and DCiC	<p>Meeting to discuss the preliminary drainage design ahead of the public consultation. The following points were discussed with DCiC Water team and the Parks team:</p> <ul style="list-style-type: none"> • The use of Mackworth Park land for attenuation of highway water. Agreed the proposed pond is too large and AECOM to look at alternative solutions to maintain POS in the park. • DCiC Water team raised concerns with flooding within Mackworth Park, AECOM agreed to review the flood model information in this area and adapt the drainage design accordingly. • DCiC happy with proposal to throttle the Bramble Brook culvert and the flood management within Kingsway junction. <p>DCiC raised a concern over the provision of SuDS within the design. AECOM agreed to develop the design further but advised that there would have to be a strong correlation and balance with the POS exchange provision within the Scheme where DCiC were indicating the changes at Markeaton.</p>
07.06.18	Meeting between AECOM and DCiC	<p>Meeting to get an update on the progress of DCiC's requirement to implement a Clean Air Zone (CAZ) and to discuss DCiC's noise and air quality comments on the EIA Scoping Report.</p> <p>Noise Outcomes:</p> <ul style="list-style-type: none"> • Confirmation would be a requirement for a CEMP to be produced; • Agreement to discuss selection of construction noise and vibration receptors with DCiC prior to submission of the ES; • Confirmation some night time working would be required, likely to be limited but awaiting confirmation from the contractor; • Confirmation DCiC prefer Section 61s to not be included in CEMP as a mandatory requirement for the contractor; • Explanation of Highway England's operational traffic noise Significant Observable Adverse Effect Level (SOAEL) including confirmation that this is standard for all Highways England projects; • Confirmation that short term and long-term operational traffic noise magnitude of change criteria are as per DMRB; • Agreement that a preliminary Noise Insulation Regulations assessment will be provided in the ES, a final assessment will be completed following DCO approval and once the scheme design is finalised; and • Confirmation from DCiC that their proposals for their Noise Important Areas (NIA) will be available later in the year. <p>Air Quality Outcomes:</p> <ul style="list-style-type: none"> • Confirmation construction air quality impact assessment will include targeted modelling of impacts associated with temporary traffic management; • Confirmation no DMRB methodology for assessing PM2.5. Action for AECOM to discuss further with Highways England;

		<ul style="list-style-type: none"> • DCiC advised their Low Emission Strategy should be available later in the year; and • Confirmation 2015 will be used for baseline verification. The air quality assessment will look at future assessment years. DCiC agreed no change to baseline year required.
20.06.18	Email from DCiC to AECOM	E-mail containing details of interim air quality option analysis outputs regarding Clean Air Zone (CAZ) proposals.
03.07.18	Meeting between AECOM and DCiC	Meeting to discuss the heritage impact assessment to be reported in the Environmental Statement. Minutes of this meeting are available (received 11/7/18). Proposals tabled and potential negative impact of proposals on the OUV of the DVMWHS were highlighted and strongly suggested consultation with the DVMWHS Partnership direct (this would enable them to check to see whether they needed to refer the application to UNESCO/the International Council on Monuments and Sites (ICOMOS)).
23.08.18	E-mail from DCiC to AECOM	E-mail detailing how consultation responses will be taken into account as part of defining CAZ proposals.
29.08.18	Meeting between DCiC, Derbyshire County Council, Derbyshire Wildlife Trust and Highways England Area 7	Meeting to provide a Scheme update, discuss points raised by Natural England, ecology survey data, mitigation requirements, environmental assessment methodologies and Highways England Designated Fund proposals.
16.10.18	E-mail from DCiC to AECOM	Review of the heritage section of the Preliminary Environmental Information Report. Drew attention to the importance of the stone wall heritage asset that encloses Markeaton Park and as much of it should be retained or reused adjacent as possible. The potential negative impact of proposals on the OUV of the DVMWHS (Internationally important designated heritage asset) was raised as was the outcome of the recent North Avenue Planning Public Inquiry (near to the current proposals) which was dismissed on the impact of proposals on the OUV of the DVMWHS. The attributes are listed within the DVMWHS Management Plan (all 1 to 4 values and attributes are relevant) and these include within this area; the flood plain topography/relationship with the river, the 'rural landscape', 'a relict industrial landscape, where late 18 th and early 19 th century industrial development may still be seen in an 18 th /19 th century agricultural landscape...', and that this is 'arrested in time' etc. Please see the scoping report of the HIA. It was suggested that the DVMWHS Partnership are consulted direct on any proposals by Highways England (so they can refer to UNESCO if necessary). The proposals, in the conservation officer's view, will have a harmful impact on the OUV of the DVMWHS as a result of the formation of the solid flyover structure (instead of something of more lightweight design), the impact of the groundworks and on the landform and new flood area (the floodplain compensation area) adjacent to the A38 within the City Boundary.
0.7.11.18	Meeting between DCiC and AECOM	Meeting to discuss construction traffic management. Agreed to meet approx. fortnightly in Derby. Discussed, Ford Lane and Derwent Avenue assessment; Mackworth traffic impacts; Markeaton traffic

		signals review; alternative travel during construction; and road safety audits.
29.11.18	E-mail from DCiC to AECOM	E-mail detailing potential air quality issues associated with the DCiC traffic management measures to improve air quality. These include the acceptability of the use of 2015 as the base year for the ES and that the DCiC traffic management measures were not expected to be in place when the A38 Scheme is completed as Stafford Street was expected to be compliant in 2024 due to the overall improvement in traffic emissions.
17.12.18	E-mail from DCiC to AECOM	E-mail regarding DCiC traffic management measures based around Stafford Street, and selection of sensitive receptors to be considered in the Environmental Statement air quality impact assessment.
17.12.18	E-mail from DCiC to AECOM	E-mail regarding the implementation programme of DCiC traffic management measures to improve air quality and that the preferred option was expected to be in place until 2025, one year after compliance was expected.
17.12.18	Email from DCiC to AECOM	E-mail containing the 2017 and 2018 Air Quality Annual Status Reports
18.12.18	E-mail from DCiC to AECOM	<p>E-mail regarding the implementation of DCiC traffic management measures to improve air quality. DCiC considers that in a worst-case scenario, their preferred option is that the current traffic management regime will remain in place until the A38 scheme is complete. At the point when the Scheme is fully opened, the traffic management of the area will need to be updated accordingly, so it is not representative to test them together. In reality, DCiC proposed a dynamic traffic management scheme so that it can evolve between 2020 and 2025 as required to manage air quality and ensure that DCiC achieves and maintains compliance on Stafford Street without creating new exceedances elsewhere.</p> <p>DCiC added that including their preferred option in the construction period for the Scheme will be very relevant, as it constrains the traffic volume on Stafford Street and the resultant re-routing uses capacity on some other local routes that may interact with the outcomes of some of the Scheme's construction related re-routing/diversions.</p>
28.12.18	E-mail from DCiC to AECOM	E-mail regarding the Our City Our River proposals.
10.01.19	Telephone discussion and E-mail between AECOM and DCiC	Telephone discussion with the Environmental Protection Team and confirmation e-mail regarding DCiC's plans for their Noise Important Areas (NIAs) to be published later in the year, details of the construction noise and vibration assessment methodology confirmed, proposed construction noise and vibration receptors provided, details of initial operational traffic noise results & mitigation provided and further comments made on the DCiC responses to the noise and vibration sections of the scoping report.
11.01.19	E-mail from DCiC to AECOM and AECOM to DCiC	E-mail from the Environmental Protection Team responding to the confirmation e-mail sent 10.1.19 confirming acceptance of proposed construction noise and vibration receptors, construction noise and vibration assessment methodology and proposed operational mitigation. Confirmation that DCiC would recommend an operational

		traffic noise Significant Observable Adverse Effect Level (SOAEL) of 55 dB LAeq,16h (free-field), instead of 63 dB LAeq,16h as used by Highways England. Confirmation that the operational assessment methodology does address noise impacts appropriately overall and so is deemed appropriate.
23.01.19	E-mail from DCiC to AECOM	E-mail regarding construction phase work hours.
30.01.19	E-mail from DCiC to AECOM	E-mail regarding developments to be considered within the cumulative impact assessment as reported in the Environmental Statement.
31.01.19	E-mail from DCiC to AECOM	E-mail regarding construction phase work hours.
05.02.19	E-mail from DCiC to AECOM	E-mail regarding developments to be considered within the cumulative impact assessment as reported in the Environmental Statement.
13.02.19	E-mail from DCiC to AECOM	E-mail confirming that DCiC happy for ecological mitigation works in Mackworth Park and Markeaton Park.
14.02.19	E-mail from DCiC to AECOM	E-mail regarding ecological mitigation in Mackworth Park.
28.02.19	E-mail from DCiC to AECOM	E-mail confirming that DCiC happy for soil translocation from Kingsway junction to Markeaton Park to create new species-rich grassland.
22.03.19	Meeting between AECOM and DCiC	Meeting to present DCiC with the drainage strategy and design ahead of the DCO submission. DCiC agreed to review the information and provide a response.
25.03.19	E-mail from AECOM to DCiC	E-mail sending the FRAs across for review along with the Drainage strategy following the meeting 22.03.19.
25.07.19	E-mail from DCiC to AECOM	Email confirming and acknowledging that the loss of POS and provision of replacement land was consistent with the historically agreed approach. No further comments to add.
01.08.19	Regulation 9 and Regulation 16 Consultation Letter	Letter confirming DCiC's position in regard to traffic and transportation and land drainage aspects of the application.
05.09.19	Telephone discussion between AECOM and DCiC	DCiC has confirmed that there are no quiet areas or any areas valued for their tranquillity or acoustic environment in the vicinity of the Scheme (within DCiC's administrative area).
22.03.19	Meeting between AECOM and DCiC	Meeting to discuss the potential noise and air quality impacts of the Scheme and control mechanisms.
22.03.19	Meeting between AECOM and DCiC	Meeting to discuss the potential heritage impacts of the Scheme and mitigation requirements.

22.03.19	Meeting between AECOM and DCiC	Meeting to discuss the proposed highway drainage system and potential flood risks.
12.11.19	Meeting with DCiC to discuss Scheme and progression of the SoCC.	Discussion regarding Scheme effects on heritage, landscape, flood risk, traffic and design issues.
21.01.20	Meeting with DCiC to discuss Scheme	Meeting with DCiC leaders to discuss progress of the Scheme and measures to minimise construction phase traffic effects upon the city.
27.02.20	Meeting with DCiC to discuss outstanding issues.	Meeting with DCiC officers to discuss the final outstanding items of concern in relation to the Scheme.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between Highways England and DCiC 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 DCiC 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.23** (Safety impact assessment and consistency with relevant highways safety frameworks): Safety matters are embedded in the design of the Scheme and conform with the relevant highways safety frameworks. DCiC and Highways England have not engaged specifically to discuss safety impact assessments or consistency with highways safety frameworks. It should be noted that Highways England has internal governance processes that assess the safety of proposed schemes (which the Scheme has been subject to). Hereafter, safety impact assessments and consistency with highways safety frameworks are not discussed, however, some issues and/or points of discussion may relate to highways safety matters.
- **A-D.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): not used as this is generally outside of the remit of DCiC (with regard to the Scheme).
- **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 DCiC requests changes to the draft DCO Requirements, we will work with the DCiC and propose new Requirement wording.

3.1.5 Highways England acknowledges that DCiC 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 representations made by DCiC through the production of a relevant representation response document.

Legislation, Policy and Land Use Change

3.1.6 The Planning Statement [APP-252] and the Environmental Statement [APP-039 to 240] identify the relevant policy framework set out within the National Policy Statement for National Networks (NPSNN), as outlined in Appendix A of the Planning Statement [APP-252] and within section 1 of Chapters 5 to 15 of the Environmental Statement [APP-039 to 055]. The Planning Statement also sets out compliance with the policies of the NPSNN. From our discussions with DCiC, they are content with the approach that Highways England has taken in this regard (Issues ref A.1).

3.1.7 In addition, the applicable legislation and policies (from the relevant local development plans) considered by the Highways England, during the production of the DCO documents, are set out within Chapter 1, 4 and 5 to 16 of the Environmental Statement [APP-039 to 055]; and Chapter 6 and Appendix A of the Planning Statement [APP-252] (Issues ref A.1).

3.1.8 Highways England and DCiC have undertaken numerous discussions in regard to land use change, both temporary and permanent, in the lead up to the submission of the Application. DCiC and Highways England agree on the extent and the need for the proposed land use change, as set out within the Land Plans [APP-006] (Issues ref: A.5).

Need for the Scheme

3.1.9 The need for the Scheme is set out within Chapter 6 of the Planning Statement [APP-252] (Issues ref: A.2). In addition, the economic case for the Scheme is set out within Chapter 4 of the Planning Statement [APP-252] (Issues ref A.4). The key need aspects as set out within the Planning Statement can be summarised as follows:

- *“The NPSNN places a strong emphasis on the need to improve and integrate the strategic highway network and the Scheme would deliver against this national objective.*
- *The need for the Scheme is recognised by Central Government in the Roads Investment Strategy published by the Department for Transport. The A38 Derby Junction Scheme is included as a committed Scheme in the Highways England Roads Investment Strategy which provides the long term programme for improvement of motorways and Major A roads.*
- *Paragraphs 2.1 to 2.11 of the NPSNN set out the summary of need for improvements to the road and rail network. The critical need to improve the national networks to address road congestion and support economic growth is identified. Development of*

the national road network including the A38 Derby Junctions Scheme would support and promote national and local economic growth and regeneration by reducing congestion and journey times, increasing capacity and improving journey times. The NPSNN recognises that improving transport links is key to facilitating growth and the Scheme would allow for greater movement of people and goods along the strategic highway network with increased efficiency.

- *The Scheme would provide journey time benefits to all vehicles, including local traffic and those travelling along this strategic route during peak and off-peak periods. There would also be benefits to many local trips (including buses), which would result from the overall increase in the capacity of these junctions and resolve conflicts between local traffic and strategic movements using the A38. The junction improvements offer the potential to remove conflicts between walkers and cyclists and vehicles using the A38 to the benefit of both.*
- *The capacity issues associated with the existing A38 Derby junctions and requirement for improvements to the junctions is acknowledged in a number of Local Development Plan documents including the Derby City LTP3, DCC Local Transport Plan, the City of Derby Local Plan Review and the Derby City Local Plan Part 1 – Core Strategy. It is collectively acknowledged in these Development Plan documents that the A38 Derby junctions are currently congested and that this may constrain economic growth and the construction of new homes in the future.”*

3.1.10 In their Relevant Representation comments, DCiC stated that:

“the Scheme will have clear benefits for Derby’s local highway network. It will optimise route choices and reduce delays and congestion as a result of traffic that currently uses the local road network to avoid congestion on the A38 Trunk Road. Further, the grade separation of the A38(T) will remove the current delays at the three Derby junctions, improving journey times and reliability for Derby’s residents and business users, and regional and national connections via the wider strategic road network.

The grade separation will also improve road safety as a direct result of separating A38(T) traffic from local traffic, and from the removal of traffic that is currently using inappropriate local routes to avoid congestion on the A38(T).”

3.1.11 DCiC recognises that the Scheme will have implications for the traffic on the local network, generally, in the short-term, however DCiC agrees with Highways England that there is strong and overriding case that supports the need for the Scheme (Issues ref: A.2), taking account of the policy framework in place at the national and local level.

Alternatives and Legal Compliance

3.1.12 DCiC have been involved in the optioneering for the Scheme since April 2001, when Highways England undertook a Road Based Study (RBS) to consider Scheme options for dealing with congestion and safety, environmental impacts, economic, accessibility and integration problems associated with the Kingsway, Markeaton and Little Eaton junctions on the A38 Trunk Road route through Derby. As part of the RBS, a Project Management Group (PMG) was created for key stakeholders expected to influence Study decisions, such as DCiC. Following three years of engagement of various forms, a preferred Option was

presented in the Junction's Options Report published in March 2004. Before the preferred route was announced, the Scheme was put on hold twice between 2003 and 2008 by the Department for Transport (DfT) due to economic downturns and funding issues.

- 3.1.13 Development of the Scheme restarted in 2014 and this was followed shortly afterwards by an extra non-statutory engagement exercise in early 2015. The purpose of this non-statutory engagement was to present the Options that had been developed from previous consultations in 2001 and 2002. The aim was to obtain objective feedback and carry this through into developing the Scheme design where feasible. DCiC was asked to provide commentary as part of this process.
- 3.1.14 The consultation responses and alternative options assessment informed actions for each proposed junction in preparation for the statutory consultation and design progression. Engagement continued with key stakeholders (including DCiC) and affected land owners throughout the Scheme development process and outside the periods of non-statutory and statutory consultation. This included a series of meetings, which DCiC have been a part of in some cases, to discuss key issues.
- 3.1.15 Following the 2015 non-statutory consultation, alternative options were proposed by members of the public, DCiC were made aware of these options and Highways England's intention to include these in the options assessment process. Further options were presented by members of the public, which DCiC were made aware of, and these options were subject to an initial sifting process, which they failed to pass and so were not subject to further assessment.
- 3.1.16 The preferred route announcement was made by Highways England in January 2018. DCiC, and other statutory and non-statutory consultees were invited to provide comments on the preferred route as part of consultation undertaken in 2018.
- 3.1.17 More detail on the consultation undertaken and the options assessed to date is available within the Consultation Report **[APP-023 to 038]** and Chapter 3 of the Environmental Statement **[APP-041]**.
- 3.1.18 Through this process of consultation and optioneering, DCiC's concerns in relation to land take and land use change have been addressed by Highways England, where it has been possible to address them in accordance with the Scheme's objectives. Overall, DCiC broadly agrees with Highways England's proposed, permanent and temporary, land use change.

Compulsory Purchase of Land

- 3.1.19 The Book of Reference **[APP-022]** identifies which land will be acquired, permanently and temporarily, through the Compulsory Purchase powers set out in the Planning Act 2008 (as amended) (Issues ref: A.3). Highways England and DCiC have discussed the proposed acquisitions of DCiC land, and in some cases have come to an agreement on how this land will be purchased, used and/ or reinstated but, in other cases discussions are still on-going.

National Security and Defence Matters

- 3.1.20 DCiC has reviewed the Planning Statement [**APP-252**], and the NPSNN Accordance Table at Appendix A, and are content that the Scheme is in accordance with paragraphs 4.76 – 4.77; 5.55 - 5.58 and 5.62 of the NPSNN. In that regard, DCiC agree with Highways England that no national security implications have been identified for the Scheme and that the Scheme would not impede or compromise the safe and effective use of defence assets or significantly limit military training (Issues ref: A.24).
- 3.1.21 In addition, DCiC agrees with Highways England that the Scheme will not compromise the safe and effective operation of sites used for military aviation (Issues ref: A.25).

The Environmental Statement, Environmental Management Plans and Permits, Consents and Licenses

- 3.1.22 Generally, no objections to the findings of the Environmental Statement, including the proposed study areas (in relation to all technical disciplines); the limits of deviation (i.e. the Rochdale Envelope parameters); the assigned sensitivity of receptors; the assigned magnitude of impacts; the significance of residual effects (in relation to all technical disciplines); the proposed mitigation measures; and the application of expert judgements and assumptions, have been received from DCiC following the submission of the draft DCO. Therefore, it is considered that DCiC agrees in principle with Highways England on these matters (Issues ref: A-D.2 to 10). Where appropriate these matters have been explored further in the issues tables within Sections 3.2 to 3.4 herein and specific clarifications are provided, where there is ongoing discussion.
- 3.1.23 Furthermore, and generally, no objections to the Outline Environmental Management Plan (OEMP) [**REP3-003**] have been provided by DCiC, therefore, it is considered that DCiC agrees in principle with Highways England on the contents of this document (Issues ref A-D.15). Comments have been received from DCiC in relation to the Traffic Management Plan, see Table 3.5. It should be noted that a CEMP (as based upon the OEMP) and a Handover Environmental Management Plan (HEMP) have not been produced as of yet, as a contractor has not been procured to construct the Scheme.
- 3.1.24 Moreover, DCiC have not provided comment on permits, consents, licenses (and their appropriateness) or potential pollution releases (and their management) (Issues ref: B.5 and B.8; A-D.13; A-D.17; A-D.18; A-D.19 and A-D.20), as this is generally outside of the remit of DCiC.

Green Belt land

- 3.1.25 In regard to Green Belt land, the parts of the Scheme that are located within Green Belt land are located outside of the administrative boundary of DCiC, within the boundary of Erewash Borough Council (EBC). Subsequently, DCiC have not provided comments on issues in relation to Green Belt land (Issues ref: A.15).

3.2 Issues related to the Environmental Statement

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Alternatives						
Issues ref: A.3, alternatives and legal compliance	Environmental Statement Chapter 3 Scheme History and Assessment of Alternatives (including Appendices 3.1 to 3.4) [APP-041] and [APP-162 to 165]	-	-	DCiC is content that Highways England undertook an appropriate assessment of alternatives that resulted in the definition of the proposed Scheme as assessed in the ES.	ES Chapter 3 details the Scheme history and the process adopted to identify the proposed Scheme.	Agreed
Environmental Impact Assessment						
Issues ref: A-D.1, applicable legislation and policy	Environmental Statement [APP-039 to 055] - chapters of interest to DCiC	-	Applicable legislation and policy	DCiC is content that the ES includes details of the most relevant legislation and policy for those topics of DCiC interest.	Details of the applicable legislation and policy are detailed in each ES technical chapter.	Noise and vibration: Agreed Air Quality: Agreed Land contamination: Agreed Heritage: Agreed Flood risk: Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: A-D.2, relating to impact assessment methodologies	Environmental Statement [APP-039 to 055] - chapters of interest to DCiC	-	Impact assessment methodologies	Unless otherwise stated herein, DCiC is content that the methodologies applied within the ES appear appropriate for impact assessment purposes (as applicable to the topics of DCiC interest).	Details of the impact assessment methodologies are reported in the ES (refer to each topic-specific chapter within the ES).	Noise and vibration: Agreed Air Quality: Agreed Land contamination: Agreed Heritage: Agreed Flood risk: Agreed
Issues ref: A-D.3, relating to the extent of the areas of potential impact	Environmental Statement [APP-039 to 055] - chapters of interest to DCiC	-	Study areas	DCiC is content that the study areas considered by the topics of DCiC interest as reported within the ES appear appropriate.	Details of study areas are reported in the ES (refer to each topic-specific chapter within the ES).	Noise and vibration: Agreed Air Quality: Agreed Land contamination: Agreed Heritage: Agreed Flood risk: Agreed
Issues ref: A-D.4, relating to baseline information	Environmental Statement [APP-039 to 055] - chapters of interest to DCiC	-	Baseline information	DCiC is content that the baseline conditions reported in the ES are appropriate, as applicable to the topics of DCiC interest.	Details of baseline information are reported in the ES (refer to each topic-specific chapter within the ES).	Noise and vibration: Agreed Air Quality: Agreed Land contamination: Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
						Heritage: Agreed Flood risk: Agreed
Issues ref: A-D.5, relating to expert judgements and assumptions	Environmental Statement [APP-039 to 055] - chapters of interest to DCiC	-	Limitations and assumptions	DCiC is content that the limitations and assumptions made within the ES (as applicable to the topics of DCiC interest) appear reasonable and are not anticipated to impact upon the key assessment findings.	Details of applicable limitations and assumptions are reported in the ES (refer to each topic-specific chapter within the ES).	Noise and vibration: Agreed Air Quality: Agreed Land contamination: Agreed Heritage: Agreed Flood risk: Agreed
Issues ref: A-D.6, relating to the Identification and sensitivity of receptors	Environmental Statement [APP-039 to 055] - chapters of interest to DCiC	-	Identification and sensitivity of receptors	DCiC is content that applicable sensitive receptors have been identified and their sensitivities appropriately defined within the ES, as applicable to the topics of DCiC interest.	Details of the receptors and their sensitivity are reported in the ES (refer to each topic-specific chapter within the ES).	Noise and vibration: Agreed Air Quality: Agreed Land contamination: Agreed Heritage: Agreed Flood risk: Agreed
Issues ref: A-D.7, 8, 12, relating to likely effects and their significance	Environmental Statement [APP-039 to 055] -	-	Predicted impacts and effects	DCiC is content that the ES includes sufficient and relevant consideration of impacts and effects (unless stated otherwise	Details of the predicted impacts and effects are reported in the ES (refer to each topic-specific chapter within the ES).	Noise and vibration: Agreed Air Quality: Agreed (Subject

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	chapters of interest to DCiC			herein), as applicable to the topics of DCiC interest.		to the consideration of the additional air quality assessment work submitted by Highways England at Deadline 6 and 7). Land contamination: Agreed Heritage: Agreed Flood risk: Agreed
Issues ref: A-D.9, relating to reasonable worst case parameters	Environmental Statement [APP-039 to 055] - chapters of interest to DCiC	-	Limits of deviation	DCiC notes that the limits of deviation as detailed in the ES are of most relevance to the noise and air quality impact assessments as reported in the ES. DCiC is content with Highway England's comment that such minor limits deviations associated with the mainline A38 are unlikely to materially affect the findings of the noise and air quality impact assessments.	Details of the applicable limits of deviation that are taken into account within the ES are detailed in Section 2.5 of the ES (refer to paras. 2.5.37 to 2.5.43). Potential mainline A38 deviations have been considered and are unlikely to materially affect the findings of the noise and air quality impact assessments.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issue ref: A.21, maintenance and decommissioning activities	Environmental Statement [APP-039 to 055]	-	Maintenance and decommissioning activities	DCiC is content that decommission activities have been scoped out of the impact assessment (as per the EIA Scoping Opinion). DCiC is content that Scheme maintenance activities have been appropriately defined and scoped into the assessment as reported in the ES.	As detailed in para. 4.1.13 in ES Chapter 4 (Environmental Impact Assessment Methodology), and in accordance with the Scoping Opinion (Planning Inspectorate, 2018), Scheme decommissioning and demolition was scoped out of the EIA. Operational and long term maintenance activities (as detailed in Section 2.7 of the ES Chapter 2: The Scheme) are assessed in the technical chapters (5 to 15) as applicable.	Agreed
Issue ref: A.3, legal compliance; A-D.1, applicable legislation and policy	Environmental Statement [APP-039 to 055]	-	EIA Regulations	DCiC is content that the EIA as reported in the Environmental Statement has been prepared in accordance with the Infrastructure Planning Environmental Impact Assessment 2017 Regulations (as amended 2018) (the EIA Regulations).	The EIA as reported in the Environmental Statement has been prepared in accordance with the Infrastructure Planning Environmental Impact Assessment 2017 Regulations (as amended 2018) (the EIA Regulations).	Agreed
Good Environmental Design						
Issue ref: A.13, good environmental design	Environmental Statement Figures 2.12A-H: Environmental	-	Good environmental design as detailed on the	DCiC has reviewed the Environmental Masterplan figures as included in the ES and are content that it is appropriate for	The Environmental Masterplans illustrate the mitigation measures (including the landscape design) that aim to	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Masterplans [APP-068]		Environmental Masterplans	integrating the Scheme into its surrounds.	integrate the Scheme into its surrounding area.	
Dust, odour, artificial light, smoke, steam and nuisance						
Issue ref: A.9 and B.1, A-D.10, 11, 13, 14, 15, dust, odour, light, smoke, steam and nuisance	Environmental Statement [APP-039 to 055]; Statement of Statutory Nuisance [APP-248] and the Outline Environmental Management Plan [REP3-003]	-	Dust, odour, light, smoke, steam and nuisance and securing mitigation measures	DCiC is content with the proposed process for developing detailed construction dust, odour, light, smoke and steam mitigation measures based upon the Outline Environmental Management Plan (OEMP) [REP3-003] and that DCiC be closely consulted throughout the process of designing and developing an appropriate Construction Environmental management Plan (CEMP) following appointment of the construction contractor.	During the Scheme construction phase best practice construction mitigation measures as detailed in the OEMP [REP3-003] would be implemented via the contractor's CEMP to control any issues associated with dust, odour, artificial light, smoke, steam and nuisance. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Air Quality						
Issue ref: A-D.2, EIA methodology	ES Chapter 5 – Air Quality [APP-043]	Section 5.3	Methodology of the air quality impact assessment	DCiC confirm that they agree in principle with the air quality impact assessment methodology as detailed in the EIA Scoping Report and the Environmental Statement.	Details of the scope of the air quality impact assessment to be reported in the Environmental Statement were included in the EIA Scoping Report.	Agreed
Issues ref: A-D.6, identification of receptors	ES Chapter 5 – Air Quality [APP-043]	Section 5.3, 5.6 and 5.8.	Air quality sensitive receptors	DCiC agrees that it provided locations for receptors that are of most concern for local air quality. These receptors were in Stafford	Impacts upon defined sensitive receptors are reported in the air quality impact assessment included in the Environmental	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				Street, Uttoxeter New Road, Ashbourne Road, Friar Gate and Agard Street. Such receptors were included in the air quality assessment as presented in the Environmental Statement.	Statement Chapter 5: Air Quality [APP-043]. Following DCiC's request for the assessment of effects to include receptors of local concern, these were included in the dispersion modelling and impact assessment for the Scheme (even if such roads were not expected to be affected by the Scheme). In addition, DCiC confirmed that they are comfortable with other sensitive receptors that were considered by the air quality impact assessment, as reported in the Environmental Statement.	
Issues ref: A-D.5, assumptions	ES Chapter 5 – Air Quality [APP-043]	Section 5.5	Assumption that traffic management measures will be in place during the Scheme construction phase	DCiC's traffic management measures to improve air quality are planned to be in place during the Scheme construction phase.	The construction phase traffic data used by the air quality (and noise) impact assessments assume that DCiC's traffic management measures to improve air quality will be in place.	Agreed
Issues ref: A-D.5, assumptions	ES Chapter 5 – Air Quality [APP-043]	Section 5.5	Assumption that traffic management measures will not be in place	DCiC's traffic management measures to improve air quality are predicted to be supported by the completed Scheme – thus following Scheme opening, such	The air quality impact assessment illustrates that the Scheme has a positive effect on air quality in areas targeted by DCiC's traffic management	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
			during Scheme operation	traffic management measures are not anticipated to be required, however this is subject to ongoing monitoring and evaluation.	measures to improve air quality – as such the operational phase traffic model assumes that such features will not be in place during Scheme operation.	
Issues ref: A.8, Air Quality Directive	ES Chapter 5 – Air Quality [APP-043 / Volume 6.1]	Section 5.10	Potential for the Scheme to result in a zone compliant with the Air Quality Directive to become non-compliant. Potential for the Scheme to cause delays for a non-compliant zone to achieve compliance	DCiC has reviewed the air quality impact assessment as reported in ES Chapter 5: Air Quality [APP-043 / Volume 6.1] and additional information generated by Highways England during the examination stage. Stafford Street is the one area that is at risk of exceeding the limit value, but the traffic management measures that will be implemented by DCiC will achieve compliance. The assessment indicates that the Scheme is not anticipated to have an adverse effect on air quality in Stafford Street during construction, whilst Scheme operation is anticipated to improve air quality on Stafford Street. Other roads that would have an increase in traffic during Scheme construction or operation were also assessed for compliance.	Air quality effects of the Scheme during its construction and operation on Stafford Street and elsewhere. The OEMP [REP3-003] indicates the need for the construction contractor to maintain close communications with DCiC regarding traffic related air quality. DCiC will also be consulted during the preparation of the contractor's Traffic Management Plan (TMP).	Agreed (Subject to the consideration of the additional air quality assessment work submitted by Highways England at Deadline 6 and 7).

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				<p>These roads are also indicated to be compliant during Scheme construction and operation.</p> <p>The Scheme is not predicted to result in a zone compliant with the Air Quality Directive to become non-compliant or have the potential to delay a non-compliant zone to achieve compliance.</p> <p>DCiC note that the A38 construction contractor will need to liaise with DCiC to ensure that adverse air quality effects are avoided – such measures are detailed in the OEMP [REP3-003].</p>		
Issue ref: A.8, A-D. 10, 11, 12, 13, 14, 15, air quality	Environmental Statement Chapter 5: Air Quality [APP-043] and Outline Environmental Management Plan [REP3-003]	-	Air quality mitigation measures – Scheme construction	DCiC agrees in principle to the construction phase air quality mitigation measures as set out in the OEMP [REP3-003], which are predicted to deliver the residual effects as reported in the ES. DCiC accepts that the outline mitigation proposals as detailed in the OEMP will be translated into the selected construction contractor's Construction Environmental Management Plan (CEMP) - DCiC will need to be	ES Chapter 5: Air Quality [APP-043] assesses Scheme effects upon air quality, taking account of defined mitigation measures. Construction phase air quality mitigation measures are detailed in ES Chapter 5 and translated into the OEMP [REP3-003]. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed (Subject to the consideration of the additional air quality assessment work submitted by Highways England at Deadline 6 and 7).

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				consulted by the construction contractor during CEMP preparation.		
Issues ref: A-D15, 16, environmental management plans	ES Chapter 5: Air Quality [APP-043] and Outline Environmental Management Plan [REP3-003]	Section 5.9	Dust monitoring during the construction phase	DCiC will be consulted to confirm the construction contractor's proposals for dust monitoring during the Scheme construction phase which will be detailed in their Construction Environmental Management Plan (CEMP) (as based upon the OEMP).	The construction contractor will liaise with DCiC regarding dust monitoring, with the requirements being included in the contractors CEMP (in accordance with the OEMP [REP3-003]).	Agreed
Issues ref: A-D15, 16, environmental management plans	ES Chapter 5: Air Quality [APP-043] and Outline Environmental Management Plan [REP3-003]	Section 5.9	NO ₂ monitoring	DCiC is satisfied that nitrogen dioxide (NO ₂) monitoring is not required during Scheme construction or operation.	NO ₂ monitoring by Highways England is not required during Scheme construction or operation as DCiC already undertakes such monitoring using their own network.	Agreed
Cultural Heritage						
Issues ref: A-D.2, A-D.3, and D.1, EIA methodology and extent of impact areas	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.3	Heritage impact assessment methodology and study area	DCiC reviewed the scope of the heritage impact assessment (and the defined study area) included in the Environmental Statement and considered that it was appropriate to assess the effects of the Scheme on the historic environment.	The scope of the heritage impact assessment and the applicable study area is detailed in the EIA Scoping Report and the Environmental Statement.	Agreed
Issues ref: A-D.2 and 3, and D.1,	ES Appendix 6.1: Heritage Impact	Section 3	Methodology of the Historic	DCiC is content that the ICOMOS guidelines should be followed	The scope of the HIA was agreed with applicable	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
D.2, appropriate assessment methodology and extent of impacts; and the World Heritage Site (WHS)	Assessment (HIA) [APP-173]		Impact Assessment (HIA)	during the preparation of the Heritage Impact Assessment (HIA) which focuses upon the Derwent Valley Mills WHS (including the Outstanding Universal Value (OUV) of the WHS).	consultation bodies through submission of the HIA Scoping Report. The scope and methodology for the HIA is set out in ES Appendix 6.1 [APP-173].	
Issues ref: D.2, Derwent Valley Mills WHS	ES Chapter 6: Cultural Heritage [APP-044]	Table 6.8: Consultee Comments	World Heritage Site (WHS)	DCiC advised that there are monitored views and important views within and into the Derwent Valley Mills WHS, and that these should be taken into account in the assessment of impacts on the Derwent Valley Mills WHS. Photomontages from other viewpoints were generated during the examination stage, as agreed with DCiC.	Highways England discussed monitored views with the WHS planning co-ordinator, which identified that none of the monitored views have any visual relationship with the Scheme at Little Eaton junction. Therefore, these were not assessed any further as the Scheme would have no impact upon them (see Appendix 6.1 of the Environmental Statement, Section 4.7 [APP-173]).	Agreed
Issues ref: D.5, other heritage assets	ES Chapter 6: Cultural Heritage [APP-044]	Table 6.8: Consultee Comments	Heritage assets to be included	DCiC requested that the boundary wall at Markeaton Park and to the boundary wall at the Royal School for the Deaf be assessed as separate heritage assets. DCiC confirmed that the Territorial Army centre near to the Markeaton junction is not included on the local list, but is	These buildings and features were included as separate heritage assets and the impacts of the Scheme on them, has been assessed as reported in the Environmental Statement.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				considered a heritage asset (under the NPPF) by DCiC, as it is likely that it has links to with military activity that took place during Markeaton Park during WWII.		
Issues ref: D.1, D.5 and D.7, A-D.6, identified historic assets, historic landscape character areas, and identified receptors landscape character areas	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.8 to 6.11 (ES Chapter 6) and ES Figures 6.1 to 6.6	Identification of baseline heritage assets and historic landscape character areas and their defined sensitivities	DCiC is content that the assessment has appropriately identified heritage assets and historic landscape character areas in the defined study area, and that the defined sensitivities of such assets are appropriate including the International importance of the Derwent Valley Mills WHS.	Baseline heritage assets are detailed in Sections 6.8 to 6.11 of the ES Chapter 6 [APP-044] .	Agreed
Issues ref: A-D.5, assumptions	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.5	ES assessment assumptions and limitations	DCiC is content that the ES assessment assumptions and limitations are acceptable and do not alter the assessment findings.	ES assessment assumptions and limitations as related to the heritage assessment are detailed in Section 6.5 of ES Chapter 6 [APP-044] .	Agreed
Issues ref: D.2, Derwent Valley Mills WHS	ES Chapter 6 Cultural Heritage [APP-044] and ES Appendix 6.1: Heritage Impact Assessment (HIA) [APP-173]	Section 6.15 (ES Chapter 6) and Section 7 (ES Appendix 6.1)	Effects upon the Derwent Valley Mills WHS	The heritage impact assessment and the HIA report that the Scheme would have a slight adverse effect upon the DVMWHS. DCiC has a concern that the Scheme effects upon the WHS have been underestimated	Scheme effects upon the Derwent Valley Mills WHS are detailed in Section 6.15 (ES Chapter 6) [APP-044] and Section 7 (ES Appendix 6.1) [APP-173] .	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				and have requested further information regarding the visual effects of the proposed floodplain compensation area to be located to the west of the River Derwent and the flyover.		
Issues ref: D.3, Darley Abbey Scheduled Monument	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.15 (ES Chapter 6)	Effects upon the Darley Abbey Scheduled Ancient Monument	DCiC delegates the assessment of effects upon Scheduled Ancient Monuments to Historic England.	Scheme effects upon the Darley Abbey Scheduled Ancient Monument are detailed in Section 6.15 (ES Chapter 6) [APP-044] .	Agreed
Issues ref: D.1, D.5 and D.7, heritage assets have been identified and assessed appropriately, other heritage assets and historic landscape character areas	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.15 (ES Chapter 6)	Effects upon non-designated historic assets; historic landscape character areas; conservation areas and listed buildings.	DCiC is content that the assessment appropriately assesses effects upon non-designated historic assets; historic landscape character areas; conservation areas and listed buildings.	Scheme effects upon non-designated historic assets are detailed in Section 6.15 (ES Chapter 6) [APP-044] and Section 7 (ES Appendix 6.1) [APP-173] as applicable.	Agreed
Issues ref: D.5, A-D.10, 13, 14, 15, 16 other heritage assets	ES Chapter 6: Cultural Heritage [APP-044]	Section 6.9	Markeaton Park boundary wall relocation.	DCiC consider the boundary wall at Markeaton Park is a heritage asset and the necessary stone should be affected, carefully taken down and re-used for the relocated wall. DCiC request that	The Markeaton Park boundary wall has been identified as a separate heritage asset in the ES. The wall stones will be reused as part of the boundary wall relocation works (exact	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				a detailed plan (elevation and sectional drawings) and a Method Statement is prepared covering the Markeaton Park boundary wall relocation and reconstruction details (e.g. mortar mix and finish and reuse of existing and agreement of any new stone etc.), as well as the relocation and reconstruction details associated with the Deaf School boundary wall.	location will be agreed with the DCiC). Such mitigation measures are detailed in the OEMP [REP3-003] which is a Requirement in the draft DCO. A Method Statement regarding the Markeaton Park and Deaf School boundary walls will be prepared (forming part of the contractor's Construction Environmental Management Plan (CEMP)), which will be discussed and agreed with the DCiC conservation officer.	
Issues ref: D.5, other heritage assets	ES Chapter 6: Cultural Heritage [APP-044]	Paragraph 6.15.28	Disused toilet block at Markeaton Park.	Demolition of the disused toilet block.	Demolition of the disused toilet block will have a beneficial effect on the heritage setting of Markeaton Park.	Agreed
Issues ref: D.8, A-D.10, 11, 12, 13, 14, 15, 18, specific requirements in the dDCO, mitigation, enforceable, precise and reasonable; and environmental	ES Chapter 6: Cultural Heritage [APP-044]	Section 6.14	Heritage mitigation measures	DCiC is content that the heritage mitigation requirements as detailed in the ES are appropriate and would result in the defined residual effects, and that such measures are covered by the OEMP [REP3-003]. DCiC is content that they will be appropriately consulted during the detailed design stage as detailed in the OEMP.	Heritage mitigation measures are detailed in Section 6.14 in ES Chapter 6 and translated into the OEMP [REP3-003]. The OEMP indicates that DCiC will be consulted during the detailed design stage across a range of environmental disciplines, including the detailed design of landscaping and lighting at Little Eaton junction, plus the detailed	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
management plan					design of the floodplain compensation area. Delivery of the OEMP is a Requirement in the draft DCO.	
Issue ref: D.4, D.6, D.8, A-D.10, 11, 13, 14, 15, 16, approach to archaeology and written scheme of investigation	ES Chapter 6: Cultural Heritage [APP-044]	Archaeological Mitigation Strategy and the Site Specific Written Scheme(s) of Investigation	Scope of the outline archaeological mitigation strategy	DCiC delegates advice as related to archaeology to DCiC's Archaeological Advisor at Derbyshire County Council.	The Environmental Statement provides details of the proposed archaeological mitigation strategy.	Agreed
Landscape and Visual						
Issues ref: A.9, A.14 and A-D.2, 10, 11, 12, 13, 14, 15, 18, lighting, landscape and visual impact and lighting, and EIA methodology	Environmental Statement Chapter 7: Landscape and Visual [APP-045]	-	Landscape and visual impact assessment (including the effects of lighting)	DCiC is content that the landscape and visual impact assessment as reported in the ES Chapter 7: Landscape and Visual [APP-045] appropriately assesses the Scheme effects upon the prevailing landscape and visual receptors. DCiC is content that the landscape and visual mitigation measures are appropriate and will deliver the residual effects as reported in the Chapter 7 of the ES. DCiC is content that they will be consulted	ES Chapter 7: Landscape and Visual [APP-045] assesses Scheme effects upon the landscape and visual receptors, taking account of defined mitigation measures. Landscape and visual mitigation measures are detailed in Chapter 7 of the ES and translated into the OEMP [REP3-003] . The OEMP indicates that DCiC will be consulted during the detailed design of landscaping proposals. Delivery of the OEMP	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				during the detailed design of the landscaping proposals.	is a Requirement in the draft DCO.	
Trees at Markeaton Park	Environmental Statement Chapter 7: Landscape and Visual [APP-045]	-	Landscape and visual impact assessment (including the loss of trees at Markeaton Park)	DCiC require tree loss at Markeaton Park to be minimised and a commitment to be appropriately consulted regarding development of trees loss plans, clearance programming, retention of felled timber and tree replacement proposals. DCiC also require a commitment that any public queries regarding tree clearance works be directed to the Highways England Community Relations Manager.	<p>Highways England approach to tree clearance at Markeaton Park (as detailed in the OEMP) includes the following:</p> <ul style="list-style-type: none"> • Vegetation clearance plans will be prepared indicating the extent of vegetation removal within the Scheme footprint. Highways England will aim to reduce the loss of vegetation, trees and hedgerows from those as illustrated in the plans provided in OEMP Appendix D. • Vegetation removal plans will be subject to consultation with DCiC. With regard to works at Mackworth Park and Markeaton Park, the DCiC Arboriculture and Parks officers will be consulted regarding the removal of significant trees and retention of felled timber within DCiC land. • DCiC (including the DCiC Arboriculture and Parks teams) will be consulted in 	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					<p>advance of any vegetation clearance works (including trees, shrubs) – notice will be provided at least 14 days in advance of clearance works.</p> <ul style="list-style-type: none"> Any public queries regarding tree clearance works will be directed to the Highways England Community Relations Manager. With regard to replacement tree planting in Markeaton Park, Highways England will aim to deliver a landscape design that results in a net gain in trees within Markeaton Park (tree planting proposals to be discussed with DCiC). 	
Biodiversity						
Issues ref: A.11 C.2 and A-D.2, biodiversity, impacts on habitats and species, and EIA methodology	ES Chapter 8: Biodiversity [APP-046]	Section 8.3 Assessment methodology	Scope and extent of ecological surveys	DCiC has confirmed that the survey coverage and methodologies used are appropriate for the ecological impact assessment.	The surveys required to appropriately define ecological baseline conditions sufficient to enable the ecological impact assessment have been subject to ongoing discussions between Highways England and DCiC during the DCO application.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: A.11, C.3, A-D.2 and 3, biodiversity, impacts on habitats and species, and assessment of noise, vibration, air etc on nature conservation sites, protected species etc	ES Chapter 8: Biodiversity [APP-046]	Section 8.3 Assessment methodology	Ecological impact assessment methodology (and study areas)	DCiC has confirmed that the ecological impact assessment (and defined study areas) is appropriate for assessing the effects of the Scheme on ecological receptors, including designated and non-designated site, protected species associated with waterbodies, agricultural land and green infrastructure. In addition, DCiC is content that the assessment methodology takes into consideration noise, vibration, artificial lighting, air quality and water quality impacts.	The ecological impact assessment methodology used was reported in the EIA Scoping Report and Environmental Statement Chapter 8: Biodiversity [APP-046] and has taken account of DCiC comments.	Agreed
Issues ref: A-D.4 and 6, baseline information and identification and sensitivity of receptors	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.7 (ES Chapter 8) and ES Figures 8.1 to 8.36	Identification of baseline conditions and their defined sensitivities/ importance	DCiC is content that the assessment has appropriately identified biodiversity resources in the defined study areas, and that the defined sensitivities/ importance of such assets are appropriate.	Baseline biodiversity assets are detailed in Section 8.7 of ES Chapter 8: Biodiversity [APP-046].	Agreed
Issues ref: A-D.6 and 7, identification of receptors	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.7 (ES Chapter 8)	Rationale for scoping in/ out sites and species	DCiC is content that appropriate biodiversity receptors have been scoped into the biodiversity impact assessment.	Section 8.7 of ES Chapter 8: Biodiversity [APP-046] details the rationale for the scoping in/ out sites and species.	Agreed
Issues ref: A.11 and C.2, A-D.7,	Environmental Statement	Section 8.10 (ES Chapter 8)	Assessment of Scheme effects	DCiC is content that the assessment has appropriately	Effects upon biodiversity assets are detailed in Section 8.10 of	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
8, 18, impacts on habitats and species	Chapter 8: Biodiversity [APP-046]		upon biodiversity, habitats and species	identified impacts and effects upon biodiversity, habitats and species in the defined study areas.	ES Chapter 8: Biodiversity [APP-046].	
Issues ref: A.11 and C.2, A-D.7, 8, 18, impacts on habitats and species	Environmental Statement Chapter 8: Biodiversity [APP-046]	-	Biodiversity net gain	DCiC disagree with Highways England determination that limited weight should be afforded to the NPPF in respect of the aspiration for biodiversity net gain, but recognise that Highways England have sought to maximise the potential for biodiversity enhancement within the constraints of the Scheme.	The primary basis for decisions on NSIP projects is the National Policy Statement for National Networks (NPSNN) rather than the NPPF. The extent of the relevance in this case is reflected in the level of consideration that has been afforded to compliance with the NPPF within ES Chapter 8: Biodiversity [APP-046]. In the case of the Scheme, Highways England consider that limited weight should be afforded to the NPPF in respect of the aspiration for net gain as summarised within para 170d and 175d of the NPPF. In respect of the proposed legal requirement for biodiversity net gain to be included in the Environment Bill, NSIPs will be excluded from the requirement for development to deliver net gain. Therefore, Highways England considers that moderate weight should be	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					<p>attributed to enhancing the natural environment, to the extent that it can be reasonably achieved in delivering an NSIP project. Although there is difference of opinion on the weight to be applied to the NPPF, it is agreed that Highways England will use best endeavours through the detailed design process to deliver biodiversity enhancement where it is feasible and practical.</p>	
<p>Issues ref: A.11 and C.2, A-D.7, 8, 18, impacts on habitats and species</p>	<p>Environmental Statement Chapter 8: Biodiversity [APP-046]</p>	<p>-</p>	<p>Biodiversity Metric Assessment</p>	<p>DCiC consider that the DCO should include a biodiversity metric assessment. As discussed at the ISH4, it was agreed that a biodiversity metric should be used during the next stages of the commission (detailed design and construction).</p>	<p>For NSIPs such as the Scheme there is no explicit requirement to demonstrate net gain using a biodiversity metric assessment. Use of the metric is optional. Notwithstanding this, as discussed at ISH4, a biodiversity metric will be used during the detailed design and construction phase in order to assist with the design of the Scheme landscaping proposals, and thereafter provide an evidence base for monitoring habitat management during the Scheme construction phase. This commitment will be detailed in the OEMP.</p>	<p>Agreed</p>

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: C.4 and A-D.10, 11, 13, 14, 15, biodiversity and ecological conservation mitigation measures and mitigation is necessary	ES Chapter 8: Biodiversity [APP-046]	Section 8.9 Design, mitigation and enhancement measures	Scheme mitigation measures at Mackworth Park, Mill Pond and Markeaton Park	DCiC has confirmed that they are happy for Highways England to place bird boxes and bat boxes in Mackworth Park, plus creation of three totem poles from suitable trees being felled with existing potential bat roost features within Markeaton Park; and creation of suitable bat roost features in retained trees within Markeaton (approx. 10 trees).	Ecological mitigation measures have taken into account DCiC comments. Environmental Statement Chapter 8: Biodiversity [APP-046] provides details of mitigation measures – also refer to the Environmental Masterplans ES Figures 2.12A-H [APP-068]. Mitigation measures have been translated into the OEMP [REP3-003]. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: C.4 and A-D.10, 13, 14, 15, 16, biodiversity and ecological conservation mitigation measures and mitigation is necessary	ES Chapter 8: Biodiversity [APP-046]	Section 8.9 Design, mitigation and enhancement measures	Translocation of soils from Kingsway junction to Markeaton Park	DCiC is happy for Highways England to translocate soils from Kingsway junction local wildlife site to Markeaton Park to create a new species-rich grassland. If the location of proposed species rich grassland in Markeaton Park is no longer considered appropriate by DCiC, the contractor will consult with DCiC during the detailed design stage to agree an alternative location within Markeaton Park, providing that the selected location would not give rise to any materially new or materially worse environmental effects in	Soils from Kingsway junction will be translocated to a defined area within Markeaton Park to create a new species rich grassland. The final layout will be subject to further consultation with DCiC. If during the detailed design translocation is not deemed suitable, then a bespoke native seed mix would be used to achieve the same ecological outcome. At detailed design stage, consideration will also be given to the need to avoid locations within Markeaton Park used for the storage of silt, following any potential de-silting	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				comparison with those reported in the ES.	of Markeaton Lake. Such measures are detailed in the OEMP [REP3-003]. Delivery of the OEMP is a Requirement in the draft DCO.	
Issues ref: C.2, C.4 and A-D.10, 11, 12, 13, 14, 15, 16, 18, biodiversity and ecological conservation mitigation measures and mitigation is necessary, mitigation delivery	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.9	Delivery of ecology mitigation measures	DCiC is content that the biodiversity mitigation requirements as detailed in the ES are appropriate and would result in the defined residual effects, and that such measures are covered by the Outline Environmental Management Plan (OEMP) [REP3-003].	Biodiversity mitigation measures are detailed in Section 8.9 in ES Chapter 8: Biodiversity [APP-046] and translated into the OEMP [REP3-003]. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: A-D.10 and 15, necessary mitigation and environmental management plans	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.12	Pre-commencement and construction phase monitoring	DCiC is content with the defined pre-commencement and construction phase ecological monitoring proposals.	Pre-commencement and construction phase ecological monitoring proposals are detailed in ES Section 8.12, and within the OEMP [REP3-003]. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: C.1, Habitat Regulation Assessment	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.10 Assessment of likely significant effects	To confirm no impact upon European Designated Sites	DCiC is content that the Habitats Regulations Assessment – No Significant Effects Report (NSER) [APP-179] is appropriate in its	The Habitats Regulations Assessment – NSER [APP-179] indicates that there are no likely	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	046] and ES Appendix 8.2: Habitat Regulations Assessment – No Significant Effects Report [APP-179]			conclusion of no likely significant effects on protected European sites.	significant effects on protected European sites.	
Noise and Vibration						
Issues ref: A.10, and A-D.2, noise and vibration, and EIA methodology	ES Chapter 9 – Noise and Vibration [APP-047]	Section 9.3	Noise and vibration assessment methodology	DCiC consider that the noise and vibration impact assessment methodology as set out within the ES assesses noise impacts appropriately.	A meeting was held in July 2018 with DCiC at which their comments on the EIA Scoping Report were discussed. DCiC confirmed that the assessment methodology generally addresses noise impacts appropriately.	Agreed
Issues ref: A.10 noise and vibration	ES Chapter 9 – Noise and Vibration [APP-047]	Para 9.4.1	Existing complaints and potentially sensitive receptors	DCiC has confirmed that they are not aware of any recent or relevant noise complaints regarding traffic noise along the A38 in the vicinity of the Scheme and are not aware of any other potentially sensitive receptors beyond those already identified in the assessment included in the ES.	Noted.	Agreed
Issues ref: A.10 and A-D.6, noise and vibration,	ES Chapter 9 – Noise and	Table 9.8	Construction noise and	DCiC's comments on the EIA Scoping Report requested more detail on the 'selection of the	Selected noise sensitive receptors are detailed in the ES	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
and sensitive receptors	Vibration [APP-047]		vibration receptor locations	closest identified potentially sensitive receptors' to be used in the construction noise and vibration assessment. Such details were provided on the 10.01.19, after which DCiC confirmed that they were content with the selected locations (11.01.19).	Chapter 9 – Noise and Vibration [APP-047] .	
Issues ref: A.10, A-D.11, 13, 14, 15, 16, construction noise and working hours limits	ES Chapter 9 – Noise and Vibration [APP-047]	Para 9.4.2 and Table 9.8	Construction working hours	DCiC confirmed that their standard construction working hours are: 7:30 - 18:00 weekdays, 8:00 - 13:00 Saturdays with no working on Sundays and Bank Holidays. These are the same as Erewash Borough Council (EBC). DCiC accepts that some activities with limited durations would be undertaken outside of the core working hours as listed in the OEMP. DCiC is content that any work carried out outside the core working hours, or any extension of the core hours, would require the prior agreement of the DCiC and EBC environmental health officers (as applicable) (as required by the OEMP).	Core construction working hours as detailed in the Environmental Statement comply with the DCiC standard working hours. Some activities with limited durations would be undertaken outside of the core working hours as listed in the OEMP (PW-G4, MW-G12) [REP3-003] Delivery of the OEMP is a Requirement in the draft DCO.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: A.10, A-D.11, 13, 14, 15, 16, noise and vibration	ES Chapter 9 – Noise and Vibration [APP-047]	Para 9.4.2 and Table 9.8	Construction noise/vibration controls	DCiC does not have a specific policy regarding construction noise/vibration other than the adoption of standard working hours. DCiC prefer to deal with major construction projects through the use of Best Practicable Means (BPM) (guidance in BS 5228), and a Construction Noise Management Plan, rather than setting limits or a Section 61 application. Public liaison would be a key aspect of any such management plan. DCiC expects that public liaison measures and noise/vibration mitigation measures will be detailed in the selected construction contractor's Construction Environmental Management Plan (CEMP) (as based upon the measures detailed in the OEMP), noting that DCiC will need to be consulted by the construction contractor during CEMP preparation.	DCiC's preferences are reflected in the OEMP (PW-NOI1 to 5 and MW-NOI1 to 5) [REP3-003] regarding BPM, requirement for a Noise and Vibration Management Plan and Section 61 applications. Public Liaison commitments are contained in the OEMP in PW-COM1 and 2, and MW-COM1 and 2. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: A.10 and A-D.2, noise and vibration,	ES Chapter 9 – Noise and Vibration [APP-047]	Section 9.3	Construction assessment methodology	DCiC confirm that they are content with the construction noise impact assessment methodology adopted in the ES.	Noted.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
and EIA methodology						
Issues ref: A.10 and A-D.2, noise and vibration, and EIA methodology	ES Chapter 9 – Noise and Vibration [APP-047]	Table 9.8	Operational traffic noise assessment methodology – magnitude of change criteria	At the scoping stage DCiC queried the short term and long-term classifications for the magnitude of operational traffic noise impacts. Following receipt of applicable details, DCiC confirmed that they were content with the rationale for the proposed approach.	Operational traffic noise short-term and long-term magnitude of impact classifications are set in accordance with Highways England guidance in common with other Highways England road schemes.	Agreed
Issues ref: A.10 and A-D.2, noise and vibration, and EIA methodology	ES Chapter 9 – Noise and Vibration [APP-047]	Table 9.8	Operational traffic noise assessment methodology	DCiC acknowledge and appreciate that the main focus of the operational traffic noise impact assessment is based on the change in traffic noise levels, which is an approach that more closely conforms with the planning system, especially since there will be some dwellings that may already be experiencing noise levels in excess of the Noise Insulation level. On this basis therefore, DCiC confirms that the assessment addresses operational traffic noise impacts appropriately.	Highways England appreciates confirmation that DCiC deem that overall the operational traffic noise assessment methodology adopted in the ES is appropriate.	Agreed
Issues ref: A.10 and A-D.2, noise	ES Chapter 9 – Noise and	Table 9.8	Noise Insulation Regulations	DCiC recommended at the scoping stage that a full	The reasons for the Noise Insulation Regulations	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
and vibration, and EIA methodology	Vibration [APP-047]		1975 (as amended 1988)	assessment in accordance with the Noise Insulation Regulations 1975 is completed as part of the ES. Following consultation with Highways England, DCiC accept that the ES contains a preliminary Noise Insulation Regulations assessment, and that a full Noise Insulation Regulations assessment will be completed in compliance with the timescales as set out in the Regulations.	assessment results reported in the ES being provisional have been discussed and agreed with DCiC.	
Issues ref: A.1, A.10 and A-D.2, compliance with development plans, noise and vibration, and EIA methodology	ES Chapter 9 – Noise and Vibration [APP-047]	Table 9.8	Noise Important Areas (NIAs)	At the EIA scoping stage DCiC advised that they had developed a draft Local Noise Plan for their NIAs and stated that the A38 Scheme will need to ensure that it is consistent with any actions in that Plan. Recent liaison with DCiC confirm that the Local Noise Plan is not yet publicly available, but it is unlikely to contain any actions that would conflict with the Scheme.	Highways England welcome confirmation that DCiC's proposed actions regarding their NIAs will not conflict with the Scheme.	Agreed
Issues ref: A.10, A-D.8, 12, noise and vibration	ES Chapter 9 – Noise and Vibration [APP-047]	Section 9.10	Noise and vibration impacts	DCiC has reviewed the noise and vibration impact assessment as presented in the ES and is content that it provides an appropriate assessment of the predicted noise and vibration	ES Chapter 9: Noise and Vibration, Section 9.10 [APP-047], details the predicted noise and vibration impact of Scheme construction and operation.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				impacts upon local residents and other potentially sensitive receptors.		
Issues ref: A.10, noise and vibration	ES Chapter 9 – Noise and Vibration [APP-047]	Section 9.10	Noise impacts – quiet places and areas valued for their tranquillity	DCiC has confirmed that they are not aware of any quiet areas or any areas valued for their tranquillity or acoustic environment in the vicinity of the Scheme.	The Scheme would not impact upon any quiet areas or any areas valued for their tranquillity or acoustic environment.	Agreed
Issue ref: A.10 and A-D.10, noise and vibration, and mitigation	ES Chapter 9 – Noise and Vibration [APP-047]	Section 9.9	Construction phase noise mitigation	DCiC agrees in principle to the construction phase noise and vibration mitigation measures as set out in the OEMP [REP3-003], which are predicted to deliver the residual effects as reported in the ES. DCiC accepts that the outline noise and vibration mitigation proposals as detailed in the OEMP will be translated into the selected construction contractor's Construction Environmental Management Plan (CEMP) - DCiC will need to be consulted by the construction contractor during CEMP preparation.	Noise and vibration mitigation measures are detailed in ES Chapter 9: Noise and Vibration, Section 9.9 [APP-047].	Agreed
Issue ref: A-D.10, mitigation	ES Chapter 9 – Noise and Vibration [APP-047];	Section 9.9	Operational traffic noise mitigation	Based on the information as presented in the ES, DCiC is content that the defined noise mitigation measures integrated	Noise barrier details are detailed in the ES Chapter 9: Noise and Vibration, Section 9.9, [APP-047] and illustrated on the	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Environmental Masterplans as presented in Figures 2.12A to 2.12H [APP-068]			into the Scheme design (i.e. low noise road surface and noise barriers) appear to be appropriate based on the ES assessment.	Environmental Masterplans as presented in Figures 2.12A to 2.12H [APP-068] .	
Issue ref: A.10, and A-D.10, 11, 12, 13, 14, 15, 16, 18, noise barriers, other mitigation and the need for any specific requirements in the draft Development Consent Order (dDCO); and securing mitigation	ES Chapter 9 – Noise and Vibration [APP-047] and the OEMP [REP3-003]	Section 9.9 and the OEMP	Delivery of noise mitigation measures	DCiC agrees in principle to the construction phase noise and vibration mitigation measures as set out in the OEMP [REP3-003] . DCiC accepts that the outline mitigation proposals as detailed in the OEMP will be translated into the selected construction contractor's Construction Environmental Management Plan (CEMP) - DCiC will need to be consulted by the construction contractor during CEMP preparation. DCiC agrees that the defined operational phase noise mitigation measures (i.e. low noise road surface and noise barriers) are detailed in the OEMP and thus will form part of the Scheme design.	Noise and vibration mitigation measures are detailed in Section 9.9 in ES Chapter 9: Noise and Vibration [APP-047] and translated into the OEMP [REP3-003] . Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Geology and Soils						
Issues ref: A-D.10, 11, 13, 14,	Environmental Statement	Section 10.9	Measures to control potential	DCiC considers that the mitigation measures (as detailed	Construction phase mitigation measures to protect controlled	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
15, 19 and 20, and B.6, land contamination	Chapter 10: Geology and Soils [APP-048]		impacts associated with contaminated materials	in the Environmental Statement Chapter 10: Geology and Soils [APP-048]; and in the OEMP [REP3-003] appear appropriate for managing impacts associated with contaminated materials. This includes the appropriate management of contamination issues at the former Rowditch tip at Kingsway junction. DCiC agrees that construction phase mitigation measures associated with land contamination are set out in the OEMP [REP3-003]. DCiC accepts that the outline mitigation proposals as detailed in the OEMP will be translated into the selected construction contractor's Construction Environmental Management Plan (CEMP) - DCiC will need to be consulted by the construction contractor during CEMP preparation. In addition, DCiC will need to be consulted during the design of site remediation strategy/ works (such as at Rowditch tip).	waters are detailed in the Environmental Statement Chapter 10: Geology and Soils [APP-048] (and in the OEMP [REP3-003]). Delivery of the OEMP is a Requirement in the draft DCO.	
People and Communities						

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: A.22, A-D.10, 11, 13, 14, 15, measures to avoid, reduce or compensate for adverse health impacts	Environmental Statement Chapter 12: People and Communities [APP-050] and ES Appendix 12.2: Human Health [APP-227]	Section 12.10	Human health effects	DCiC is content that adequate measures have been taken to avoid, reduce and mitigate potential health effects (including potential cumulative effects).	Mitigation measures as detailed in the OEMP [REP3-003] are appropriate for avoiding, reducing and mitigating potential health effects. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Road Drainage and the Water Environment						
Issues ref: B.3, Flood Risk Assessment	ES Chapter 13 – Road Drainage and the Water Environment [APP-051]	Section 13.3	Flood risk methodology for Kingsway junction	DCiC facilitated release of their DCIM hydraulic model for AECOM use covering Kingsway junction.	AECOM used the DCiC flood risk model to assess Scheme effects upon local flooding and flood mitigation measures.	Agreed
Issues ref: B.3, Flood Risk Assessment	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051] , plus Flood Risk Assessment in ES Appendix 13.2A (Kingsway Junction) [APP-229]	Section 13.10 and FRA in ES Appendix 13.2A [APP-229]	Scheme effects on flooding risks at Kingsway junction	DCiC is generally satisfied with the proposed flood risk mitigation measures associated with flooding at Kingsway junction and the residual flooding risks. DCiC would like to be consulted during the development of the detailed flood risk mitigation arrangements during the detailed design stage. This should include further details of flood mitigation areas at Kingsway junction.	A revised FRA for Kingsway junction has been submitted to DCiC. Flood risk modelling has been undertaken to define flood risk mitigation features which have been integrated into the Scheme design. The revised FRA indicates betterment in terms of flooding risks. DCiC will be consulted during the detailed design of flood risk mitigation proposals at Kingsway junction in accordance with the OEMP [REP3-003] .	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					<p>DCiC will be also consulted during the detailed design of the highway drainage system in accordance with the OEMP - DCiC will be consulted with regard to highway runoff discharge rates, noting that Highways England will demonstrate that reasonable steps have been taken such that the total discharge rate from the Scheme surface water drainage system does not exceed the discharge rate of the existing surface water drainage system and that betterment will be provided where practical. During this process Highways England will endeavour to achieve 30% betterment where it is practicable to do so.</p>	
<p>Issues ref: B.3, Flood Risk Assessment</p>	<p>Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051], plus Flood Risk Assessment in ES Appendix 13.2B</p>	<p>Section 13.10 and FRA in ES Appendix 13.2B</p>	<p>Scheme effects on flooding risks at Markeaton junction</p>	<p>DCiC is satisfied that the proposed highway runoff drainage system would appropriately manage issues associated with flooding at Markeaton junction. DCiC would like to be consulted during the development of the detailed drainage design</p>	<p>A revised FRA for Markeaton junction has been submitted to DCiC. Flood risk mitigation features integrated into the highway runoff drainage system would protect the new A38 mainline from flooding. DCiC will be consulted during the detailed design of any flood</p>	<p>Agreed</p>

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	(Markeaton Junction) [APP-230]			arrangements during the detailed design stage. DCiC would like more information on the comparison of existing discharge rates with proposed discharge rates, with the aim of providing an overall reduction.	risk mitigation proposals at Markeaton junction in accordance with the OEMP [REP3-003]. DCiC will be also consulted during the detailed design of the highway drainage system in accordance with the OEMP - DCiC will be consulted with regard to highway runoff discharge rates, noting that Highways England will demonstrate that reasonable steps have been taken such that the total discharge rate from the Scheme surface water drainage system does not exceed the discharge rate of the existing surface water drainage system and that betterment will be provided where practical. During this process Highways England will endeavour to achieve 30% betterment where it is practicable to do so.	
Issues ref: B.2, A-D. 8, 12, 18, impacts on the water environment	Environmental Statement Chapter 13: Road Drainage and the Water	Section 13.10	Impacts upon main rivers, groundwater and other water bodies	DCiC is generally content that the ES has identified and assessed Scheme impacts upon relevant water environment resources. DCiC is content that the ES	Impacts upon water environment receptors are detailed in Section 13.10 of ES Chapter 13: Road Drainage and the Water Environment [APP-051] - the ES	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Environment [APP-051]			considers impacts of Markeaton underpass on groundwater movements However, Secant Pile is a cause for concern as they have the potential to restrict groundwater movement and increase flood risk upstream of the junction. DCiC is concerned regarding proposals for the prior treatment of highway runoff before discharge into outfalls and request further information in this respect.	reports that ground flows are parallel to the underpass alignment such that groundwater flows would not be obstructed by underpass construction and thus significant effects on groundwater flows would be avoided. This is also detailed in the revised FRA for Markeaton junction submitted to DCiC. DCiC will be consulted during the detailed design of the highway drainage system in accordance with the OEMP [REP3-003] .	
Issues ref: A-D.10, 11, 13, 14, 15, 19 and 20, B.2 and B.5, the water environment and mitigation	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051]	Section 13.9	Construction phase mitigation measures to protect controlled waters	DCiC is content that there would be effective water pollution prevention control in place to during the Scheme construction phase to minimise risks to controlled waters (as detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment: [APP-051] ; and in the OEMP [REP3-003] .	Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051] (and in the OEMP [REP3-003]). Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: A-D.10, 11, 12, 13, 14, 15, 16, 18, mitigation	Environmental Statement Chapter 13: Road Drainage and the	Section 13.9	Delivery of water environment	DCiC is content that the water environment mitigation requirements as detailed in the ES would result in the defined	Water environment mitigation measures are detailed in Section 13.9 in ES Chapter 13: Road Drainage and the Water	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
measures and defined residual impacts, and mitigation delivery	Water Environment [APP-051]		mitigation measures	residual effects, and that such measures are covered by the OEMP [REP3-003] . DCiC would like to be consulted during the development of the detailed mitigation arrangements during the detailed design stage – this included exploration of additional treatment of highway runoff at existing discharge points.	Environment [APP-051] , and translated into the OEMP [REP3-003] . DCiC will be consulted during the detailed design of the highway drainage system and flood risk mitigation features in accordance with the OEMP [REP3-003] . Delivery of the OEMP is a Requirement in the draft DCO.	
Issues ref: B.4, drainage	Road Drainage Strategy (refer to ES Appendix 13.4) [APP-234]	Section 2	Provision of a highway drainage system that appropriately controls highway runoff quality and quantity	DCiC considers that the highway drainage system as detailed in the Road Drainage Strategy (ES Appendix 13.4 [APP-234]) is generally appropriate for managing impacts associated highway runoff. DCiC would like to be consulted during the development of the detailed highway drainage system arrangements during the detailed design stage - this includes the exploration of additional treatment of highway runoff at existing discharge points, and attenuation volumes. DCiC would like more information on the comparison of existing discharge rates with proposed	The road drainage strategy has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) and includes sustainable drainage (SuDS) features were feasible. Details are provided in the Road Drainage Strategy (refer to ES Appendix 13.4 [APP-234]). Further information on discharge rates have been prepared for consideration by DCiC. DCiC will be consulted during the detailed design of the highway drainage system in accordance with the OEMP [REP3-003] , noting that Highways England will demonstrate that reasonable	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				discharge rates, with the aim of providing an overall reduction.	<p>steps have been taken such that the total discharge rate from the Scheme surface water drainage system does not exceed the discharge rate of the existing surface water drainage system and that betterment will be provided where practical. During this process Highways England will endeavour to achieve 30% betterment where it is practicable to do so.</p> <p>Highways England will consult with DCiC regarding the provision of SuDS included in the highway drainage system. Further SuDS may be included in the design, additional to those as identified in the Road Drainage Strategy ES Appendix 13.4 [TR010022/APP/6.3], provided that such solutions can be accommodated within the Order limits and do not compromise the provision of Public Open Space replacement land at Markeaton junction.</p>	
Issues ref: B.7, climate change	Environmental Statement Chapter 13: Road	Para. 13.7.62 and the Road Drainage	Climate change provisions associated with	DCiC is generally content that the climate change provisions included within the drainage	Climate change provisions associated with the drainage design and the flood risk	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Drainage and the Water Environment [APP-051]	Strategy (refer to ES Appendix 13.4)	the drainage design and the flood risk mitigation proposals	design and the flood risk mitigation proposals take account of latest UK Climate Projections.	mitigation proposals are detailed in para. 13.7.62 (ES Chapter 13: Road Drainage and the Water Environment [APP-051]) and the Road Drainage Strategy (ES Appendix 13.4) [APP-234] . In accordance with ES Appendix 13.4 Road Drainage Strategy [TR010022/APP/6.3] , the highway drainage system will make a 40% allowance for climate change.	
Cumulative Effects						
Issues ref: A-D.2, assessment of cumulative effects and the other plans/projects included	ES Statement Chapter 15: Assessment of Cumulative Effects [APP-053]	Section 5.10	Developments to be considered within the cumulative impact assessment as reported in the Environmental Statement.	DCiC confirmed developments within their administrative area that should be considered with the cumulative impact assessment as reported in the Environmental Statement.	AECOM provided details of the developments to be included in the cumulative impact assessment, as reported in the Environmental Statement, to the applicable local authorities in the vicinity of the Scheme.	Agreed
Issues ref: A-D.2, EIA methodology and the assessment of cumulative effects	ES Chapter 15: Assessment of Cumulative Effects [APP-053]	Sections 15.1 to 15.13	-	DCiC is content with the cumulative impact assessment methodology and the assessment findings.	Cumulative effects are reported in ES Chapter 15: Assessment of Cumulative Effects [APP-053] .	Agreed

3.3 Issues related to the Design of the Scheme

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
Issues ref: D.5, A-D.13, 14, 15, 16, other historic assets	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]	Annex O	Markeaton Park access/ egress arrangements	Markeaton Park is a heritage asset and the stone walls that enclose the park are an important part of the enclosure of the park. It is suggested that the minimum necessary is carefully taken down and as much of the wall is retained in the original location. If any walls are to be affected by this proposal, it is suggested that it is reused and the location where it is to be reused, is agreed.	It has been agreed with DCiC to make best endeavours to avoid the existing park wall. Where it is affected, it will be realigned close to its existing alignment (exact location will be agreed with the DCiC) using the same stones. Such mitigation is detailed in the OEMP [REP3-003] which is a Requirement in the draft DCO.	Agreed
Issues ref: D.5, other historic assets	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]	Annex O	Markeaton Park access/ egress arrangements	The Heritage Lottery gave a grant for the park including the relocation of the original park gates and railings to a low wall to adjacent to Ashbourne Road. It is suggested these are kept in this location. As part of the character of this part of the park is its tree cover, it is suggested that any loss of trees should result in appropriate tree planting in an agreed location.	It is the intention to retain this entrance – if any temporary works impact it, it will be reinstated to its existing state and location (to DCiC's satisfaction). This issue is addressed in the Environmental Statement Chapter 6: Cultural Heritage [APP-044] . DCiC has been involved in the development of the proposed mitigation proposals.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
Issues ref: B.4, drainage	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]	Annex O	Drainage strategy design details	Concern was expressed that there is too little provision for SuDS at the Markeaton junction which should be open water features on a scheme this size. There was also concern that there is insufficient area to provide the level of attenuation that would be required to deliver discharge rate reduction. The A38 discharges significant levels of silt and other pollutants into the Bramble and Littleover Brooks. The Scheme should demonstrate a significant reduction in these discharges through use of SuDS. It is noted that the A38 contributes a significant uncontrolled runoff from the carriageway and verge areas. These contribute significantly to the flood risk in the City Centre.	<p>The preliminary design allowable discharge rates have been calculated using the greenfield runoff rate for the new impermeable areas as agreed with DCiC and restricted to ensure betterment over the existing situation for the site. This same philosophy will be adopted come detailed design. Where possible, attenuation features have been included for up to and including 100 year +40% climate change (as previously requested). However, where this has not been feasible, the affected catchments are restricted to the existing discharge rate, ensuring no detriment in terms of downstream flood risk.</p> <p>DCiC will be consulted during the detailed design of the highway drainage system in accordance with the OEMP, including the SuDS features at Kingsway and Markeaton junction. DCiC will be</p>	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
					<p>consulted with regard to highway runoff discharge rates, noting that Highways England will demonstrate that reasonable steps have been taken such that the total discharge rate from the Scheme surface water drainage system does not exceed the discharge rate of the existing surface water drainage system and that betterment will be provided where practical. During this process Highways England will endeavour to achieve 30% betterment where it is practicable to do so.</p> <p>Highways England will consult with DCiC regarding the provision of SuDS included in the highway drainage system. Further SuDS may be included in the design, additional to those as identified in the Road Drainage Strategy ES Appendix 13.4 [TR010022/APP/6.3], provided that such solutions can be accommodated within</p>	

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
					the Order limits and do not compromise the provision of Public Open Space replacement land at Markeaton junction.	
Issues ref: B.4, drainage	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]	Annex O	Drainage strategy design details	As both junctions are designated as areas in flood risk, identified in the DCiC SFRA, the Scheme will need to demonstrate that it passes both the sequential and exception tests. Also, in accordance with paragraph 160 of the NPPF, the Scheme should not increase flood risk elsewhere and, where possible, should reduce flood risk overall.	Revised Flood Risk Assessments for Kingsway junction and Markeaton junction have been prepared that have been submitted to DCiC for their review. These indicate that the Scheme would pass both the sequential and exception tests. The FRAs also report on Scheme effects upon wider flood – these indicate that flood risks are not increased elsewhere, whilst betterment is indicated at Kingsway junction.	Agreed
Issues ref: B.4 and D.2, drainage and the Derwent Valley Mills WHS	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the	Annex O	Drainage strategy design details	Originally the Little Eaton junction was sited wholly outside the City boundary; however the revised plans submitted as part of the Section 42 consultation shows a floodplain compensation area site within the City boundary. DCiC believe this is to provide	The floodplain compensation area at Little Eaton junction would mitigate for the loss of River Derwent floodplain. The flood risk modelling carried out takes the OCOR into consideration and indicates that there would be no impacts on the OCOR	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
	Planning Act 2008) [APP-038]			compensation flood storage for the River Derwent. The impacts on Our City Our River (OCOR) will need to be understood, and also the impacts on the World Heritage Site will need consideration.	scheme. Also, Scheme impacts on the World Heritage Site have been fully assessed and reported in the Environmental Statement Chapter 6: Cultural Heritage [APP-044] – refer to sections above on cultural heritage. As detailed in the OEMP, DCiC will be consulted regarding the detailed layout and design of the floodplain compensation area in order to ensure that it has a naturalistic profile.	
Issues ref: B.4, drainage	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]	Annex O	Drainage strategy design details	There are areas of the Scheme where DCiC highway drainage discharges to HE drainage systems, particularly at the Kingsway Junction. This occurred following de-trunking of Kingsway. The situation should be reviewed as part of the Scheme and ideally the systems separated, or legal rights of discharge agreed.	The drainage design keeps the discharge from the Trunk Road separate from discharges from the local highway network wherever feasible. Discussions have already taken place between all of the maintaining authorities to agree the maintenance boundaries. Specific consideration to be given to the ability of DCiC to discharge to the HE drainage system. There are likely to be some locations (e.g. A52 west of Markeaton Junction)	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
					where DCiC water will continue to discharge into the Highways England network. This matter will be reviewed further as appropriate through the detailed design process.	
Issues ref: A.16, impacts on Public Rights of Way (PRoW), pedestrians, cyclists and horse riders	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]	Annex O	Footpath provisions and closures	Further consultation on the traffic modelling and detailed layout drawings, including how pedestrian and cycle routes link into the wider network, will be necessary. It would also be useful to understand the proposed highway authority boundaries for future consultation responses.	Comments have been received from cycling groups (Sustrans and the Derby Cycling Group) and these have been responded to, and where possible their suggestions have been included within the Scheme design.	Agreed
Issues ref: A.13 and A.16, good design and functionality; and impacts on Public Rights of Way (PRoW), pedestrians, cyclists and horse riders	-	-	-	DCC welcomes the two lanes shown on the General Layout plan of the A38(T) Derby Junctions Scheme in both directions of the A5111, and the pedestrian crossing. It should be noted that Kier, in consultation with the HE, are proposing a signalised crossing on the A5111 across the arm of the A38(T) Kingsway Junction. The proposal	Noted. Any work proposed or implemented by Kier would not prevent or inhibit the implementation of the A38 Derby Junctions Scheme. Highways England will consider the 'on the ground' conditions during the detailed design process and consider the interface between the Scheme and these or any	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
				includes reducing the eastbound carriageway width to a single lane between the A38 and Kingsway retail park. DCC has highlighted concerns over the potential from queues backing into the A38(T) as a result of the reduced carriageway width or a breakdown blocking the single lane.	other works implemented as separate projects.	
Issues ref: A.16, impacts on Public Rights of Way (PRoW), pedestrians, cyclists and horse riders	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with S49 of the Planning Act 2008) [APP-038]	Annex O	Footpath provisions and closures	The pedestrian crossing on the A5111 Kingsway requires pedestrians to cross four lanes. It was queried whether this crossing should be staggered or moved closer to the roundabout junction.	The land required for the Scheme has been adjusted to allow for a midway 'island' to facilitate a crossing in 2 stages.	Agreed
Issues ref: A.16, impacts on Public Rights of Way (PRoW), pedestrians, cyclists and horse riders	Consultation Report Annex O Tables Evidencing Regard had to Consultation Responses (in Accordance with	Annex O	Footpath provisions and closures	The pedestrian crossing across Kingsway Park Close is shown as an uncontrolled crossing and should be controlled.	It is now proposed that this crossing is to be signal controlled.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
	S49 of the Planning Act 2008) [APP-038]					
Issues ref: A.13, good design and functionality	-	-	-	<p>DCiC did not provide detailed comments on the geometric design of the A38(T) Derby Junctions scheme because it was assumed that this would be done as part of the detailed design process. However, there are fundamental issues that have been identified with the General Layout Drawings that need to be picked-up in the design.</p> <p>For example, the A5111 Kingsway link and Markeaton McDonald Access, as identified in response to A.16, A.5, A.12 and A.17 Section 3.2. Further, the A61 northbound approach to new A38(T) gyratory. The scheme shows three lanes on the A61 merging into two lanes on the gyratory.</p>	<p>The specific details of these issues will be picked up during the Detailed Design stage where DCiC will be consulted on the elements of the Scheme that will be handed over to the LHAs.</p> <p>The McDonald's/Euro Garage access has been discussed with DCiC and the principle is now agreed.</p> <p>The A61 is a Derbyshire County Council highway and the arrangements for this junction will be discussed with them. Any input on this specific issue from DCiC will be considered.</p>	Agreed
Issues ref: A., impacts on local transport networks...	Relevant Representation Comments*	-	-	As a result of the closure of Ford Lane on-slip to the A38 Highways England has put forward a scheme to signalise the A6/Ford Lane Junction. This	Technical notes have been prepared to document the trip growth in this area of Ford Lane and to examine the localised outputs from the	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
permanent closures				<p>has partly been driven by feedback from public consultation and the strategic modelling, which has predicted that with forecast growth that this junction requires direct intervention.</p> <p>However, Officers have considered the forecasting and route choice prediction of the model and in this case have questioned its realism. It is a significant decision to signalise a junction on a Primary A Route. This is an issue that we would like to consider further as part of the detailed design process</p>	<p>traffic model. The traffic model used growth forecasts that are in-line with DfT's national growth projections (which themselves are based upon forecast of population growth and wealth forecasting scenarios). These traffic forecasts appear reasonable to Highways England.</p> <p>It is noted that traffic signal solution would add an additional junction to the A6 route. In mitigation, it is noted that this junction lies within the urban 30mph speed limit and would also provide the benefit of assisting pedestrian crossing of the A6 to access the nearby northbound bus stop.</p> <p>The potential junction improvement has been included within the red-line boundary for the Scheme. Highways England recognises that there is a conflict between the ease of</p>	

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
					<p>travel by residents and the objective to maintain free-flow movement for the longer-distance car trips into and out of the city. Highways England's default position is to include this A6/Ford Lane junction improvement within the Works.</p> <p>February 2020 Update:</p> <p>. DCiC has questioned whether there is a need to signalise the Ford Lane Junction and concluded that some form of capacity improvement is required and a signalised pedestrian crossing to improve safety for pedestrians and provide gaps for right turning vehicles. Other options to full signalisation need exploring. Highways England note the preference stated by DCiC for avoiding a signalised junction where possible. It is agreed a Scheme is needed to address this issue and this will be agreed in consultation</p>	

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
					with DCiC through the detailed design process.	
Issue ref: A.6, local transport networks	Relevant Representation Comments*	-	-	<p>The transport assessment does show that there are some areas of the local network, particularly where the local road network connects to the A38 Trunk Road, where there are significant increases in traffic.</p> <p>For example, on the Kedleston Road corridor north of the A38 it is predicted that in the AM Peak that there is an increase in southbound traffic of 157 PCUs and an increase of 564 PCUs on the on-slip. Other junctions where significant changes in traffic are predicted to occur:</p> <ul style="list-style-type: none"> • Manor Road/Kingsway Junction • Hospital Gyratory • Kingsway Junction/Cherry Tree Close/Kingsway Retail Park • Uttoxeter New Road/Brick Street/Ashbourne Road • Friar Gate/Agard Street • Prince Charles Avenue/A52 Ashbourne Road 	<p>Noted. This is an inevitable effect of changing the traffic patterns in order to reduce the flow volumes on inappropriate local routes.</p> <p>Derby City Council is a unitary authority and as such is the local highway authority for those routes within the city. The maintenance of their highway and optimising the operation and efficiency of the local junctions is part of their remit.</p> <p>Highway England maintain the Strategic Road Network and deliver Major improvements to their highways.</p> <p>The opening of the Scheme to traffic will change traffic patterns. It is recognised that there will be a period following opening of the Scheme over which some adjustments will be required. The issue is whether these adjustments are over-and-</p>	Agreed.

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
				<ul style="list-style-type: none"> A61 Sir Frank Whittle Way/Alfreton Road A608/A61/Hampshire Road <p>As such, Derby City Council, would like Highways England to consider how it might mitigate changes on the local network as a result of the A38(T) scheme.</p>	<p>above the usual remit of the local highway authority. How these works should be funded is a political decision over which Highways England has no control.</p> <p>Notwithstanding the above points setting out the positions of responsibility, Highways England will continue to discuss this matter further with DCIC as part of the detailed design process.</p>	
<p>*https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37030</p>						

3.4 Issues related to Open Space and Exchange Land Provisions

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
Permanent loss of open space land						
Issues ref: A.5, A.12 and A.17, minimise land take, impacts on open space, and temporary and permanent impacts on recreation	Planning Statement [APP-252]	Paragraph 5.1.16 – 5.1.41	Open space exchange land provisions	The loss of existing open space (including designated public open space) is necessary in order to deliver the Scheme. In accordance with the requirements of the Planning Act 2008, there is a need to provide replacement land, offered in exchange for the land to be acquired and permanently lost as a result of the Scheme.	Highways England and Derby City Council have reached agreement in principle that the loss of open space land is necessary for the Scheme and the replacement land provided is considered to be suitable in exchange for the land to be lost as Order land.	Agreed
Issues ref: A.5, A.12 and A.17, minimise land take, impacts on open space, temporary and permanent impacts on recreation, and impacts on local transport networks	Meeting minutes dated 26.06.17, enacted through the Scheme's design. See Figure 2.6 General Arrangement Scheme Layout Plans for the A38 Derby Junctions Scheme; Figure 2.2 Land Plans [APP-007]; and	Section 5 of the Planning Statement and National Policy Statement Accordance Table	Layout for new junction at Markeaton Park and the McDonald's/ Esso junction	Agreed that the principle of the suggested layout for the internal road and turning circle at Markeaton Park was acceptable. The revised geometric layout of the Esso & McDonald's and Markeaton Park entrance junction is now acceptable, in principle, by DCiC – this incorporates the suggested revision of the tightened radius to the approach of the Markeaton junction to 90m	The principles of the Esso & McDonald's and Markeaton Park entrance, the new internal highways layout of Markeaton Park and the treatment of the historic wall (in order to create the new park access and junction) are acceptable to Highways England and DCiC. Final details will be discussed with DCiC during Detailed Design.	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
	Planning Statement and National Policy Statement Accordance Table [APP-252].			(this was to avoid impacts on the recently renovated pedestrian access into the park). AECOM advised that some sections of the existing park boundary wall may need to be repositioned slightly to accommodate the highway works (a length of wall each side of the proposed new park access would be affected). DCiC agreed that this would not be an issue providing that the recently renovated section of wall, for the pedestrian access, is not affected.		
Temporary loss of open space land/ acquisition of rights						
Issues ref: A.5, A.12 and A.17, minimise land take, impacts on open space, temporary and permanent impacts on recreation, and impacts on local transport networks	-	-	Temporary loss of open space land/ acquisition of rights	Environmental Statement Fig 2.4a Kingsway and Markeaton Junctions – Land take, there is a large area of Mackworth Park shown where land is to be used temporarily but rights are to be acquired permanently. DCiC understand that rights are required for entry by statutory undertakers as at Markeaton Park where there is a service strip alongside the carriageway. There	Further information has been provided regarding the nature of the works which require the temporary acquisition of land within Mackworth Park. The larger areas of Mackworth Park and Markeaton Park are required to gain access and undertake ecological mitigation work within those areas - these include placing of bat and bird boxes and planting, whilst	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
				<p>is an underground drainage facility for the Kingsway junction proposed at Mackworth Park but this latter area seems disproportionately large if its purpose is purely for access. Also, if it is unclear what rights are to be acquired permanently and what control would DCiC have over any future disturbance and requirements for reinstatement of ground.</p> <p>DCiC are also concerned that any permanent rights acquired could also affect DCiC's aspiration to include Mackworth Park into the Mickleover Meadows LNR.</p>	<p>access if required thereafter for monitoring and maintenance purposes. Thus, use of Mackworth Park for such purposes does not impact upon DCiC's aspiration to include Mackworth Park into the Mickleover Meadows LNR.</p>	

3.5 Issues related to the Management of Traffic during Construction

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England	Status
Issue ref; A.7 and A-D.15, traffic management the Transport Management Plan	Traffic Management Plan [APP-254]	-	-	<p>The management of construction traffic is likely to be an evolving process throughout the whole project, the impacts of which cannot be concluded or agreed at this stage.</p> <p>There is also a concern that only 3 (albeit supposedly the most significant 3) out of the 8 currently proposed traffic management scenarios during construction have been assessed in detail. The Environmental Protection Team would prefer to see <i>all</i> potential construction traffic management scenarios assessed.</p>	The principles of the construction traffic management will be defined in the outline TMP. There will still be opportunity to refine these during the Detailed Design stage and incorporated in the final TMP that is to be signed off by the SoS prior to start of construction.	Agreed
Issue ref; A.7 and A-D.15, traffic management the Transport Management Plan	Traffic Management Plan [APP-254]	-	-	Whilst not part of the physical scheme, the Traffic Management Plan [APP-254] remains a serious concern because of some of the potentially rigid proposals. Indeed, construction delays can seriously undermine the economic benefits of major schemes. As such, communication and flexibility will be key in managing the movement		

				of traffic through and around Derby. To this end it is critical that Highways England continue to liaise with key stakeholders and Traffic and Transportation at DCiC over the Traffic Management Plan.		
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3.6 Other Matters

- 3.6.1 In regard to the Scheme, DCiC has not raised any other relevant matters (beyond the Principal Issues set out in Annex B of the Rule 6 Letter and in their response to ‘The Examining Authority first written questions’), important considerations, or matters which require agreement in order for the Examination to run smoothly (Issues ref: A-D.21 to 23).

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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