

# A38 Derby Junctions TR010022

## 8.84 Applicant's Responses to Information or Submissions Received by Deadline 6

Planning Act 2008  
Rule 8 (1)(k)  
The Infrastructure Planning (Examination Procedure) Rules 2010

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**Infrastructure Planning****Planning Act 2008****The Infrastructure Planning  
(Examination Procedure) Rules 2010****A38 Derby Junctions  
Development Consent Order 202[ ]**

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## Table of Contents

1	Woodland trust
2	Carol Leake
3	S Wheeler
4	Sarah Fowler
5	Anne Morgan
6	Dr John Spincer
7	Dr David Young
8	Pauline Inwood
9	Graham McCulloch
10	Nick Arran
11	Diana Bruce
12	Ian Beck
13	R.L. Dodd
14	Jane Temple
15	Stephanie Dobson
16	Phil Moss
17	Ian Evans
18	Derby Friends of the Earth
19	Derby City Council
20	Derbyshire County Council
21	Environment Agency
22	Derby Climate Coalition
23	Euro Garages Limited
24	Derby Cycling Group
24	McDonald's restaurants Ltd
25	Erewash Borough Council

**Applicant's Responses to Information or Submissions Received by Deadline 6**

This document provides the comments of Highways England (the Applicant) on some of the responses made by Interested Parties to the Planning Inspectorate on Deadline 6, 03 March 2020 in respect of the A38 Derby Junctions scheme (the Scheme) Development Consent Order (DCO) application.

The Applicant has sought to provide comments where it appeared to be helpful to the Examination to do so, for instance where a response includes a request for further information or clarification from the Applicant or where the Applicant consider that it would be appropriate for the Examining Authority (ExA) to have the Applicant's comments on a matter raised by an Interested Party in its response.

Where an issue raised within a response has been dealt with previously by the Applicant, for instance in the Applicant's own response to a question posed by the ExA or within one of the documents submitted to the Examination, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.

The Applicant has not provided comments on every response made by an Interested Party to the questions raised. In some cases, no comments have been provided, for instance, because the response provided a short factual response, it reiterated previously expressed objections in principle to the Scheme or expressions of opinion without supporting evidence, or it simply contradicted the Applicant's previous response to a question without providing additional reasoning.

For the avoidance of doubt, where the Applicant has chosen not to comment on matters raised by Interested Parties this is not an indication that the Applicant agrees with the point or comment raised or opinion expressed in that response.

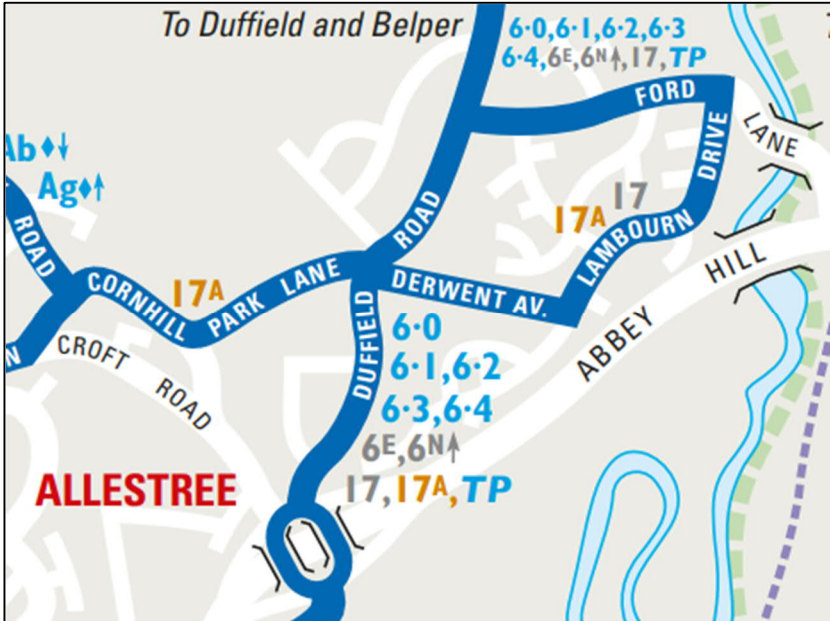
Source	Comment	Applicant's Response
<b>1) Woodland Trust</b> AS-049	<p><b>Veteran trees</b></p> <p>Natural England's Standing Advice on veteran trees states that they <i>"can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics... A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value."</i></p> <p>The proposed scheme will result in the loss of a veteran oak tree recorded as T358 within the Arboricultural Impact Assessment Report to facilitate the re-location of the Markeaton public footbridge. Therefore, the Trust would like to lodge <b>an objection</b> to this application.</p> <p><b>National planning policy and guidance</b></p> <p>The National Planning Policy Framework, paragraph 175 states: <i>"When determining planning</i></p>	<p>Comments are noted. As detailed in the National Policy Statement for National Networks (NPSNN) where veteran trees would be affected by a development, the applicant needs to set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.</p> <p>As detailed in Environmental Statement (ES) Chapter 8: Biodiversity [APP-046] there are number of veteran trees in the vicinity of the Scheme and located within the Scheme DCO boundary. All veteran trees within the Scheme DCO boundary would be retained and appropriately protected in accordance with the Outline Environmental Management Plan (OEMP) [REP6-007], other than the veteran tree (T358) located near the existing Markeaton footbridge which would be unavoidably lost due to the Scheme.</p> <p>The reasons for the unavoidable loss of this veteran tree are described in the Technical Note: Veteran Tree Loss T358 (examination document ref.8.85).</p> <p>In terms of the NPS NN, the loss of the veteran tree should be weighed in the balance against the clear national and local need for the development coupled with the significant benefits of that the Scheme will bring, including unlocking</p>

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	<p><i>applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists;</i></p> <p>Paragraph 5.32 of the National Policy Statement for National Networks states: "<i>The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.</i>"</p>	<p>future investment in the City of Derby and the time savings a less congested route will bring.</p>

Source	Comment	Applicant's Response
	<p>Natural England's Standing Advice for protecting veteran trees is as follows: <i>"A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter."</i></p> <p><b>Impact of proposals</b></p> <p>The following scheme will result in the direct loss of a veteran oak tree. It is essential that no trees displaying ancient/veteran characteristics are lost or damaged as part of the project, as any loss would be highly deleterious to the wider environment of veteran trees within close proximity, which may harbour rare and important species.</p> <p><b>Conclusion</b></p> <p>In summary, the Woodland Trust requests that the veteran tree T358 is retained and afforded a Root Protection Area (RPA) in line with Natural England's Standing Advice.</p> <p>The Trust will remain opposed to the proposed project unless the scheme is revised to address our concerns. We consider the scheme is currently</p>	

Source	Comment	Applicant's Response
	in direct contravention of national planning policy due to the loss and damage to irreplaceable habitats.	
<b>2) Carol Leak</b> AS-048	<p>Transport assessment report (1) 8.1</p> <p>The proposed works would involve the closure of Ford Lane onto the A38 just before the Little Eaton roundabout.</p> <p>8.4.5</p> <p>As a result of the above, travel to and from the residential area west of the A6 would be restricted to two junctions with the A6, at Ford Lane and Derwent Ave. This would increase traffic at these junctions, increasing delays and most importantly will affect bus services along this major route as there are no bus lanes. Many people including myself rely on the bus service on this route and it is already subject to delay at peak times.</p>	<p>The Transport Assessment report <b>[REP3-005]</b> refers to the Ford Lane closure at paragraph 4.4.5 item (f). This road closure is required to safely facilitate the creation of the eastbound diverge and the slip road to connect with the improved Little Eaton grade separated roundabout. The anticipated traffic impacts of the Ford Lane closure are described in this document at section 8.4.</p> <p>The representation refers to the potential to increase delays to the bus services along this major route. There are many bus services that use the A6 Duffield Road, primarily these are "the Sixes" services operated by 'trentbarton' buses. However, there are also some bus services (No.17, No. 17A) that serve the Ford Lane / Lambourn Drive / Derwent Avenue circuit and that on a week day are of about one-hour frequency. The image below demonstrates which routes are served by which services.</p>



Source	Comment	Applicant's Response
		 <p data-bbox="1274 1066 2101 1217">There are discussions ongoing with DCiC, that will continue through the detailed design stage (i.e. PCF Stage 5), to determine the appropriate junction improvements to be implemented at the A6 Duffield Road / Ford Lane junction.</p>

Source	Comment	Applicant's Response
	<p>8.4.6</p> <p>The report states "Analysis of the junctions has shown that: The A6/Ford Lane would be over-capacity and may require some form of mitigation strategy. A potential improvement to the A6/Ford Lane junction might be to install traffic signals at the junction.</p> <p>The A6/Derwent Avenue would perform well with little queueing. As such, no mitigation is proposed at this location."</p> <p>This does not make sense as the junctions are 1/4 mile apart, so any delay affects both junctions. Traffic lights at one junction would then cause delay at the other and this is a very busy section of road during peak times.</p>	<p>The statements in the Transport Assessment report [<b>REP3-005</b>], paragraph 8.4.6, are based upon outputs from the Scheme's (SATURN) traffic model combined with isolated junction operational modelling. The closure of Ford Lane onto the A38 will remove all traffic passing-through the residential area as part of a longer journey.</p> <p>At the A6/ Derwent Avenue junction and the A6 / Ford Lane junction, with the Scheme, all the vehicles using the minor roads (i.e. using Derwent Avenue and Ford Lane) will have local origins and local destinations (i.e. traffic will be generated by local residents or by delivery vehicles supplying local houses). These locally generated trips will choose to use one or other of these two A6 junctions and drivers will choose to use the junction that they perceive to provide the shortest journey. The local resident trips that would – without the Scheme – have used the Ford Lane / A38 junction, were re-routed via one or other of the A6 junctions.</p> <p>The subsequent isolated operational junction assessments examined the ease with which the left-turn and the right-turn movements could be completed, given the likely number and size of gaps in the opposing traffic flows.</p>

Source	Comment	Applicant's Response
	<p>The effect of roadworks on the A38 lasting 3 1/2 to 4 years will exacerbate the delays and standing traffic on the A6. it will also lead to further delays to the bus service between Ripley, Belper and Derby.</p> <p>I had been considering buying a bicycle to travel from the Allestree to Derby city centre and back for work. There is no provision for cyclists on the A6 between Ford Lane and Darley Abbey. The cycle lanes beyond this are very a narrow part of the road and there is also no cycle lane between Broadway and the inner ring road on the A6. This is a very narrow section of busy road.</p> <p>Unfortunately I am left with the conclusion that it would be unsafe to travel this route by bicycle. So at a time when we should be encouraging people to travel by public transport and bicycle, in order to reduce carbon emissions and air pollution this scheme would make both of these options more difficult.</p>	<p>The improvements are at the Markeaton junction, on the A52 western radial into Derby, and at Little Eaton, on the A61 north-eastern radial into Derby. The A6 Duffield Road is on the northern radial into Derby and at its intersection with the A38 (Palm Court roundabout) there will be no major Works.</p> <p>The bus services between Ripley, Belper, Derby are provided by the "the Sixes" services operated by 'trentbarton'® buses, specifically the 6.1 (Wirksworth &amp; Bakewell), 6.2 (Belper &amp; Ripley), 6.3 (Belper &amp; Ripley) and the 6.4 (Belper). These services all use the A6 Duffield Road and will not be directly affected by the Works; these services will not be detrimentally impacted.</p> <p>During construction, the existing walking and cycle routes will be retained or, in a few cases, locally diverted.</p> <p>On completion of the Scheme, some of the heavy traffic will be removed from the local roads and the environment for walking and cycling will be improved.</p> <p>Highways England will support the increased use of cycling modes during the construction period. Highways England's (together with its contractor) has attended the Derby Behavioural Change Group and will continue to engage</p>

Source	Comment	Applicant's Response
		with this Group during the construction period to explore ways to encourage more cycling.
	<p>I am concerned about the reduction in air quality in my area during the 3 1/2 to 4 year construction period.</p> <p>Derby is already a mandated city with regard to air pollution and any construction work is bound to increase this problem. We should have an emphasis on reducing traffic in general rather than providing wider roads at the expense of the environment.</p>	<p>Impacts of Scheme construction on local air quality have been assessed and reported in the ES Chapter 5: Air Quality [APP-043]. This indicates that properties within 200m of the Scheme construction site boundary are expected to have a slight adverse impact from dust soiling and increased PM<sub>10</sub> (fine particulate matter) concentrations due to dust emissions from Scheme construction activities. Such dust effects will be limited through the implementation of appropriate dust mitigation measures and these are detailed in the OEMP [REP6-007].</p> <p>Air quality impacts associated with vehicles during the construction phase have also been investigated and reported in ES Chapter 5: Air Quality [APP-043]. Annual mean nitrogen dioxide (NO<sub>2</sub>) concentrations are at risk of exceeding the NO<sub>2</sub> objective and limit value in Stafford Street in the city centre in 2021 both with and without Scheme construction traffic management, however, DCiC will be implementing traffic management measures to reduce traffic flows and improve air quality in Stafford Street as part of their Air Quality Action Plan. A38 construction traffic management measures are likely to result in an</p>

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		<p>imperceptible change or a small improvement in NO<sub>2</sub> concentrations in Stafford Street depending upon the stage of the works. NO<sub>2</sub> concentrations are predicted to achieve the objectives and limit values at all other properties during Scheme construction. All PM<sub>10</sub> objectives and limit values are predicted to be achieved in 2021. During Scheme construction, some receptors would experience an increase in concentrations, whilst others would experience a decrease, however, overall, there would be a slight deterioration in local air quality at properties within the study area, but this deterioration would be temporary during the Scheme construction phase. Operation of the Scheme is expected to improve air quality overall, with a greater number of properties expected to have an improvement rather than a deterioration in air quality.</p>
	<p>This scheme is shortsighted, outdated and following the recent court ruling on Heathrow airport expansion may be unlawful.</p>	<p>With regard to the implications of the Heathrow airport ruling, the Scheme is being promoted pursuant to the National Policy Statement for National Networks (NPS NN) which is government policy and was ratified by Parliament. The NPS NN is lawful policy against which the Scheme needs to be considered.</p> <p>ES Chapter 14: Climate [APP-052] assesses the Scheme effects on carbon emissions during both the construction</p>

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		<p>phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's GHG impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial. In such circumstances, Highways England has considered GHG emissions from the Scheme in the context of the UK's new net zero target set in 2019 and does not consider that this gives cause to alter the assessment findings – refer to HE response to the ExA first written questions (question 2.1 in [REP1-005]).</p>
<b>3) S. Wheeler</b> AS-047	<p>I live [redacted] and am very worried about the impact of this project on the local area.</p> <p>1) - I do not agree with increasing the capacity of the road to take more pollution producing cars.</p>	<p>The need for the Scheme is explained in (Volume 7.2) Planning Statement &amp; NPS Accordance Table [APP-252]. At paragraph 2.1.13 it states: <i>"The Scheme is being promoted to address an acknowledged problem with traffic congestion as a result of conflict between strategic traffic movements passing through the area and local trips. As a grade separated junction improvement, the Scheme would deliver congestion relief and increase the resilience of the highway network through adding extra capacity."</i></p> <p>The Scheme's traffic forecasts were prepared in line with Department of Transport appraisal guidance. The traffic</p>

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		<p>forecasting model included a variable demand process that accounts for the potential for the Scheme's improved journey times (which result as a consequence of increasing the highway capacity) to induce new car trips. Refer to the Transport Assessment report <b>[REP3-005]</b> at paragraphs 4.3.10 and 4.5.2.</p> <p>The induced trips that will be generated by the Scheme were included within the traffic forecasts that were used for the environmental assessments. So, Highways England's assessments takes account of increasing the capacity of the road to take more vehicles.</p> <p>The air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality <b>[APP-043]</b>. This indicates that overall, operation of the Scheme is expected to result in a slight improvement in local air quality at properties within the study area as a greater number of properties are expected to have an improvement rather than a deterioration in air quality in the opening year. Stafford Street (A601), which is the focus of DCiC's traffic management measures to improve air quality, would have an improvement in air quality with the Scheme in operation.</p>



Source	Comment	Applicant's Response
	2) - Priority should be given to cycling, walking and public transport rather than more car use.	<p>The Scheme will improve facilities for non-motorised and public transport users. However, it is important to note that the Scheme is for the alteration of and upgrade to an existing trunk road. The Scheme is supported by government policy and funding through the NPS NN and RIS1.</p> <p>As part of the Scheme, however, grade separating the junctions will reduce journey times for walking and cycling. Compared with the existing Toucan crossings of the A38, the replacement crossing will no longer have to accommodate the strategic traffic flow volumes and will therefore be more responsive to non-motorised users' demands to cross (for example, the wait time after pressing the button will be less with the Scheme, or – at times of the day with lower vehicle flows – the user of the crossing might not need to press the button because there are sufficiently large gaps between successive vehicles to allow a safe crossing).</p> <p>At the Markeaton junction and the Little Eaton junction, the carriageway widths crossed will be shorter than the existing crossings of the A38. At Kingsway junction and at Brackensdale Avenue, there will be new signal-controlled crossing facilities where there were none before.</p>



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		<p>Grade separation will also remove the interactions between strategic vehicle movements and buses, which will improve the reliability of bus journeys and make public transport more appealing. DCC's First Written Questions response <b>[REP1-033]</b> at item 4.45, refers to the Little Eaton junction and agrees with this position.</p> <p>The Scheme will also make new provisions for walking and cycling, which will enhance the existing provisions.</p>
	<p>3) - The increased traffics will have an adverse effect on the air quality which is already poor. This will especially impact on local families and the Markeaton School children.</p>	<p>As detailed above, overall Scheme operation is expected to result in a slight improvement in local air quality at properties within the study area (refer to ES Chapter 5: Air Quality <b>[APP-043]</b>). With operation of the Scheme, the majority of traffic on the A38 will be able to travel through Markeaton junction without stopping at the roundabout which will reduce stop-start inefficiencies and the increased emissions from queuing.</p> <p>Traffic flows on the A38 are expected to be slightly higher with the Scheme, because the faster travel times along the A38 would attract traffic away from local roads, which will improve the air quality on some local roads.</p> <p>The air quality at locations in the vicinity of the Scheme will achieve all air quality objectives and limit values in the Scheme's opening year (2024).</p>

Source	Comment	Applicant's Response
	4) - Trees will be chopped down when the science behind Climate Change suggests we need to plant more trees.	During the development of the Scheme design, HE has sought to minimise the loss of existing trees, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [APP-068]). Land use changes associated with the Scheme have been taken into account by the climate assessment as reported in ES Chapter 14: Climate [APP-052].
	5) - The works will affect biodiversity in the area, especially in Markeaton Park.	<p>The ecology and biodiversity effects of the Scheme have been investigated and reported in ES Chapter 8: Biodiversity [APP-046]. As part of the Scheme in addition to landscape planting, HE will implement a wide range of ecology mitigation features – these are illustrated in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [APP-068]).</p> <p>With regard to replacement tree planting in Markeaton Park, HE will deliver a landscape design that results in a net increase in trees. With the mitigation provided, the Scheme will have a non-significant (neutral) effect on the Markeaton Park Local Wildlife Site (LWS) which covers much of the park.</p>

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	6) - For an extended time I will find it difficult to do my job due to traffic chaos.	<p>The residential address of S Wheeler has been redacted and therefore it is not possible to provide a focused response.</p> <p>The Traffic Management Plan [Document ref 7.4(b)] submitted at deadline 7, recognises the requirements of customers and sets out the processes for improving customer satisfaction, minimising the traffic impacts of construction, and informing the public about what is happening.</p> <p>The 'Customer and Stakeholder Manager' (referred to in the Traffic Management Plan) will be appointed by Highways England and will be based in the Project construction offices in Derby from the start of the works and throughout the construction period.</p>
4) Sarah Fowler AS-046	I object to granting a Development Consent Order to Highways England project TR010022 on the grounds that the planning process is <b>unlawful</b> because it has not taken into account the June 2020 Government commitment to cut carbon emissions to net zero by 2050.	ES Chapter 14: Climate [APP-052] assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's GHG impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial. In such circumstances, Highways England has considered GHG emissions from the Scheme in the context of the UK's new

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		<p>net zero target set in 2019 and does not consider that this gives cause to alter the assessment findings – refer to HE response to the ExA first written questions (question 2.1 in [REP1-005]).</p> <p>ES Chapter 14: Climate [APP-052] presents a range of greenhouse gas mitigation measures. During the development of the Scheme detailed design HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</p> <p>With regard to the Heathrow airport ruling, Highways England has no comment to make on the judgment save to say that the Scheme is being promoted pursuant to the NPS NN, which is government policy and was ratified by Parliament. The NPS NN is lawful policy against which the Scheme needs to be considered.</p>
<b>5) Anne Morgan</b> AS-045	<p>I object to granting a Development Consent Order to Highways England project TR0 10022 on four grounds.</p> <p>1. The cost / benefit ratio no longer holds true under the present circumstances.</p>	<p>The benefit to cost ratio is not an issue for the DCO. The need for the Scheme is explained in (Volume 7.2) Planning Statement and NPS Accordance Table document [APP-252].</p> <p>Highways England uses a Project Control Framework (PCF) that requires the project team to produce a number of documents and carry-out a number of processes. One of</p>

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		<p>the tasks under the PCF is to check, at each stage of the project's development, that the Scheme will provide value for money to the public purse. The assurance (or not) that the Scheme should continue to be included within the Road Investment Strategy (RIS) is then fed back to the Department of Transport.</p> <p>The net present value (NPV) of the Scheme, as assessed at the end of PCF Stage 3, was £228 million benefit. In accordance with HM Treasury's Green Book accounting rules, this value is provided as a 2010 market price and discounted to a 2010 present value year. The NPV is a measure of the economic benefit provided by the Scheme after all social costs have been subtracted.</p> <p>The Scheme has a very strong economic benefit and there would need to be some substantial increases in the costs for this large net benefit of the Scheme to be reversed. The next project evaluation will be at the end of PCF Stage 5 (the permit to construct decision point). No significant change is anticipated.</p>
	2. Danger of collisions The slip road from Kedleston Road has no sight lines either for the driver on the slip road or for drivers already on the A38, that would carry some who have to leave via that slip road.	2) The Kedleston Road junction slip roads will be amended to be a 'lane gain and lane drop' arrangement. (the merge slip roads to be lane gain (dedicated merge lane) and the diverge slip roads to be lane drop (dedicated diverge lane).

Source	Comment	Applicant's Response
		<p>The proposed design provides the required sight distances for vehicles in both the northbound and southbound directions on both the slip roads and those vehicles already travelling on the A38. This means that vehicles heading southbound from Kedleston Road will enter the A38 via the lane gain, which forms the new lane 1, allowing the vehicles to enter the A38 with ease. The sight lines have been assessed using the DMRB TD9/93 standard.</p> <p>It is noted that since the submission of the scheme for DCO, the TD9/93 design standard has been replaced with CD109, the new standard does not change the sight distances requirements and the designed sight distances remain compliant.</p>
	<p>3. The Local Flood Authority have raised concerns about the disruption of the flows of ground water. The amount of ground water is certain to rise if the trees and other vegetation is removed as proposed. Those mature trees abstract water from the ground during their transpiration, carrying as they do millions of leaves</p>	<p>3) Derby City Council (DCiC) did raise concerns regarding the potential for the cutting at Markeaton junction to intercept groundwater flows towards Markeaton Lake. However, groundwater flow direction within the area is eastwards towards Markeaton Lake and Markeaton Brook. This is parallel to the alignment of the underpass such that groundwater flows would not be obstructed by underpass construction and thus long-term significant effects on groundwater flows would be avoided (neutral effects) (refer to ES Chapter 13: Road Drainage and the Water Environment). As such, the Scheme will not increase the</p>

Source	Comment	Applicant's Response
		<p>risk of groundwater flooding. This was reported in the updated Flood Risk Assessment for Markeaton junction <b>[REP4-010]</b>, noting that DCiC no longer have any concerns. It is considered that given the scale of effects on trees and other vegetation (and given replacement planting), any effects on groundwater levels due to impacts upon trees will not have any implications for area flooding risks.</p>
	<p>4. The Proposed mitigation has not been shown to show equal environmental value.</p>	<p>4) The full environmental effects of the Scheme are reported in the Environmental Statement (ES), with the proposed mitigation features detailed in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H <b>[APP-068]</b>, as well as the significance of residual effects (i.e. effects after mitigation).</p> <p>Regarding biodiversity, as detailed in ES Chapter 8: Biodiversity <b>[APP-046]</b>, there would be a moderate adverse significant effect (at the County or Unitary Authority scale) on the A38 Kingsway Roundabout LWS due to complete permanent loss of this LWS. However, there is potential for there to be up to a moderate beneficial significant effect (at the County or Unitary Authority scale) on biodiversity in the medium to long term; particularly on standing water (ponds), running water, foraging and commuting bats, otter, terrestrial invertebrates, aquatic invertebrates and fish.</p>

Source	Comment	Applicant's Response
<b>6) Dr John Spincer</b> AS-044	<p>I am strongly opposed to the work and construction of a flyover on the A38 at Breadsall</p> <p>The construction will cause some 4 years of chaos and no doubt put local business] in to difficulty or bankruptcy</p> <p>It will cause total chaos in Derby and the local area</p> <p>Derby is a crossroads for the East to WEST and North to South, with road, rail and airline links</p> <p>I use this junction daily often many times and the congestion problem is really only around traditional rush hour + Friday pm and it</p>	<p>The Scheme is identified in the Road Investment Strategy (RIS).</p> <p>The Little Eaton junction will be constructed in several construction phases, as identified in the Traffic Management Plan [<b>APP-254</b>]. The new carriageways will be constructed alongside the existing A38 and then the existing traffic will be transferred onto these new carriageways as they become constructed. There will be some requirements for short-period road closures; for example, to switch to the next phase traffic management layout; but these closures are likely to take place at night and certainly outside of the traditional rush hours.</p> <p>Highways England does not agree that the construction will cause chaos in Derby and the local area.</p> <p>As a regular user, Dr Spincer will benefit from the improved journey times and reduced congestion once it is open to traffic.</p>



Source	Comment	Applicant's Response
	The flyover will total alter the environment at present we have a wild life development via a permanent lake, with many species of animal, where the proposed flyover development would destroy during its development	<p>We presume that this refers to the flooded area to the south of the A38 located within the Alfreton Road Rough Grassland Local Wildlife Site (LWS). Please refer to HE's Technical Note submitted to the ExA at Deadline 4 [<b>REP4-023</b>]. This Technical Note indicates that the Scheme would result in the permanent loss of approximately 16% (0.64ha) of the LWS. However, this loss would not have an adverse effect on the functional integrity of the LWS given that the Scheme would not affect the inundation area/drawdown zone area which is of most biodiversity interest (botanically and for ornithology). Overall the Scheme would have a non-significant (neutral) effect on the LWS following implementation of the defined mitigation measures.</p> <p>A dense shelterbelt and hedgerows would be planted along the southern and eastern edges of the new A38 alignment at Little Eaton junction to screen bird species which are (or likely to be) nesting in the surrounding habitats from road traffic using the Scheme. This shelterbelt would also help screen birds using the pastures at Alfreton Road Rough Grassland LWS from road traffic disturbance. Refer to ES Chapter 8: Biodiversity [<b>APP-046</b>] for further details.</p>

Source	Comment	Applicant's Response
	<p>Analysis of the traffic will demonstrate an excess number of commercial developments and alternatives to these should be investigated nationally</p> <p>Removal of traffic from the road is a sensible solution rather than build an inexhaustible supply of roads which will never be adequate</p>	<p>The A38 is part of the strategic road network and is providing for the movement of private and commercial traffic movements at the national level.</p> <p>An analysis of the traffic movements in 2015 indicated there were 50,300 vehicles per day on the A38 to the north of the Little Eaton junction, of which 21,100 vehicles per day (42%) were also on the A38 to the south of the Kingsway junction. <i>[Note, 21,100 vpd is 48% of the 44,000 vpd observed on the A38 south of Kingsway]</i>. The A38 is serving inter-urban journeys.</p> <p>On the A38 to the north of the Little Eaton junction, 27% of the vehicles were heavy goods vehicles. On local road types the HGV percentage is typically about 10%. The high proportion of HGV movements on the A38 is a confirmation of the strategic use of the A38.</p> <p>The A38 is carrying commercial and long-distance journeys; i.e. the A38 is regarded as nationally significant infrastructure.</p> <p>The grade separation of the A38 corridor from the local traffic using the B6179 and the A61 will improve the transport efficiency of national journeys at all times of the day, not just in the traditional rush hours.</p>

Source	Comment	Applicant's Response
	In these days of carbon emissions this sees a more sensible approach	ES Chapter 14: Climate [APP-052] assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets.
	Noise will be an issue and consultations around this area are encouraging as tree fences make little difference whereas speed and road surface do and we gather there will be no speed limit.	ES Chapter 9: Noise and Vibration [APP-047] assesses the operational traffic noise effects of the Scheme. At Little Eaton junction a range of noise mitigation measures are included in the Scheme design (refer to the Environmental Masterplans ES Figures 2.12F and 2.12G [APP-068] – this includes a 2.5m high noise/ screening barrier on the southbound diverge slip road to the A61 at Little Eaton junction and a 2.5m noise/ screening barrier on the southbound A38 mainline. In addition, the Scheme carriageway would be constructed with low noise road surfacing. With the noise mitigation features provided, there would be negligible traffic noise level increases at the worst affected façades of properties within Breadsall. With the noise barriers in place, slight reductions in traffic noise are anticipated at the western façade of some of the closest properties facing the A38. It is noted that through Little Eaton junction the speed limit would be 70mph, with an advisory speed of 50mph.

Source	Comment	Applicant's Response
	Interesting that A38 has been closed further south recently due FLOODING	It is noted that flood risk assessments (FRAs) have been prepared for each junction (refer to ES Appendices 13.2A [REP4-009], 13.2B [REP4-010] and 13.2C [APP-231]. Given the incorporation of appropriate flood risk mitigation features in the Scheme design, as indicated in ES Chapter 13: Road Drainage and the Water Environment [APP-051], the Scheme would not have any adverse effects with regard to flooding (neutral non-significant effect), and in some cases there would be slight beneficial effects upon downstream flooding. It is also noted that the flood risk assessments and the highway runoff system design make appropriate allowances for climate change.
	If this must be constructed why not an underpass, under the Derwent tes more expensive but more satisfactory over the many years of its lifetime	An underpass at this junction is not part of the scheme and hasn't been previously considered in detail as it is not a feasible option as there are a number of existing constraints precluding this as an option such as: <ul style="list-style-type: none"> <li>Part of the Little Eaton junction is in an area designated by the Environment Agency as a floodplain for the river Derwent and as such would place an underpass at risk of flooding.</li> <li>Other features within the immediate vicinity of the junction are the Midland Mainline Railway and the River Derwent itself.</li> </ul>

Source	Comment	Applicant's Response
		<ul style="list-style-type: none"> <li>To pass below the River Derwent a tunnel would be the only option. However, tunnelling in this area would be a prohibitively costly solution due to the depth needed in order to not impact the river bed and to reach competent ground. The tunnel would also need to go under the Midland Mainline Railway. To reconnect tunnelled section to the A38, the distances required to bring the road back to the existing A38 road levels would likely have the following impacts: <ul style="list-style-type: none"> <li>To the south, the tunnel portal would likely be located around the Palm Court junction which would lead to extensive works and reconfiguration of this junction.</li> <li>To the north, the tunnel portal would likely be located around the Severn Trent Water underbridge.</li> <li>Significant additional land take would be required with associated increase in costs and construction times also being significant with additional works at the existing junctions required.</li> </ul> </li> </ul> <p>A flyover scheme is the only feasible option for this location.</p>

Source	Comment	Applicant's Response
<b>7) Dr David Young</b> AS-043	<p>The debate about the A38 project seems to be reigniting based as we'd expect on the general distaste for the inevitable major disruption, major greenhouse gas generation and road expansion. I got this mail link from a protest piece in the Derbyshire Times today.</p> <p>I waver however as the argument to proceed promotes short term (4 years) pain to gain smooth A38 flow and avoid the blight of evermore toxic standing traffic queues twice daily at the three roundabouts. (I do hope that you are also including plans for decent bike and walkway access to Derby rather than the current chaotic, somewhat dangerous situation endured here since the 1970s.)</p> <p>Can you confirm that the pay - off from avoiding standing traffic in terms of pollution and carbon generation at least balance the concerns of the "Chaos in Derby" pressure group voiced above. Have you made this calculation against the backdrop of probable traffic diversion to the improved A38 in the coming decades?</p>	<p>The transport benefits of the Scheme after open-to-traffic were evaluated at £391 million. This overall transport benefit took into account the disbenefits of delays during construction, which was evaluated at -£2.3 million.</p> <p>The construction method will include measures and temporary road layouts to keep the journey times along the A38 within a couple of minutes of the existing journey times. This strategy is being taken to limit the number of drivers that consider alternative routes to the A38 and thereby avoid the perceived traffic "chaos in Derby" outcome.</p> <p>To intercept the longer-distance strategic trips using the A38, Highways England will use active information signs to display alternative strategic routes that could be used; e.g. via M1 and A50.</p> <p>The Scheme retains the existing walking and cycling network and enhances it where possible. For example, Highways England is sponsoring the construction of a length of the Derwent Valley Cycle Route plus a Toucan crossing of the A61 Alfreton Road. Within the limits of the works, the Scheme will enhance the existing walking and cycling provisions.</p>

Source	Comment	Applicant's Response
		A similar point was raised by S Wheeler <b>[AS-047]</b> ; see Applicant's response above.
<b>8) Pauline Inwood</b> AS-042	<p>I object to this proposed work for many reasons as below:-</p> <ul style="list-style-type: none"> <li>It involves massive cost that would be better spent on other transport infrastructure (buses, trains, cycling and walking routes) which does not encourage more massively polluting road traffic</li> </ul>	<p>The Applicant's response is the same as for points 2 and 3 made by S Wheeler <b>[AS-047]</b>.</p> <p>In summary, the Scheme will improve facilities for non-motorised users and will improve the reliability of bus services.</p>
	<ul style="list-style-type: none"> <li>An example of better use of road improvement funding around Derby would be bypassing the Swarkestone Bridge and saving a historic structure - there are other similar examples around Derby and Derbyshire</li> </ul>	<p>Highways England notes the narrow road widths and frequent vehicle strikes to the A514 Swarkestone Bridge causeway structure. However, the A514 is not part of the strategic road network and therefore is not within Highways England remit nor are any measures to improve this road proposed by Highways England as part of this Scheme.</p> <p>The local highway authority for this length of road is Derbyshire County Council.</p>
	<ul style="list-style-type: none"> <li>We are in a climate emergency declared by both Derby City Council and our national parliament, and this project flies in the face of improving the environment</li> </ul>	<p>ES Chapter 14: Climate <b>[APP-052]</b> assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets.</p>

Source	Comment	Applicant's Response
		<p>Highways England has considered GHG emissions from the Scheme in the context of the UK's new net zero target set in 2019, and does not consider that this gives cause to alter the assessment findings as detailed in ES Chapter 14: Climate [APP-052] – refer to HE response to the ExA first set of written questions (question 2.1 in [REP1-005]).</p> <p>ES Chapter 14: Climate [APP-052] presents a range of greenhouse gas mitigation measures. During the development of the Scheme's detailed design, HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</p> <p>Both Highways England in preparing the application for the Scheme and the ExA/SoS in considering the Scheme through the decision making process have to follow current policy. The NPS NN is current government policy which needs to be observed as part of the consenting process of the Scheme.</p>
	<ul style="list-style-type: none"> <li>Air quality will worsen in an already badly polluted city</li> </ul>	<p>The air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043]. This indicates that overall, the Scheme is expected to result in a slight improvement in local air quality at properties within the study area as a greater number of</p>



Source	Comment	Applicant's Response
		properties would have an improvement rather than a deterioration in air quality in the opening year. Stafford Street (A601), which is the focus of DCiC's traffic management measures to improve air quality, would have an improvement in air quality with the Scheme in operation.
	<ul style="list-style-type: none"> <li>Trees and green space on Markeaton Park will be lost when we are actively trying to improve tree cover</li> </ul>	<p>During the development of the Scheme's design, HE has sought to minimise the loss of existing trees, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [<b>APP-068</b>]). With regard to replacement tree planting in Markeaton Park, HE will deliver a landscape design that results in a net increase in trees.</p> <p>The Scheme will result in the loss of some public open space at Markeaton junction. Notwithstanding this, replacement land will be provided as part of the Scheme proposals, to mitigate for this loss, which will be formally provided as Public Open Space land. The replacement land provided will ensure there is no net loss of open space land as a result of the Scheme and as such is also considered to be of equal standing in qualitative terms to the land being lost. Further information is provided in Chapter 5 of the Planning Statement [<b>APP-252</b>].</p>
	<ul style="list-style-type: none"> <li>It has repeatedly been shown that increasing road capacity increases road traffic</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant's response is the same as for point 1 made by S Wheeler [<b>AS-047</b>].</li> </ul>

Source	Comment	Applicant's Response
	<ul style="list-style-type: none"> <li>Congestion, even if mitigated here in Derby, will only be pushed elsewhere (eg the M1 junction 38)</li> <li>The consequences of four years, or longer, of chaos during the project I understand will not be mitigated by any funding to help the city</li> </ul>	<ul style="list-style-type: none"> <li>Highways England addressed the point about increasing congestion at M1 Junction 28, by building a Scheme traffic model that simulates the operation of all the adjacent junctions. Where queues and delays will increase in future years at adjacent junctions, then the Scheme's traffic model reflects this effect in the overall journey times of trips. With the Scheme, any increase in queueing and delays at the downstream junctions has been deducted from the Scheme's transport economic efficiency appraisal benefits. After taking these disbenefit effects into account, the appraisal concluded that the Scheme will provide value for money.</li> <li>The Applicant's response to Pauline Inwood's point about chaos during the construction of the project is the same as the Applicant's response to Dr John Spincer <b>[AS-044]</b>. Regarding mitigation funding, the Behavioural Change Group has been established to identify measures that might be implemented to reduce the perceived traffic impacts.</li> </ul>
	<ul style="list-style-type: none"> <li>Like virtually all major infrastructure projects, this will almost certainly run over budget and over time – in four years the global climate emergency will be even further obvious to us</li> </ul>	<ul style="list-style-type: none"> <li>Highways England is confident that the Scheme can be completed on time and to budget.</li> <li>Highways England has considered GHG emissions from the Scheme in the context of the UK's new net zero target set in 2019, and does not consider that this</li> </ul>

Source	Comment	Applicant's Response
	all, and the necessary controls on road usage then will render this project a white elephant	<p>gives cause to alter the assessment findings as detailed in ES Chapter 14: Climate [APP-052] – refer to HE response to the ExA first set of written questions (question 2.1 in [REP1-005]).</p> <ul style="list-style-type: none"> <li>ES Chapter 14: Climate [APP-052] presents a range of greenhouse gas mitigation measures. During the development of the Scheme and through detailed design HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</li> </ul>
9) Graham McCulloch AS-041	This is a crazy scheme which would be environmentally damaging. Causing tonnes of CO2 to be released in it's construction. The £250m would be better spent on buses and bi cycle routes Which would ease road traffic congestion.	ES Chapter 14: Climate [APP-052] assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. A wide range of environmental mitigation features would be provided as illustrated in the Scheme Environmental Masterplans ES Figure 2.12A-H [APP-068]. ES Chapter 14: Climate [APP-052] presents a range of greenhouse gas mitigation measures. During the development of the Scheme detailed design HE will continue to review these mitigation measures and seek further opportunities to minimise carbon

Source	Comment	Applicant's Response
		<p>emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</p> <p>The Applicant's response to Graham McCulloch's point about buses and cycle routes is the same as for point 2 made by S Wheeler <b>[AS-047]</b>.</p>
<b>10) Nick Arran</b> AS-040	<p>The planned changes to the A38 junctions through Derby are inappropriate and outmoded.</p> <p>The last thing that is needed under the current conditions of climate change is a road modification that reduces green space, removes mature trees and increases traffic flow</p>	<p>The need for the Scheme is explained in the Applicant's Volume 7.2: Planning Statement &amp; NPS Accordance Table <b>[APP-252]</b>.</p> <p>ES Chapter 14: Climate <b>[APP-052]</b> assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets.</p> <p>ES Chapter 14: Climate <b>[APP-052]</b> presents a range of greenhouse gas mitigation measures. During the development of the Scheme detailed design HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</p> <p>Scheme effects, and proposed mitigation features, regarding landscape and habitats are detailed in ES</p>

Source	Comment	Applicant's Response
		<p>Chapter 7: Landscape and Visual [APP-045] and ES Chapter 8: Biodiversity [APP-046] respectively.</p> <p>The Scheme will result in the loss of some public open space at Markeaton junction. Notwithstanding this, replacement land will be provided as part of the Scheme proposals, to mitigate for this loss, which will be formally provided as Public Open Space land. The replacement land provided will ensure there is no net loss of open space land as a result of the Scheme and as such is also considered to be of equal standing in qualitative terms to the land to be lost. Further information is provided in Chapter 5 of the Planning Statement [APP-252].</p>
	<p>Widening the road and removing the roundabouts will surely increase traffic flow, most of which traffic will be medium to heavy freight, and when that is combined with increased speed limits will also increase noise and vibration. Whilst in the very long term, local pollution may be ameliorated by lower emission vehicles, that will not solve the issues of increased noise and vibration that are proportional to vehicle speed and vehicle numbers.</p> <p>Other sources of pollution (tyre wear and brake disk and pad degradation) may be reduced per</p>	<p>ES Chapter 9: Noise and Vibration [APP-047] assesses the impact of the Scheme on operational traffic noise levels at nearby properties. Mitigation is incorporated into the design by placing the new A38 mainline through Kingsway and Markeaton junctions in underpasses i.e. below the level of the existing junctions, which would screen traffic from nearby properties. Additional mitigation incorporated into the Scheme design includes the use of a low noise surface throughout and various noise barriers, including at Little Eaton junction, at the Royal School for the Deaf, north-east of Markeaton junction, and on both sides of the A38 between Brackensdale Avenue and Markeaton junction. As</p>

Source	Comment	Applicant's Response
	vehicle due to more constant speeds, but any improvement is likely to be removed or reduced by the increased traffic flow.	<p>the operation of the Scheme resolves the existing congestion issues at the junctions, some additional traffic is attracted to the area. In addition, the speed limit between Kingsway and Markeaton is increased from 40mph to 50mph. As a result, the overall trend is for a slight increase in traffic noise. However only one location, namely the Royal School for the Deaf is anticipated to experience a significant increase in traffic noise, at a limited number of locations within the school. Reductions in traffic noise are anticipated in the vicinity of existing accesses onto the A38 which are closed, including properties at Raleigh Street, Enfield Road and Ford Lane. Traffic noise levels are also reduced where the A38 would be realigned further away, including properties at Greenwich Drive South, Markeaton Park and Ford Farm Mobile Home Park.</p> <p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [<b>APP-043</b>]. This indicates that overall, operation of the Scheme in the opening year is expected to result in a slight improvement in local air quality at properties within the study area as a greater number of properties would have an improvement rather than a deterioration in air quality, this takes account of higher traffic flows on the A38 and lower traffic flows elsewhere.</p>

Source	Comment	Applicant's Response
		With the Scheme, much of the traffic on the A38 would be able to travel through the junctions without stopping at the roundabouts which will reduce time delays and emissions from stop-start traffic in queues.
	The increase in vehicle numbers making trunk journeys through Derby will surely reduce or remove any benefit to local traffic.	<p>The Applicant's response to this point about increased vehicle numbers on the trunk road is the same as the response to point 1 of Mr S Wheeler [AS-047].</p> <p>In addition to induced traffic, another reason that traffic flows on the A38 trunk road will increase is because the improved journey times along the A38 will attract vehicles away from those local roads through Derby. This change in drivers' route choice means that more vehicles will be travelling along more appropriate and safer routes, which will have large benefits to the local traffic, road safety and the environment in Derby.</p>
	The widening of the road will reduce the amount of green space and increase the amount of pollution and noise affecting the remaining green space.	It is presumed that the comments about road widening and effects on greenspace relate to Scheme effects upon Markeaton Park. The Scheme will result in the loss of some public open space at Markeaton junction. Notwithstanding this, replacement land will be provided as part of the Scheme proposals, to mitigate for this loss, which will be formally provided as Public Open Space land. The replacement land provided will ensure there is no net loss



Source	Comment	Applicant's Response
		<p>of open space land as a result of the Scheme and as such is also considered to be of equal standing in qualitative terms to the land to be lost. Further information is provided in Chapter 5 of the Planning Statement [APP-252].</p> <p>It is noted that with the Scheme traffic noise levels at the eastern side of Markeaton Park adjacent to the A38 will reduce given that the A38 mainline will be realigned further away from the park and will be located in an underpass through the junction. Air quality in the park will achieve the applicable air quality objectives set to protect human health.</p>
	<p>The process of creating the modification is expected to disrupt the area with construction work for four years (probably longer, as most infrastructure projects over-run pre-work estimates).</p> <ul style="list-style-type: none"> <li>• Work on the road itself will cause much worse congestion than happens at present, forcing traffic into Derby itself.</li> <li>• The temporary removal of the footbridge into Markeaton Park will disconnect the "green wedge" that connects Derby City centre with</li> </ul>	<p>The process of creating the modification has been given much attention by the project team and disruption to the area will be kept to a minimum.</p> <ul style="list-style-type: none"> <li>• The Applicant's response to Nick Arran's point relating to disruption during the construction work and forcing traffic into Derby is the same as the Applicant's response to the point made by Dr David Young [AS-043].</li> <li>• It is agreed that the construction of the new footbridge will require a temporary diversion of the pedestrian route. The diversion will be available using either the Markeaton junction or the Kedleston Road junction. To avoid this temporary closure, it would have been</li> </ul>



Source	Comment	Applicant's Response
	<p>the park land and country side to the North West of Derby.</p> <ul style="list-style-type: none"> <li>The closure of Markeaton Island carpark (greatly used by Derby University staff and students) will force cars into the local area looking for on street parking spaces. This will add significantly to the already high air pollution that local residents will have to endure during the four years.</li> </ul>	<p>necessary to build the replacement bridge prior to the demolition of the existing bridge and it was agreed with the City Council that this option was not desirable do to the increased impact it would have on the existing trees.</p> <ul style="list-style-type: none"> <li>The Markeaton Park car park will not be closed by the Scheme nor during the construction of the Scheme. The first phase of construction at the Markeaton junction is to construct the replacement Park access junction. Once this has been completed, this new access junction will be fully commissioned before the existing access into the Markeaton car park is decommissioned.</li> </ul>
	<p>There do not seem to be any compensatory projects (improved bus services, improved cycling infrastructure, compensatory green space) included in the plan.</p>	<p>The Applicant's response is the same as for point 2 made by S Wheeler <b>[AS-047]</b> regarding bus services and cycling infrastructure.</p> <p>.</p> <p>The scheme includes proposals to maintain and improve the existing local and national cycleway networks immediately around the A38, including the creation of a new route across Kingsway junction linking Mackworth to Kingsway.</p>

Source	Comment	Applicant's Response
		<p>A Behavioural Change Group has been setup that includes participants from Derby City Council, Highways England, local businesses, bus operators and others to further explore ideas around public transport services and wider cycling and NMU provisions within Derby City.</p> <p>Turning to compensatory green space, Highways England acknowledge that as part of the Scheme proposals there is some unavoidable loss of open space land, some of which is formally designated as Public Open Space, including Markeaton Park.</p> <p>Notwithstanding this, replacement land will be provided as part of the Scheme proposals, to mitigate for this loss, which will be formally provided as Public Open Space land. The replacement land provided will ensure there is no net loss of open space land as a result of the Scheme and as such is also considered to be of equal standing in qualitative terms to the land to be lost.</p> <p>Further information is provided in Chapter 5 of the Planning Statement [<b>APP-252</b>].</p>
	In summary, the project is a transport solution that predates current knowledge, that was planned years before declaration of the current climate	The A38 Derby Junctions Scheme has been identified as a priority at both the national and the local level in the support given to it through current adopted national and local policy.

Source	Comment	Applicant's Response
	emergency, will cause a degradation to the local environment of North West Derby and will contribute to global climate damage. It needs to be stopped and reconsidered.	<p>The need for the development of the national networks of which the A38 forms part of is recognised by the government of being the utmost importance. This is confirmed in paragraph 2.10 of the NPSNN which states:</p> <p><i>'The Government has therefore concluded that at a strategic level there is a compelling need for development of the national networks – both as individual networks and as an integrated system.'</i></p> <p>The Government also identifies the critical need to improve the national networks to address road congestion and support economic growth. The NPSNN states at paragraph 2.23 that the Government's wider policy is to bring forward improvements and enhancements to the network which will include (amongst other means) junction improvements, new slip roads and upgraded technology to:</p> <p><i>'Address congestion and improve performance and resilience at junctions which are a major source of congestion.'</i></p> <p>As such Highways England would draw attention to the fact that the NPSNN is a critical document which sets the framework within which a decision must be made as set out</p>

Source	Comment	Applicant's Response
		<p>within Section 104 of the PA2008 and is reinforced in the NPSNN itself at paragraph 1.2 which states:</p> <p><i>'The Secretary of State will use this NPS as the primary basis for making decisions on development consent applications for national networks nationally significant infrastructure projects in England.'</i></p> <p>Furthermore, the following summarises the adopted policies in place at the local level which provide a clear indication of the policy support for the Scheme.</p> <p><i>Derby City Local Plan – Part 1 (2017)</i></p> <p>The Derby City Local Plan recognises that the A38 carries heavy flows of long distance traffic and that where the A38 passes through Derby volumes of local traffic either cross, join or leave the A38 which results in congestion and delays at the Kingsway, Markeaton and Abbey Hill (also known as Little Eaton) junctions.</p> <p>The local plan recognises Highways England's longer-term proposals for the grade separation of the A38 Derby junctions to resolve this issue. The local plan states that DCiC will work with partners to deliver the Council's long-term transport strategy and support the implementation of</p>

Source	Comment	Applicant's Response
		<p>strategic proposals and initiatives including Highways England A38 Derby Junctions Grade Separation Scheme.</p> <p><u>Local Transport Plans</u></p> <p>This policy position of support is reinforced by the Local Transport Plans of both Derby City Council (Derby Local Transport Plan 3 (2011)) and Derbyshire County Council Local Transport Plan (DLTP) (2011) of which both documents recognise the role of the Scheme in addressing traffic congestion through the separation of strategic and local traffic movements and supporting economic growth with the DCC LTP stating that:</p> <p><i>'The A38 Derby junctions proposed by Highways England is critical to facilitating housing growth to the west of the city and the Scheme has already been identified as both a sub-regional and local priority.'</i></p> <p>In respect of Climate Change, as indicated in ES Chapter 14: Climate [APP-052], the Scheme effects with regard to carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. In addition, the Scheme design includes a wide range of environmental mitigation measures as detailed in the Environmental Masterplan (ES Figure 2.12A - 2.12H [APP-068]), noting</p>

Source	Comment	Applicant's Response
		that the full effects of the Scheme on the environment are reported in detail in the ES.
<b>11) Diana Bruce</b> AS-039	I am concerned about the changes planned for the A38 as I believe that too much emphasis has been placed on ensuring that the through traffic flows more smoothly with less attention paid as to how the road interacts with local road users both in vehicles as well as cyclists and pedestrians.	Please refer to the Applicant's responses to Pauline Inwood <b>[AS-042]</b> who makes the same points.
	This is an opportunity to improve cycling infrastructure especially on Kedleston and Ashbourne Roads, it would be very short sighted not to look at grade separated provision and toucan crossings. However it seems that the project, being one planned before the climate emergency was recognised by Parliament, is indeed short sighted.	<p>The Scheme will provide improved facilities for cyclists and other non-motorised users. This includes toucan crossings and replacement footbridges.</p> <p>Kedleston Road and Ashbourne Road are not part of the trunk road network maintained by Highways England. These roads are maintained by the local highway authorities.</p> <p>Notwithstanding a climate emergency being declared by Parliament, the Scheme is to be determined in accordance with the NPS NN (see s.104 of the Planning Act 2008). This document is the policy which Highways England considers supports the Scheme's development (as set out in the Planning Statement).</p>

Source	Comment	Applicant's Response
	<p>If local traffic is held up in order to facilitate the A38 traffic, then local air quality will suffer. It is also likely to take a hit due to the higher speed limits and increased volume of traffic especially logistic company lorries which will probably quickly reduce the benefits gained by the road changes. Much research backs up the case that road improvements attract higher levels of traffic that before so increasing noise and pollution due to tyre residue etc. There were previous issues with the cleaning programme of the pond near the current pedestrian bridge between Ashbourne and Kedleston Roads and if traffic volume is increased the cycle of cleaning operations would have to reviewed.</p>	<p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [<b>APP-043</b>]. This indicates that overall, the Scheme is expected to result in a slight improvement in local air quality at properties within the study area with a greater number of properties having an improvement in air quality rather than a deterioration, in the opening year. Traffic flows are expected to increase on the A38 with operation of the Scheme but emissions from vehicles will continue to decrease in the future with the uptake of cleaner and zero emission vehicles into the vehicle fleet.</p> <p>With regard to noise, ES Chapter 9: Noise and Vibration [<b>APP-047</b>] assesses the impact of the Scheme on operational traffic noise levels at nearby properties. Mitigation is incorporated into the design by placing the new A38 mainline through Kingsway and Markeaton junctions in underpasses i.e. below the level of the existing junctions, which would screen traffic from nearby properties. Additional mitigation incorporated into the Scheme design includes the use of a low noise surface throughout and various noise barriers, including at Little Eaton junction, at the Royal School for the Deaf, north-east of Markeaton junction, and on both sides of the A38 between</p>

Source	Comment	Applicant's Response
		<p>Brackensdale Avenue and Markeaton junction. As the operation of the Scheme resolves the existing congestion issues at the junctions, some additional traffic is attracted to the area. In addition, the speed limit between Kingsway and Markeaton is increased from 40mph to 50mph. As a result the overall trend is for a slight increase in traffic noise. However only one location, namely the Royal School for the Deaf is anticipated to experience a significant increase in traffic noise, at a limited number of locations within the school. Reductions in traffic noise are anticipated in the vicinity of existing accesses onto the A38 which are closed, including properties at Raleigh Street, Enfield Road and Ford Lane. Traffic noise levels are also reduced where the A38 would be realigned further away, including properties at Greenwich Drive South, Markeaton Park and Ford Farm Mobile Home Park.</p> <p>With regard to Scheme effects on water quality, this is considered in ES Chapter 13: Road Drainage and the Water Environment [<b>APP-051</b>]. Given that the Scheme would collect and appropriately treat highway runoff, water quality within Mill Pond (located adjacent to the footbridge) is anticipated to improve.</p>



Source	Comment	Applicant's Response
	There has been very limited information locally as to measures to reduce the impact of the 4 years of construction involved with this project. The closure of the Markeaton Island car park will mean that hundreds of university connected vehicles will be displaced. Unless suitable alternative provision is available then the students are going to be desperately circling residential areas looking for parking spaces which has implications for air quality and road safety. The issue of rat running through local residential areas is another matter on which no information has been provided, unless measures are in place to prevent such rat running, again local air quality and safety issues arise.	The Markeaton Park car park will not be closed by the Scheme nor during the construction of the Scheme. The first phase of construction at the Markeaton junction is to construct the replacement Park access junction. Once this has been completed, this new access junction will be fully commissioned before the existing access into the Markeaton car park is decommissioned.
	I understand that having, unfortunately, built a trunk road through a whole chunk of Derby that there are frequent build ups in traffic which this project is designed to resolve but feel that the disadvantages of the project have not been highlighted enough with all the focus being on people hoping for faster journey times.	The impacts of the Scheme on the environment are reported in the ES. It will be for the Examining Authority (ExA) to make recommendations regarding whether the Scheme accords with applicable policy, noting that the final decision will be made by the Secretary of State for Transport.
<b>12) Ian Beck</b> AS-038	Leaflet received through post to day asking for support to ban this much needed improvement. Absolutely ridiculous - the project needs to move forward at the earliest opportunity to free up the	Comments are noted.

Source	Comment	Applicant's Response
	<p>traffic chaos around Derby every morning and evening,</p> <p>An ardent supporter of the scheme</p>	
<p><b>13) R.L. Dodd</b></p> <p>AS-037</p>	<p>During the proposed works the local residents of Darley Abbey, Strutts Park, Little Chester and Breadsall will have to put up with the resulting congestion during rush hours thus an increase of vehicle exhaust emissions.</p> <p>I have 2 suggestions,</p> <p>1) carry out the works outside rush hours. or/and</p> <p>2) Set up a diversion starting at Junction 28 on the M1 so that vehicles travel down the M1 to Jct 24 and go down the A50 towards the A38 (Burton upon Trent /Uttoxeter/Stoke on Trent) this will relive some congestion, be quicker for LGVs wanting to go to any of the destinations referred to above.</p>	<p>Dr John Spicer <b>[AS-044]</b> makes a similar point about traffic impacts during construction. Please refer to the Applicant's response to Dr John Spicer.</p> <p>The Air quality impacts associated with vehicles during the construction phase have also been investigated and reported in ES Chapter 5: Air Quality <b>[APP-043]</b>. This indicates that air quality objectives and limit values will be achieved in the areas cited.</p> <p>1) Construction will be undertaken outside of rush hour where the nature of the Works operation permit. However, given that there are residential areas in the vicinity of the Scheme, some operations will have restrictions on night time and weekend working. The Outline Environmental Management Plan (OEMP) <b>[REP6-007]</b> defines core working hours to be 07:30 – 18:00 Monday to Friday, and 08:00 – 13:00 Saturday with no working on Sundays and Bank Holidays. Refer to the OEMP for further details and exclusions.</p> <p>2) Dr David Young <b>[AS-043]</b> makes a similar point about traffic impacts during construction. Please refer to the Applicant's response to Dr David Young. In summary, to</p>

Source	Comment	Applicant's Response
		intercept the longer-distance strategic trips using the A38, Highways England will use active information signs to display alternative routes that could be used; e.g. via M1 and A50.
<b>14) Jane Temple</b> AS-036	<p>I object to the A38 works. The road-widening will add two extra lanes of traffic and result in the loss of many mature trees. The upgrading of the road will lead to an increase in traffic. This is at odds with the urgent need to reduce carbon dioxide emissions.</p> <p>Instead it would be better to improve public transport and make walking and cycling more attractive, thus reducing congestion on the route by cutting car traffic. This would not only cut carbon emissions but also improve air quality in Derby.</p>	<p>It is presumed that the comment refers to Scheme impacts upon Markeaton Park. With regard to trees during the development of the Scheme design, HE has sought to minimise the loss of existing trees, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [<b>APP-068</b>]). With regard to replacement tree planting in Markeaton Park, HE will deliver a landscape design that results in a net increase in trees.</p> <p>S Wheeler [<b>AS-047</b>] makes a similar point about the potential for an increase in traffic with the Scheme and the need to reduce emissions from cars. Please refer to the Applicant's response to S Wheeler.</p> <p>With regard carbon emissions, ES Chapter 14: Climate [<b>APP-052</b>] assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are</p>

Source	Comment	Applicant's Response
		<p>not deemed to be significant in the context of the current UK carbon budgets.</p> <p>ES Chapter 14: Climate <b>[APP-052]</b> presents a range of greenhouse gas mitigation measures. During the development of the Scheme detailed design HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target</p> <p>S Wheeler <b>[AS-047]</b> makes a similar point about giving priority to improving public transport. Please refer to the Applicant's response to S Wheeler's point 2.</p> <p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality <b>[APP-043]</b>. This indicates that overall, the Scheme is expected to result in a slight improvement in local air quality at properties within the study area in the opening year.</p>
<b>15) Stephanie Dobson</b> AS-035	I'd like to object and voice my concerns about the proposed road infrastructure project between Kingsway and Little Eaton island on the A38. Quite apart from the felling of mature trees along the stretch of road next to Markeaton Park, the	S Wheeler <b>[AS-047]</b> makes a similar point about the potential for increased road capacity to increase traffic flows. Please refer to the Applicant's response to S Wheeler's point 1.

Source	Comment	Applicant's Response
	<p>demolition of housing and impact on surrounding businesses and residents, I feel this project will do little to actually tackle the congestion on the A38. Indeed, there is significant proof from other schemes that increasing road capacity in this way simply encourages more traffic, resulting in a vicious cycle of congestion. What's more, increasing the number of vehicles on our roads cannot be the way to tackle the climate emergency. I'd like Derby City Council to instead focus on tackling road congestion in a different way - looking at better bus routes, Park and Ride systems, improving cycle lanes and walking routes etc.</p> <p>Other cities are doing this, why can't Derby?</p>	<p>With regard to trees during the development of the Scheme design, HE has sought to minimise the loss of existing trees, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [<b>APP-068</b>]). With regard to replacement tree planting in Markeaton Park, HE will deliver a landscape design that results in a net increase in trees.</p> <p>It is accepted that the Scheme will require the demolition of houses at Markeaton junction which is recognised a significant effect in the ES (refer to ES Chapter 12: People and Communities [<b>APP-050</b>]). HE is consulting with all affected property owners. ES Chapter 12: People and Communities [<b>APP-050</b>] also assesses Scheme effects during both Scheme construction and operation on surrounding businesses and residents.</p> <p>Derby City Council (DCiC) has already implemented Park and Ride systems in Derby (although these are outside of Highways England's remit). The need for the A38 Derby Junctions grade separation is to improve the transport efficiency for strategic and commercial journeys. As noted in the Applicant's response to Dr John Spincer [<b>AS-044</b>], 42% of traffic on the A38 is through traffic and 27% of</p>

Source	Comment	Applicant's Response
		<p>vehicles are heavy goods vehicles. The transport intervention has been developed to address the specific transport problems on the A38.</p> <p>The Scheme will retain the existing walking and cycling facilities and where possible these will be enhanced. Please refer to the Applicant's response to S Wheeler [AS-047] at point 2.</p>
<b>16) Phil Moss</b> AS-034	<p>I would like to register an objection to the proposed A38 road development around Derby for the following reasons:</p> <ul style="list-style-type: none"> <li>Both national and local government have declared climate emergencies and this scheme will increase traffic in a city which already has very poor air quality. This will be compounded by the felling of mature trees along the route, especially in Markeaton Park – such trees take carbon dioxide out of the air, and play a role in removing other pollutants produced by vehicles. Mature trees cannot be replaced easily or quickly.</li> </ul>	<ul style="list-style-type: none"> <li>With regard carbon emissions, ES Chapter 14: Climate [APP-052] assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets.</li> <li>ES Chapter 14: Climate [APP-052] presents a range of greenhouse gas mitigation measures. During the development of the Scheme detailed design HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</li> <li>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043]. This indicates that overall the Scheme is expected to result in a slight</li> </ul>

Source	Comment	Applicant's Response
		<p>improvement in local air quality at properties within the study area in the Scheme opening year with a larger number of properties expected to have an improvement rather than a deterioration. With operation of the Scheme, improvements in air quality are also expected in Stafford Street in the city centre which currently has the highest NO<sub>2</sub> concentrations in Derby.</p> <ul style="list-style-type: none"> <li>With regard to effects upon trees, during the development of the Scheme design HE has sought to minimise the loss of existing trees, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [<b>APP-068</b>]). With regard to replacement tree planting in Markeaton Park, HE will deliver a landscape design that results in a net increase in trees.</li> <li>In respect of the declaration of a climate emergency, the Scheme application is to be determined by the Secretary of State in accordance with s.104 of the Planning Act and the relevant National Policy Statement – in this case the National Policy Statement for National Networks.</li> </ul>
	<ul style="list-style-type: none"> <li>The scheme will create traffic chaos for up to 4 years in my local area, increasing air pollution</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant's response to Phil Moss's point about traffic chaos during the construction of the project is the</li> </ul>



Source	Comment	Applicant's Response
	due to traffic congestion and rat running down narrow side streets.	<p>same as the Applicant's response to Dr John Spincer <b>[AS-044]</b>.</p> <p>Please also see the Applicant's response to Dr David Young <b>[AS-043]</b>.</p> <p>In summary, the construction method will include traffic management layouts to keep the journey times along the A38 within a couple of minutes of the existing journey times. This strategy is being taken to limit the number of drivers that consider alternative routes to the A38 (i.e. drivers will perceive that rat-running down narrow side streets to reduce journey times is not advantageous).</p>
	<ul style="list-style-type: none"> <li>It will be difficult for residents in large areas of the city to access the hospital during this time as traffic will be diverted along routes which lead to the hospital and which are already congested at peak times.</li> </ul>	<ul style="list-style-type: none"> <li>For the reasons provided in response to the last point, journey times along the A38 will be similar to the existing condition.</li> </ul> <p>The Traffic management Plan contains a requirement to discuss access arrangements with the Royal Derby Hospital during the detailed construction planning phase.</p> <p>Staff from the Royal Derby Hospital are also engaged through the Behavioural Change Group.</p>
	<ul style="list-style-type: none"> <li>Local businesses will be affected as access to them will be difficult, limited or non-existent during the delivery phase of the project.</li> </ul>	<ul style="list-style-type: none"> <li>The same point about the potential for impacts on local businesses is made by Dr John Spincer <b>[AS-044]</b> in his</li> </ul>



Source	Comment	Applicant's Response
		first point. Please refer to the Applicant's response to Dr John Spincer.
	I believe that other options should be costed and assessed for impact. This scheme will not solve the problem but will create more pollution and congestion in both the long and short terms. There is only one solution to more congestion and pollution from traffic – less traffic.	<p>Please refer to the Applicant's response to Stephanie Dobson [AS-035]. Also please refer to the Applicant's response to S Wheeler [AS-047].</p> <p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043]. As detailed above, it is reported in the ES that the Scheme is expected to result in an overall slight improvement in local air quality at properties within the study area.</p>
17) Ian Evans AS-033	<p>Hi, had a flyer from Derby climate coalition through my door suggesting I sign a petition to stop these improvements.</p> <p>Never heard such nonsense, Derby has been screaming out for this to happen since the 80's.</p> <p>Markeaton island is currently a death trap accidents on a daily basis , Derby ring road should never have formed part of the A38 north to south.</p>	Comments are noted.

Source	Comment	Applicant's Response
	<p>Just like to say let's get on with it and ignore any Greenies/nimbys.</p> <p>In fact can you get on with, we've waited long enough</p>	
<b>18) Derby Friends of the Earth</b>		
REP6-035	<p><b>TR010022-001042-Derby Friends of the Earth - Written summaries of oral contributions at the hearings held on 18 and 19 February 2020-A38 Junctions Markeaton Park</b></p> <p>These plans date back to the 80s; they take no account of the current climate emergency. Highways England continue with them, despite the fact that carbon dioxide emissions and air pollution (nitrogen dioxide) will be significantly increased, by the generated traffic. It is as though time has stood still and there was no climate crisis. The UK Government will not meet carbon targets with such schemes. COP26 is to be held in the UK this year. It does not bode well for future generations, and their rights, under the Human Rights Act and the Aarhus Convention's twin protections for environmental and human rights, Article 1 "the right of every person of present and future</p>	<p>With regard carbon emissions, ES Chapter 14: Climate [APP-052] assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets.</p> <p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043]. This indicates that overall the Scheme is expected to result in a slight improvement in local air quality at properties within the study area in the Scheme opening year with a larger number of properties expected to have an improvement rather than a deterioration. With operation of the Scheme, improvements in air quality are also expected in Stafford Street in the city centre which currently has the highest NO<sub>2</sub> concentrations in Derby.</p>

Source	Comment	Applicant's Response
	generations to live in an environment adequate to his or her health and well-being"	<p>Given the above, it is incorrect to state that the Scheme takes no account of carbon dioxide emissions and air pollution (nitrogen dioxide) will be significantly increased.</p> <p>As detailed in ES Chapter 12: People and Communities [APP-050] it is considered that overall the effect of Scheme operation on air quality, noise and neighbourhood amenity as a determinant of human health would be positive.</p> <p>In terms of the climate emergency, the Scheme will be determined in accordance with s.104 of the Planning Act 2008. The National Policy Statement for National Networks (NPS NN) is the relevant NPS against which the Scheme should be considered.</p>
REP6-035	<p>Derby is one of the UK Government 6 designated Clean Air Zones, for nitrogen dioxide (NO<sub>2</sub>). Derby is not meeting NO<sub>2</sub> Air Quality Standards, and will not, especially with such plans to induce more traffic.</p> <p><b>The plans are estimated to significantly INCREASE NO<sub>2</sub> air pollution.</b></p>	<p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043]. Derby City Council (DCiC) has assessed air quality across Derby for the Joint Air Quality Unit and found that NO<sub>2</sub> concentrations in Stafford Street were unlikely to achieve the EU limit value in 2020. As a result, DCiC will be implementing traffic management measures to reduce traffic flows on this road and bring NO<sub>2</sub> concentrations to within the limit value. Operation of the Scheme is also expected to reduce traffic flows in Stafford Street and this will be beneficial for air</p>

Source	Comment	Applicant's Response
		quality. Operation of the Scheme will also reduce congestion and emissions close to the three junctions.
REP6-035	<p><b>HUMAN RIGHTS</b></p> <p>Air pollution is leading to 7 million premature deaths a year around the world, including 600,000 among children, David Boyd (UN expert March 4 2019 Thomson Reuters Foundation)"To put that 7 million figure in context, that's more deaths every year than the combined total of war, murder, tuberculosis, HIV, Aids and malaria"...It's a global health crisis that really needs to be addressed. Air pollution violates the rights to life, to health, the rights of the child and also violates the right to live in a healthy and sustainable environment"</p> <p>The United Nations accused the UK Government of being 'laggards' when it came to air pollution (The Times June 5th 2019)</p> <p>Another indicator that the plans are outdated, is that younger present generations are not buying new cars and sales are dropping. It may be economic, or that they know that the petrol/diesel engine is unsustainable and are using mass</p>	<p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [<b>APP-043</b>]. The UK Government is concerned about air quality and has set up the Joint Air Quality Unit to ensure that the EU limit values are achieved in the shortest time possible. DCiC was one of the first local authorities required to assess air quality for the Joint Air Quality Unit and prepare an Air Quality Action Plan to improve air quality. The Action Plan included traffic management measures to reduce traffic flows in Stafford Street which was identified as being non-compliant in the study. Operation of the Scheme will also help improve air quality in Stafford Street and will reduce congestion and emissions near the three junctions, although traffic flows on the A38 will increase slightly. It is not within the remits of this Scheme for Highways England to comment on the remaining points raised as they are outside of the DCO process.</p>

Source	Comment	Applicant's Response
	transit/waiting for more sustainable mass transit. This is not accounted for.	
REP6-035	<p><b>FLOODS AND CONGESTION</b></p> <p>Derby inner city ring road completion was claimed to reduce congestion/pollution. This has not occurred, as evidenced by high nitrogen dioxide levels. On November 8th, the entire inner ring road system ground to a halt, for over two hours, as the River Derwent burst its banks and flooded several roads, leading to closures and tailbacks of traffic, including on the A38. People were trapped in their cars/buses. Since then, the Derwent river levels were high again last week, due to Storm Ciara and this week because of Storm Dennis. Tributary brooks including Markeaton and Amber brook overflowed.</p> <p>Storms and rainfall are increasing in intensity. Yet HE has only modelled for ONE extreme rainfall event, not several occurring daily or spread out over a number of weeks/months. Their predictions are thus out of date.</p>	<p>The extreme event assessed for this Scheme (1% Annual Exceedance Probability (AEP)) is based on the critical storm duration for the associated catchment/ watercourse at each junction, which typically aligns with the worst-case peak flow/ volume runoff. A series of daily events, or weekly/monthly alternatives would not be as severe for the equivalent rarity/ exceedance probability. The increasing intensity/ depth of rainfall has been assessed by applying appropriate climate change allowances as per latest guidelines.</p> <p>Note that based on river level information available for the River Derwent at Derby (<a href="https://www.gaugemap.co.uk/#!Map/Summary/162/173/2019-03-01/2020-03-31">https://www.gaugemap.co.uk/#!Map/Summary/162/173/2019-03-01/2020-03-31</a>) the river has been within its typical range for most of late Autumn/Winter, exceeding it only as a result of the late October/ early November events and the recent Storm Dennis event. Although the events of Storm Ciara and Storm Dennis occurred over successive weekends, river levels had fallen sufficiently during the intervening few days as to class them as independent. The Flood Risk Assessments (FRAs) undertaken for the</p>

Source	Comment	Applicant's Response
		Scheme (refer to ES Appendices 13.2A [REP4-009], 13.2B [REP4-010] and 13.2C [APP-231]) are thus considered to be wholly appropriate and up to date.
REP6-035	<p><b>MARKEATON PARK AND PUBLIC OPEN SPACE</b></p> <p>This is a city park; people come here from all over the city, especially from wards which are lacking in Public Open Space standards, namely Rosehill, Peartree and Normanton, These wards are also amongst the most deprived. A campaign and petition to save Markeaton Park from similar unsustainable development was organised in the late 80s, garnering over 17000 signatures, mostly collected in the park, against loss of open space and tree felling. Approximately quarter of the signatories came from these wards. It is not helpful to claim there is an 'oversupply of open space' when such issues have not been examined. The petition will be available for viewing at the inquiry.</p>	<p>In respect of the 'supply' of open space land, this is a matter for DCiC to comment upon, although Highways England has met and discussed this issue with DCiC and their position is summarised in the Technical Note on POS (Document 8.79) submitted at D6.</p> <p>Highways England acknowledge that as part of the Scheme proposals there is some unavoidable loss of open space land, some of which is formally designated as Public Open Space, including Markeaton Park. Notwithstanding this, replacement land will be provided as part of the Scheme proposals, to mitigate for this loss, which will be formally provided as Public Open Space land. The replacement land provided will ensure there is no net loss of open space land as a result of the Scheme and as such is also considered to be of equal standing in qualitative terms to the land to be lost. Further information is provided in Chapter 5 of the Planning Statement [APP-252].</p>
REP6-035	<b>PUBLIC SAFETY/AIR POLLUTION</b>	The Scheme will provide safe crossing points for pedestrians and cyclists. It is also noted that as indicated in the Transport Assessment Report [REP3-005], the Scheme



Source	Comment	Applicant's Response
	<p>During the A6 Bypass inquiry we asked the Highways Agency (HA) (known then) if they had taken into account the children who might run across the carriageway to Elvaston Castle park (their access previously unfettered) HA said yes and were dismissive. Within a few months of opening the bypass, a little boy was killed. HA response was to make some of the fences higher. Many people and children run across the current Markeaton Park island layout, as the traffic light system timings allow it. We have seen them. Q1. How can HE guarantee public safety when HE have acknowledged greater traffic increases, faster speeds and increased air pollution?</p>	<p>will save a predicted 1,396 personal injury collisions over a period of 60 years, this includes savings of eight fatal casualties and 135 serious casualties (i.e. saving of 143 killed and seriously injured). It is thus considered that the Scheme will make a significant improvement to road safety for all users, including pedestrians and cyclists.</p> <p>Operation of the Scheme will reduce congestion and air emissions at Markeaton junction. Traffic flows on the roundabout junction will be reduced as much of the A38 traffic will pass underneath the roundabout as the A38 will be in a cutting.</p>
	<p>Kingsway Island contains the Royal Derby Hospital. This is the most polluted site in the East Midlands. (See Derby FOE ENC 1) At the inquiry Day 2, HE said they would be putting more traffic onto the A38 Kingsway, thus this island, and speeding up that traffic. It is ironic that people come here to improve their health.</p>	<p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [<b>APP-043</b>]. NO<sub>2</sub> concentrations at the Royal Derby Hospital are predicted to change by either an imperceptible amount or to decrease by a small amount during the Scheme opening year. NO<sub>2</sub> concentrations will be within the limit value and objective at the hospital both with and without the Scheme.</p>
REP6-035	<b>BIODIVERSITY</b>	<p>With regard to effects upon trees, during the development of the Scheme design HE has sought to minimise the loss</p>

Source	Comment	Applicant's Response
	<p>The UK is on target to miss international commitments under the Global Convention on Biodiversity Directive, to which it is a signatory. The loss of over 100 trees and valuable areas of wetland/washland and biodiversity at Markeaton Park is an indicator that nothing is changing. The UK is one of the most nature-depleted countries in the world (State of Nature 2016).</p>	<p>of existing trees, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [<b>APP-068</b>]). With regard to replacement tree planting in Markeaton Park, HE will deliver a landscape design that results in a net increase in trees.</p> <p>As part of the Scheme in addition to landscape planting, HE would implement a wide range of ecology mitigation features – these are illustrated in the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [<b>APP-068</b>]). With the mitigation provided, the Scheme would have a non-significant (neutral) effect on the Markeaton Park Local Wildlife Site (LWS) which covers much of the park.</p> <p>Regarding biodiversity, as detailed in ES Chapter 8: Biodiversity [<b>APP-046</b>], there would be a moderate adverse significant effect (at the County or Unitary Authority scale) on the A38 Kingsway Roundabout LWS due to complete permanent loss of this LWS. However, there is potential for there to be up to a moderate beneficial significant effect (at the County or Unitary Authority scale) on biodiversity in the medium to long term; particularly on standing water (ponds), running water, foraging and commuting bats, otter, terrestrial invertebrates, aquatic invertebrates and fish.</p>



Source	Comment	Applicant's Response
REP6-035	<p><b>INCREASED RAINFALL EFFECTS &amp; RUN-OFF DUE TO CLIMATE CHANGE/car parks</b></p> <p>The brooks in Allestree, (ward next to Markeaton Park) including Markeaton brook and Amber brook, are already at over-capacity and often flood gardens and homes. The A38 junctions, especially Markeaton, will increase run-off and flooding.</p> <p>In addition to this, hundreds of homes across Allestree have added to Amber Brook run-off by concreting their front gardens, to enable car parking. We believe this is not in the remit of the A38 Behavioural Change Group.</p> <p>At time of writing there has been another week of extreme rainfall and river levels cross the country are high, with over 150 flood alerts (down from over 600 last week) Markeaton Park is flooded (20 February 2020) Another storm, -Storm Ellen, is forecast for next week and heavy rainfall continues.</p> <p>The A38 has been closed at Burton-on-Trent because of flooding, for 2 days (20/2/10) The</p>	<p>The Scheme proposals for the junctions include highway drainage networks that will maintain or improve upon existing rates of surface water discharge to local watercourses. At Markeaton junction, surface water collected from the new highway will be collected and attenuated in a combination of underground storage tanks and a wet attenuation pond. This is being provided up to and including the 1% Annual Exceedance Probability (AEP) critical storm duration with the appropriate allowance for climate change as per latest guidelines. Therefore, the proposals for the junctions, including at Markeaton junction, will not increase flooding. Refer to ES Chapter 13: Road Drainage and the Water Environment [<b>APP-051</b>] for details.</p>

Source	Comment	Applicant's Response
	Environment Agency (EA) has stated that the rainfall so far, in February, is at 141% of the average February rainfall. (John Curtin, Flood Mgr, Metro 20 Feb 2020) The East Midlands agricultural sector has reported that wheat harvests will be at the their lowest since 1947, as weather conditions have been too wet to sow seed. Arable land in the East Midlands is the worst affected, in England. (East Midlands Today 21/2/20)	
REP6-035	<p><b>We support other objectors.</b></p> <p>Questions and observations arising from Feb 18/19 Hearings and further questions here included, to save time at the inquiry. We will also be submitting further responses to the HE submission on 28th February</p> <p>We are dismayed at the lack of care regarding procedure from HE; the omission to inform the public about the hearings, through Public Notices in the local newspaper, the Derby Evening Telegraph. This is a breach of the Aarhus Convention.</p>	As noted at the hearings in February, all interested and affected parties were directly informed of the hearings and, to mitigate the procedural error of not publicising them in the printed press, the additional hearings on March 19 will be held. These hearings have been publicised in accordance with the correct procedure.
REP6-035	<b>AIR QUALITY 1</b>	With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES

Source	Comment	Applicant's Response
	Q2. Regarding air quality, Highways England (HE) has acknowledged that air pollution – nitrogen dioxide levels will worsen because of the roadworks, including Markeaton Park flyover, slip roads, widening. HE stated that they would be putting more traffic onto the A38, which includes Kingsway island, on which the Royal Derby Hospital is situated. This is the most polluted site in the East Midlands for nitrogen dioxide, (See Derby FOE ENC 1) HE, through the extra capacity building, will thus be increasing the amount of traffic and pollution at this island, in trying to make traffic flow faster. How does this assist with the main intention of the NHS – to help sick people improve their health?	Chapter 5: Air Quality [ <b>APP-043</b> ]. NO <sub>2</sub> concentrations at the Royal Derby Hospital are predicted to change by either an imperceptible amount or to decrease by a small amount during the Scheme opening year. NO <sub>2</sub> concentrations will be within the limit value and objective at the Hospital both with and without the Scheme. It is not for Highways England to comment on the intentions of the NHS and it is not clear why this is relevant to the Scheme.
REP6-035	Q3. The NHS has estimated that the beneficial nature of London parks alone, has saved the NHS £370 MILLION pounds a year. We ask HE to provide the cost benefit savings of Derby parks and especially the main city park, Markeaton Park?	Highways England does not have this information as the parks in Derby are owned and maintained by the City Council. The cost benefit savings of all Derby parks is not relevant to the DCO process and it outside of the scope of this Examination. However, Highways England acknowledges that as part of the Scheme proposals there is some unavoidable loss of open space land, some of which is formally designated as Public Open Space, including in Markeaton Park. Notwithstanding this, replacement land will

Source	Comment	Applicant's Response
		be provided as part of the Scheme proposals, to mitigate for this loss, which will be formally provided as Public Open Space land. The replacement land provided will ensure there is no net loss of open space land as a result of the Scheme and as such is also considered to be of equal standing in qualitative terms to the land to be lost. Further information is provided in Chapter 5 of the Planning Statement [ <b>APP-252</b> ].
REP6-035	Q4. Air pollution is a material consideration and the UK Government has declared Derby a designated 'Clean Air Zone' - how do these plans, which increase pollution, assist that designation?	With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [ <b>APP-043</b> ]. DCiC has assessed air quality across Derby for the Joint Air Quality Unit and found that NO <sub>2</sub> concentrations in Stafford Street were unlikely to achieve the EU limit value in 2020. As a result, DCiC will be implementing traffic management measures to reduce traffic flows on this road and bring concentrations to within the limit value. Operation of the Scheme is also expected to reduce traffic flows in Stafford Street and would be beneficial for air quality near this road. Operation of the Scheme would also reduce congestion and emissions close to the three junctions. Overall, operation of the Scheme is expected to improve air quality with a larger number of

Source	Comment	Applicant's Response
		properties expected to have an improvement rather than a deterioration.
REP6-035	Q5. Derby has no Air Quality Action Plan (AQAP) and is currently consulting on one. Particulates are estimated to be reduced if nitrogen dioxide is reduced. Diesel vehicles are the main PM emission sources. As HE claim they want to separate out the lorries, will these lorries, vans etc be the main source of the 'significantly increased emissions'?	With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [ <b>APP-043</b> ]. Overall, operation of the Scheme is expected to improve air quality slightly with a greater number of properties expected to have an improvement rather than a deterioration. Emissions overall would increase slightly with increased emissions from increased traffic on the A38 but properties tend to be located further from the A38 than from roads within the city. Emissions in future years will be lower than currently as cleaner vehicles penetrate the vehicle fleet so the slight increase in emissions due to the Scheme is offset against a long term trend of decreasing emissions.
REP6-035	<b>CLIMATE, CARBON &amp; FACTORS INDICATING OUTDATEDNESS/OBSCOLESCENCE OF PLANS</b>  Q6. Does HE agree that there is a current climate emergency?	The Climate Change Act commits the UK to net zero carbon emissions by 2050, and Highways England, along with all sectors of the UK economy, must play our part in meeting this target. The Scheme itself has to be determined in accordance with the National Policy Statement for National Networks (NPS NN) which is current government policy.

Source	Comment	Applicant's Response
REP6-035	Q7. How does HE envisage assisting the UK Government with declared carbon targets?	<p>This question is much broader than the Scheme itself and Highways England does not consider it is relevant to the determination of the Scheme. However, Highways England, as the government company that builds and manages the Strategic Road Network, recognises the importance of addressing carbon targets.</p> <p>In respect of the Scheme, ES Chapter 14: Climate <b>[APP-052]</b> assesses the Scheme effects on carbon emissions during both the construction phase and operational phase. This chapter presents a range of greenhouse gas mitigation measures (refer to ES Table 14.12). During the development of the Scheme detailed design, HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</p>
REP6-035	Q8. Derby City Council and the UK Government have declared a climate emergency; how do these plans, which increase carbon dioxide emissions by thousands of tonnes, fit with that declaration and what is are the estimated CO2 emissions from an extra 15000 vehicles daily?	<p>ES Chapter 14: Climate <b>[APP-052]</b> assesses the Scheme effects on carbon emissions during both the construction phase and operational phase.</p> <p>The assessment includes an estimate of GHG emissions based on the predicted variation in vehicle journeys across the affected road network once the Scheme is operational. ES Chapter 14: Climate <b>[APP-052]</b> concludes that carbon</p>

Source	Comment	Applicant's Response
		<p>emissions are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's GHG impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial. In such circumstances, Highways England has considered GHG emissions from the Scheme in the context of the UK's new net zero target set in 2019 and does not consider that this gives cause to alter the assessment findings – refer to HE response to the ExA first set of written questions (question 2.1 in <b>[REP1-005]</b>).</p> <p>ES Chapter 14: Climate <b>[APP-052]</b> presents a range of greenhouse gas mitigation measures. During the development of the Scheme detailed design HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</p>
REP6-035	Q9. What is the total amount of CO2 produced by the cement and steel, to be used in the Markeaton junctions plan and the other schemes?	ES Chapter 14: Climate <b>[APP-052]</b> assesses the Scheme effects on carbon emissions during both the construction phase and operational phase. The assessment includes an estimate of embedded GHG emissions as a result of the



Source	Comment	Applicant's Response
		<p>materials expected to be used to construct the Scheme – refer to ES Table 14.14.</p> <p>The assessment also includes an estimate of GHG emissions based on the predicted variation in vehicle journeys across the affected road network once the Scheme is operational.</p> <p>ES chapter 14: Climate [<b>APP-052</b>] concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's GHG impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial. In such circumstances, HE has considered GHG emissions from the Scheme in the context of the UK's new net zero target set in 2019 and does not consider that this gives cause to alter the assessment findings – refer to HE response to the ExA first set of written questions (question 2.1 in [<b>REP1-005</b>]).</p> <p>ES Chapter 14: Climate [<b>APP-052</b>] presents a range of greenhouse gas mitigation measures. During the development of the Scheme detailed design, HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as</p>



Source	Comment	Applicant's Response
		required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.
REP6-035	Q10. We believe HE is downplaying the effects of the climate emergency, especially as these plans date back to the late 80s and there is no acknowledgment of their obsolescence. We ask if HE is really serious about climate change?	This question is much broader than the Scheme itself and Highways England does not consider it is relevant to the determination of the Scheme. In respect of the Scheme, ES Chapter 14: Climate <b>[APP-052]</b> assesses the Scheme effects on carbon emissions during both the construction phase and operational phase. This chapter presents a range of greenhouse gas mitigation measures (refer to ES Table 14.12). During the development of the Scheme detailed design, HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target. ES chapter 14: Climate <b>[APP-052]</b> concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's GHG impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial. In such circumstances, HE has considered GHG emissions from the Scheme in the context of the UK's new net zero target set in 2019 and does not consider that this gives cause to alter the assessment findings – refer to HE response to the

Source	Comment	Applicant's Response
		ExA first set of written questions (question 2.1 in <b>[REP1-005]</b> ).
REP6-035	Q11. In the real world, the global economy is entering recession, younger generations are not buying cars and car sales are dropping. Younger generations have no chance to reach the stability that their parents had and their standard of living is dropping, compared to that of their parents. This is another factor that has not been examined by HE and we ask why?	Global economy issues and effects on younger generation is not within the scope of this Examination. The effects of the Scheme on people and communities as associated with the Scheme is assessed in ES Chapter 12: People and Communities <b>[APP-050]</b> .
REP6-035	Q12. In 2016/2017 there were 929 MILLION local bus journeys made by older and disabled concessionary pass holders (Transport Statistics summary, Great Britain, 2018 pg 15) In 2018/19 there were 4.8 billion local bus passenger journeys in Great Britain, 58% of all public transport journeys. (Transport Statistics summary 2019 pg13) There was no figure for concessionary journeys in the 2019 Transport Statistics. As the population grows older and increases - we know that this figure is increasing as older people reach the age of the concessionary pass holder and use	HE is engaging with local bus companies in order to reduce the impact of the Scheme during construction. In operation the Scheme will improve journeys by public transport by separating the local traffic from strategic traffic, local journey times will be more reliable, which will be of benefit to the bus passengers as well as the local community. The effects of the Scheme on people and communities as associated with the Scheme is assessed in ES Chapter 12: People and Communities <b>[APP-050]</b> . This assessment considered Scheme impacts upon users of local buses during Scheme construction and operation. Whilst during Scheme construction there will be temporary disruption to

Source	Comment	Applicant's Response
	sustainable mass transit more often - how is HE encouraging the use of public transport?	users of public transport resulting from the relocation of bus stops, during Scheme's operation there will be benefits for users of public transport due to improved reliability and journey times.
REP6-035	Q13.Total fuel duty revenue almost tripled between 1990 and 2010, then flattened off in period up to 2017.(Transport Statistics Great Britain 2018pg 27) and dropped again in 2019(Transport Statistics Great Britain 2019 pg 26) These duties are used to fund Highways England. So it will be in HE's interest to INCREASE the number of car journeys, in order to maintain, perversely, funding for HE. Therefore, we ask is it one of HE's main purposes - to make car journeys 'seem' quicker and faster, so that more people will use more fuel and increase their car journeys/drive?	<p>This question relates to matters outside of the scope of the Examination of the Scheme. Highways England is funded by central government and has no say in fuel duty rate, how it is raised or how this revenue is used.</p> <p>Highways England's responsibilities and aims are set out here:  <a href="https://www.gov.uk/government/organisations/highways-england/about#our-aims">https://www.gov.uk/government/organisations/highways-england/about#our-aims</a> and include that the road network is "accessible and integrated – so people are free to choose their mode of transport and can move safely across and alongside our roads" and to "ensure our activities result in a long term and sustainable benefit to the environment".</p>
REP6-035	Q14. In doing this, does HE agree that if these roads are built, HE funding can be maintained?	This question is not relevant to the Examination of the A38 Scheme, though as mentioned in the previous response Highways England funding is decided by the government.
REP6-035	Q15. How can this be claimed as HE promoting 'sustainable' transport?	<p>Refer to the responses above.</p> <p>With specific regard to the Scheme, the Scheme design will bring some benefits to non-motorised users and users of</p>

Source	Comment	Applicant's Response
		public transport. Footpath and cycleway proposals are based on the fundamental premise that the Scheme design aims to include at least the level of provision that exists at present with enhanced provision where deemed appropriate and reasonable. For example, a new shared footpath and cycleway will be provided across Kingsway junction from Mackworth Park, linking Mackworth from Greenwich Drive South to the A5111 Kingsway which will generate a permanent moderate beneficial effect for local pedestrians and cyclists. In addition, during Scheme operation there will be benefits for users of public transport due to reductions in congestion with the potential for improved reliability for journey times.
REP6-035	<p>WATER</p> <p>SUSTAINABLE URBAN DRAINAGE/FLOODING</p> <p>Q16. Do HE agree that the wetlands/biodiversity and over 100 trees to be destroyed, at Markeaton Park, constitute 'Sustainable Urban Drainage'?</p>	HE agrees that trees and wetland constitute options for providing SuDs to mitigate against increased runoff – the Scheme proposals at Kingsway junction include flood storage areas that will provide wetland habitats. However, HE considers that the proposed drainage strategy successfully provides the necessary mitigation (and in some cases betterment), whilst accounting for the varying constraints to the delivery of the Scheme. This drainage strategy incorporates SuDS features where practicable, taking account of local constraints.

Source	Comment	Applicant's Response
REP6-035	Q17. Do HE agree that wetlands/biodiversity and over 100 trees to be destroyed, at Markeaton Park, constitute upriver/stream flood risk management?	HE agrees that trees and wetland constitute contributing factors that can sometimes play a part in upstream flood risk management. However, HE considers that from a flood risk perspective the scale of the loss of trees at Markeaton Park in this context will have a negligible impact on flood risk, particularly during extreme events (noting that replacement trees within Markeaton Park will be provided). It is noted that no wetlands at Markeaton Park will be lost due to the Scheme.
REP6-035	Q18. Derby city centre flooded in November 2019, leading to gross pollution of floodwaters, by petrol, diesel, sewage, blood etc from urban areas upriver/industrial sites/construction. Who has the responsibility of clearing up the increased water/pollution from the road schemes, entering our river/streams, because of increased and intensive daily/weekly/monthly/combined climate emergency rainfall events?	Scheme effects on water quality are considered in ES Chapter 13: Road Drainage and the Water Environment [APP-051]. The Scheme includes measures to collect and appropriately treat highway runoff before discharge into surface watercourses. This includes the provision of attenuation ponds and tanks designed to attenuate drainage flows. The design of these features allows for increased volumes of road runoff due to increased rainfall associated with climate change. Given that existing runoff from the A38 is unattenuated and untreated, it is considered that the Scheme will provide betterment in terms of water quality and flood risk. ES Chapter 13: Road Drainage and the Water Environment [APP-051] indicates that Scheme operation would have a neutral (not significant) effect upon

Source	Comment	Applicant's Response
		<p>surface water quality. With regard to accidents and incidents leading to spillages on the operational Scheme, HE will be responsible for subsequent remedial measures in accordance with the Outline Environmental Management Plan (OEMP) [REP6-007]. It is worth noting that all polluting activities (as specified in relevant legislation) are controlled by the Environment Agency.</p>
REP6-035	<p>Q19. The UK Government have stated that extreme rainfall events are to increase because of the climate emergency. Why has HE not carried out modelling for DAILY extreme rainfall events for a week or WEEKLY extreme rainfall events for a month/many months, and the expected provisional flows from such events eg combined November 2019 storm/Storm Ciara Feb 2020/Storm Dennis Feb 2020?</p>	<p>It is standard/ best practice in the UK when assessing flood risk to and from proposed developments to consider independent extreme events. This has been undertaken as part of this application – refer to ES Chapter 13: Road Drainage and the Water Environment [APP-051] and the associated Flood Risk Assessments (FRA) (refer to ES Appendices 13.2A [REP4-009], 13.2B [REP4-010] and 13.2C [APP-231]).</p> <p>The November 2019 event was independent of those occurring in February 2020. Although the Storm Ciara and Storm Dennis events occurred on successive weekends, river levels from the River Derwent gauge in Derby city centre indicate that the resulting flood peaks are independent. It is acknowledged that the antecedent conditions resulting from Storm Ciara would have had some impact on the magnitude of runoff from the Storm Dennis</p>

Source	Comment	Applicant's Response
		<p>rainfall in the River Derwent catchment. However, allowances for the likelihood of 'wetter catchments' are embedded in the climate change allowances for flow, which have been applied as part of the FRAs undertaken for the Scheme. It is worth noting that it is not the purpose of the Scheme to mitigate against existing or projected flood risk – the Scheme is required to mitigate against any increases in flood risk (both now and in the future) that result from the Scheme itself. The FRAs and the Road Drainage Strategy [APP-234] demonstrate that this has been done, and that betterment is provided where possible.</p>
REP6-035	<p>Q20. On November 8th 2019, over 200 personnel at the Rolls-Royce nuclear reactor on Raynesway – (see Alvaston flood map) were evacuated, as the River Derwent river levels rose to threaten the safety of workers/residents. Markeaton Brook (see Allestree flood map) is the main tributary stream into the River Derwent, which has been constantly high since November 2019 flooding of the city. The trees/wetland at Markeaton Park form valuable water retaining areas. As HE has only modelled 40% extreme rainfall event, not daily extreme rainfall events, eg for a week or weekly extreme rainfall events for a month, how can HE</p>	<p>HE considers that from a flood risk perspective the scale of the loss of trees at Markeaton Park in this context will have a negligible impact on flood risk, particularly during extreme events (noting that replacement trees within Markeaton Park will be provided).</p> <p>The Scheme proposals for the junctions include highway drainage networks that will maintain or improve upon existing rates of surface water discharge to local watercourses, as well as flood storage areas and floodplain compensation provisions. At Markeaton junction, surface water collected from the new highway will be collected and attenuated in a combination of underground storage tanks</p>



Source	Comment	Applicant's Response
	claim that there will be no knock-on effects downstream, of loss of upstream trees/wetland providing rainfall/water run-off absorption, emanating from the combined A38 junctions works/flyover/widening concretisation?	and a wet attenuation pond. This is being provided up to and including the 1% Annual Exceedance Probability (AEP) critical storm duration with the appropriate allowance for climate change as per latest guidelines. Therefore, the proposals for the junctions, including at Markeaton junction, will not increase downstream flooding. Refer to ES Chapter 13: Road Drainage and the Water Environment [APP-051] for details.
REP6-035	Q21. EA has stated that rainfall is at 141% of February rainfall (20 Feb EA) and HE have only modelled for 40%, we ask that HE produces revised 141% figures, as their 40% estimate is outdated and does not take account of worsening weather systems, due to the climate emergency, especially the excessive rainfall in the East Midlands. This is of particular importance regarding the knock-on effects, downstream. (see Q20)	The value quoted means 41% more than the long-term average, not a 141% increase. The figure provided is a snapshot for one month in one year and cannot be readily used as evidence to imply under-accounting for climate change impacts reported in the Flood Risk Assessments (FRAs) undertaken for the Scheme (refer to ES Appendices 13.2A [REP4-009], 13.2B [REP4-010] and 13.2C [APP-231]). For example, for the month of February, the previous two years had totals across England that were lower than the long-term average, as did 11 of the last 20 years e.g. <a href="https://www.metoffice.gov.uk/research/climate/maps-and-data/uk-temperature-rainfall-and-sunshine-time-series">https://www.metoffice.gov.uk/research/climate/maps-and-data/uk-temperature-rainfall-and-sunshine-time-series</a> . There will always be variation in rainfall total at a range of time intervals; the climate change allowances applied by the FRAs account for that variation and reflect the long-term



Source	Comment	Applicant's Response
		<p>predicted trend. Ultimately, the climate change allowances applied are as per latest guidance and reflect the expected average impacts on rainfall intensity. They do not and ultimately cannot predict the variability associated with specific events or series of events at varying temporal scales. HE considers that the flood mitigation proposals included in the Scheme design are wholly appropriate, as are the associated flood risk assessments and reporting. It is also noted that the mitigation and assessments undertaken have been reviewed and accepted by the local authorities and the Environment Agency as applicable.</p>
REP6-035	<p><b>AIR QUALITY 2 – TRAFFIC, STAFFORD ST</b></p> <p>Q22.HE has taken air pollution figures from 2016, yet traffic figures from 2018. Why? Is it because the traffic figures were similar for 2018/19, but pollution was lower?</p>	<p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043]. Measured pollutant concentrations between 2013 and 2017 were reported in the ES Appendix 5.1 [APP-170], this was the most recent data available when the ES was prepared. Traffic data for the base year was for 2015. Model verification was carried out using traffic data for 2015 and monitoring data for 2015.</p>
REP6-035	<p>Q23. Regarding APP A43 Air Quality – 5.10.52 Stafford St – is the decrease in predicted PM10 concentrations imperceptible, with the scheme?</p>	<p>Yes, as stated in that paragraph.</p>

Source	Comment	Applicant's Response
REP6-035	Q24. APP A43 Air Quality – 5.10.62 Are reduced emissions of NOX and PM10 expected between baseline situation (2015) and opening year (2024) WITHOUT the scheme?	Yes, as detailed in ES para. 5.10.62 of ES Chapter 5: Air Quality [APP-043], reduced NOx and PM <sub>10</sub> emissions are expected in 2024 both with and without the Scheme as compared with the baseline (2015). These reductions are due to projected improvements in vehicle emissions over time.
REP6-032	<p><b>Friends of the Earth press release</b></p> <p><b>Embargoed: 00:01 xx February 2019</b></p> <p><b>Mapped: Seventy One East Midlands locations breaching air pollution limits</b></p> <p>A data audit* by Friends of the Earth has revealed the 71 sites across The East Midlands that have breached the annual Air Quality Objective for Nitrogen Dioxide (NO<sub>2</sub>) levels, which is set to protect health. Of these sites the Kingsway/A38 junction in Derby had the highest NO<sub>2</sub> level, with an annual average of 62ug/m<sup>3</sup> - more than 50% over the Objective of 40ug/m<sup>3</sup></p> <p>View full map here, and spreadsheet organised by local authority here.</p>	<p>With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043].</p> <p>NO<sub>2</sub> concentrations are measured across Derby city by DCiC. Monitoring data for 2017 (included in ES Appendix 5.1 [APP-170] shows measured concentrations to be above the NO<sub>2</sub> objective at eight monitoring sites in the city.</p> <p>DCiC was included in the first wave of local authorities to assess air quality and consider whether a Clean Air Zone would be appropriate. Following a detailed review of options, DCiC has decided to implement traffic management measures to improve air quality rather than a Clean Air Zone.</p>

Source	Comment	Applicant's Response
	<p>High levels of NO2 can cause a flare up of asthma or symptoms such as coughing and difficulty breathing. A leading cause of NO2 pollution is emissions from road traffic.</p> <p>With toxic air above limits affecting huge swathes of the UK Friends of the Earth is campaigning for Clean Air Zones to be rolled out in far more places than are currently being planned, supported by measures such as improved infrastructure to support safe cycling and walking. This would see fewer polluting vehicles on our roads and would ultimately improve public health. Removing such vehicles would also contribute to reducing carbon emissions and fighting climate change.</p> <p>Richard Dyer, East Midlands campaign organiser at Friends of the Earth, said:</p> <p>"It's unforgivable to see many locations across the region over air quality limits, leaving thousands of us breathing dangerously polluted air.</p>	

Source	Comment	Applicant's Response
	<p>"Air pollution is often an issue thought of as affecting only the biggest cities. The reality is that unacceptably toxic air can be found across much of the UK. even in smaller towns. It is harming the health of people across the country and is especially bad for young children whose lungs are still developing.</p> <p>"The government needs to step up and do more to deal with this air pollution crisis – they can't just carry on leaving the difficult decisions with local authorities, many of which are severely under-resourced."</p> <p>East Midlands locations ranked by annual average level of NO2 (in ug/m3):</p> <ol style="list-style-type: none"> <li>1. Kingsway/A38, Derby – 62</li> <li>2. Pegasus crossing, Tintwistle, High Peak – 60.2</li> <li>3. M1 Bridge Copt Oak, North West Leicestershire – 58.7</li> <li>4. Leicester Road, Kibworth, Harborough – 56.9</li> <li>5. Harborough Road, Northampton – 54.7</li> <li>6. Liquorpond Street, Boston – 53.2</li> </ol>	

Source	Comment	Applicant's Response
	7. Glenhills Way, Leicester – 53 8. Vaughan Way, Leicester – 53 9. Woodhead Road, Tintwistle, High Peak – 51.5 10. London Road, Nottingham – 51	
REP6-036	<p><b>PARIS AGREEMENT/Climate</b></p> <p>There has been no full account taken of the updated 100% Paris Agreement targets, to which the UK Government is a signatory (Climate Vol 6 Chapter 14 Climate) This is a serious omission, as evidenced by the recent Heathrow Court of Appeal decision. As targets are set to be increased, over 100 road widening and capacity increasing schemes in the UK, ensure that we will not meet 100% carbon reduction targets.</p> <p>Vol 6 14.7.9 pg16 Vol 6 Climate - “The UK road infrastructure is already being affected by severe weather events, specifically through flooding and changes to extreme weather event frequency and severity”</p> <p>14.3.28 “Projected changes to average climatic conditions, as a result of climate change, and an increased frequency and severity of extreme weather events have the potential to impact the</p>	<p>With regard to the implications of the Heathrow airport ruling, the Scheme is being promoted pursuant to the The National Policy Statement for National Networks (NPS NN) is government policy which has been ratified by Parliament. The NPS NN is lawful policy against which the Scheme needs to be considered.</p> <p>ES Chapter 14: Climate [APP-052] assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's GHG impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial. In such circumstances, Highways England has considered GHG emissions from the Scheme in the context of the UK's new net zero target set in 2019 and does not consider that this gives cause to alter the assessment findings – refer to HE response to the ExA first written questions (question 2.1 in [REP1-005]).</p>

Source	Comment	Applicant's Response
	<p>ability of the surrounding natural environment to adapt to climate change"</p> <p>14.10.22 pg27 Vol 6 Chapter 14 Climate, states" The ICCI assessment has not identified the potential for significant combined impacts of future climate change and the Scheme on identified receptors in the surrounding environment."</p> <p>Yet, to date, the East Midlands has received 141% increased rainfall, the River Derwent has been high since November 2019 – (see Derby city river gauge <a href="https://www.gaugemap.co.uk/#!/Detail/162/173/2019-03-01/2020-03-31">https://www.gaugemap.co.uk/#!/Detail/162/173/2019-03-01/2020-03-31</a> ) and is already impacting the identified receptors, as well as people in Allestree, Derby City and workers at the RR reactor; all of whom will be receptors, on the receiving end of the increased water run-off/rainfall from the scheme. They have not been identified as receptors and we believe this is a gross omission.</p> <p>Derby Evening Telegraph - Markeaton Park floods 20/2/2020 <a href="https://www.derbytelegraph.co.uk/news/local-news/live-updates-derbyshire-roads-flooded-3867352">https://www.derbytelegraph.co.uk/news/local-news/live-updates-derbyshire-roads-flooded-3867352</a></p>	<p>ES Chapter 14: Climate [<b>APP-052</b>] presents an assessment of the climate change impacts on the Scheme. Climate change projections for the East Midlands were assessed under the UKCP18 High Emissions Scenario, 50% probability level to 2080 and used to generate estimates for the likelihood of a climate impacts and the consequence of an impact during the operational phases of the Scheme. The assessment included all infrastructure and assets associated with the Scheme and assessed resilience against both gradual climate change and the risks associated with an increased frequency of severe weather events. The outcome of the assessment of climate change impacts on the Scheme was identified as not significant.</p> <p>The Scheme is being designed to improve its resilience to climate change through a range of design and material specification measures including where practicable, the use of construction materials with superior properties (such as increased tolerance to fluctuating temperatures). Highways England will determine the materials to be used during the detailed design process for the Scheme. Highways England will ensure, where economically and feasibly practicable within the design standards of Scheme, that materials are of the highest specification.</p>

Source	Comment	Applicant's Response
	<p>and <a href="https://www.derbytelegraph.co.uk/burton/we-need-38-tonnes-hobnobs-3867779">https://www.derbytelegraph.co.uk/burton/we-need-38-tonnes-hobnobs-3867779</a> (extract below)</p> <p>"The A38 between Barton under Needwood and Branston was closed over two days after five million litres of water turned the usually busy dual carriageway into a boating lake. And there was nowhere for the water to be pumped to in the soggy conditions, so it was a case of waiting for it to clear"</p> <p>REP4;10 pg 4 2.4.3 Both Markeaton Brook and Mackworth Brook (see Allestree flood risk map) are connected to a significant watercourse diversion The Northern Relief Culvert, upstream of Markeaton Lake...serves as flood relief downstream of Markeaton Lake by diverting peak flows directly to River Derwent</p> <p>2.4.4 "Lake culvert &amp; Middle Brook culvert flow beneath A38, before joining Markeaton brook further downstream"</p> <p>2.5.4 ...'forming an important source of base flow to rivers"</p>	<p>It is acknowledged that an increase in highway carriageway will increase the amount of road runoff. In addition, the Scheme will impact upon flood storage and result in the loss of some River Derwent floodplain. As a result, a range of mitigation features have been included in the Scheme design to off-set these impacts – refer to the Environmental Masterplans ES Figure 2.12A-H [APP-068]. This includes the provision of flood storage areas at Kingsway junction and a floodplain compensation area at Little Eaton junction. In addition, the Scheme will be provided with a suitable surface water drainage system as detailed in the Road Drainage Strategy [APP-234] which will provide the necessary mitigation (and in some cases betterment). As a result of these mitigation measures, the Scheme will not increase flood risk. At Kingsway junction there will be a reduction in pass-forward flow from Bramble Brook through the junction as a result of the flood storage areas which will reduce flood risk to Derby city and further downstream. Further details are provided in ES Chapter 13: Road Drainage and the Water Environment [APP-051]. It is noted that the flood mitigation and risk assessments undertaken have been reviewed and accepted by the local authorities and the Environment Agency as applicable. Since the Scheme is classed as a Nationally Significant Infrastructure Project (NSIP), it is considered that the Exception Test</p>



Source	Comment	Applicant's Response
	<p>3.1.2 pg 6 ...“that the Secretary of State be satisfied that flood risk will not be increased elsewhere...”</p> <p>3.1.3 “Consider risk of all forms of flooding”...“Take impacts of climate change into account...”</p> <p>Pg 9 3.8.4 Environment Agency (EA) emphasised that “surface water run-off should be controlled to existing rates or less” The 'existing rate' has gone up considerably since November 2019. February rainfall levels are at 141% of the average rainfall for February.</p> <p>4.3.3 The email sent to EA, from HE, was on 8/11/19 – the day that the River Derwent flooded the city centre and Rolls-Royce workers were evacuated from the nuclear site next to the River Derwent in Alvaston, Derby (see Alvaston flood map) Photos of Derby city centre flooding, are at <a href="https://derbyfoe.com/2019/11/08/derby-floods-8-11-2019/">https://derbyfoe.com/2019/11/08/derby-floods-8-11-2019/</a></p> <p>4.5.1 Groundwater is known to flood in areas underlain by major aquifers and 4.5.2, 4.5.3 the underlying geology is permeable. Markeaton Park groundwater flooding occurred 20/2/20 -(Derby Evening Telegraph link above)</p>	<p>would be passed. The evidence for this is presented as part of the wider DCO submission (refer to the Planning Statement [<b>APP-252</b>]).</p>

Source	Comment	Applicant's Response
	<p>4.5.6 "The risk of groundwater flooding is considered to be high." A 40% climate change event is mentioned, yet 141% rainfall event has already occurred throughout February</p> <p>4.10 The risk of increased surface water run-off, from the scheme, to surrounding areas, is considered to be high"</p> <p>Exception Test 2B "The development must demonstrate that it provides wider sustainability benefits to the community, that outweigh flood risk"</p>	
REP6-036	<p><b>HEALTH STUDY AREA APP 146 6.2</b> The poorest and most deprived Derby wards, - Normanton, Rosehill, Peartree, Sinfin, Osmaston are omitted. Markeaton Park is a city park and valuable open space for people from those wards lacking in Public Open Space Standards.</p>	<p>The heath assessment study area as detailed in ES Chapter 13: People and Communities [APP-050] included the seven wards that are within or directly border the Scheme, as these are most likely to be affected by health determinants. The assessment reports that pedestrian and cyclist facilities which provide access to public open spaces that will be lost as a result of the Scheme will be replaced with like for like or improved facilities. New pedestrian and cyclist facilities will be built as part of the Scheme providing improved connectivity to areas of public open space. As such, the effect of the Scheme on accessibility and active travel as a determinant of human health during Scheme operation is assessed as having a positive (+) effect on</p>

Source	Comment	Applicant's Response
		human health for residents in the study area. The wards of Normanton, Rosehill, Peartree, Sinfin, Osmaston are remote from the Scheme, although as the Scheme will have beneficial effects in terms of accessibility and active travel as a determinant of human health, such wards may also experience such benefits.
REP6-036	London parks are estimated to save the NHS £370 million yearly, through health benefits. (Cities:Natures New Wild BBC2) Questions have been sent to the National Health Service (NHS) regarding the value of parks and recreation, to the health of Derby people. To date we have not received replies and hope to present this information at a later date.	Noted. This is a broader issue and not Scheme specific. It is worth noting that as part of the Scheme proposals there is some unavoidable loss of open space land, some of which is formally designated as Public Open Space, including Markeaton Park. Notwithstanding this, replacement land will be provided as part of the Scheme proposals, to mitigate for this loss, which will be formally provided as Public Open Space land. The replacement land provided will ensure there is no net loss of open space land as a result of the Scheme and as such is also considered to be of equal standing in qualitative terms to the land to be lost. Further information is provided in Chapter 5 of the Planning Statement [ <b>APP-252</b> ].
REP6-036	APP 172 Table 1.13 Nitrogen dioxide predicted annual mean concentrations with scheme; out of 243 receptors, 62 show slight or medium	With regard to air quality, the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [ <b>APP-043</b> ]. An imperceptible change is a very small change so is not considered further. 47 out

Source	Comment	Applicant's Response
	<p>improvements while 181 are imperceptible or worsened, including Kingsway NHS Hospital site.</p> <p>Q 25 How does this improve 'sustainability benefits' for Derby City, as one of the UK Government's designated 'Clean Air Zones'?</p>	<p>of the 243 receptors were predicted to show a small deterioration. None were predicted to have a medium or large deterioration. 64 receptors were predicted to have a small or medium improvement. The Kingsway Hospital site is predicted to have an imperceptible change.</p> <p>.</p>
<b>19) Derby City Council</b>		
<p>REP6-027</p> <p><b>The Examining Authority's questions from Issue Specific Hearing 4-3</b></p> <p>Whether DCiC have any outstanding concerns with respect to:</p> <ul style="list-style-type: none"> <li>• how Section 4 of the Highways Act would be affected;</li> <li>• provisions for construction and maintenance of new, altered or diverted streets</li> </ul>	<p>DCiC has been asked to provide a fuller response to this question. Article 13 clearly displaces the main Section 4 of the Highways act, which in essence means that for any new roads that are declassified as part of this scheme, there will be no financial agreement on future maintenance. Highways England's argument is that actually the level of additional asset that DCiC will be responsible for is minimal. Further, that as a local Highway Authority that we annually adopt new residential roads. However, the latter is supported by income generated by Council Tax from the occupation of new dwellings.</p> <p>It may be the case that the net gain in asset maintenance for DCiC is minimal. However, at this stage of scheme there is no detail of the inventory</p>	<p>See response to <b>REP6-017</b> Question 9.</p> <p>HE confirms that s.4 will not be affected by the DCO Scheme as it is not being disapplied. The s.4 process is used in practice to secure commuted sums (which is outside of the scope of the DCO) and s.4 agreements are negotiated by the relevant authorities at the relevant time that they are required. Whilst the position in article 13 provides that new roads do become the responsibility of DCiC, given that this is an alteration of an existing strategic highways, the areas of additional highway that will form part of the Council's network after development is minimal (see below for detail). In terms of actual inventory, it is too early in the scheme to be able to identify the exact inventory that will become the Council's responsibility although Highways England expects drainage, street lighting, fencing etc. to</p>

Source	Comment	Applicant's Response
<p>and other structures (Article 13);</p> <ul style="list-style-type: none"> <li>• clearways (Article 18) or</li> <li>• traffic regulations (Article 19)?</li> </ul>	<p>that we will be required to maintain. As such, with an inability to negotiate any financial contribution, which the flexibility of Section 4 gives, DCiC are in a vulnerable position or at least one that we cannot fully quantify. As such, this remains a concern for DCiC that until the detail is identified we potentially will not have full sight of the maintenance implications.</p> <p>In a meeting with the Applicant on 27/02/2020, it was suggested that the mechanism could be introduced into the Handover for Operation Process Note or MRSS for an Inventory. Further, that a broad outline of the inventory could also be identified at this stage. This provides some assurance but does not provide a mechanism for DCiC to negotiate the maintenance of any unforeseen onerous liabilities. For example, there is the potential for DCiC to be left with a significant increase in drainage interceptors. If these are not maintained properly then there is a risk of pollution and exposure to prosecution.</p> <p>In respect to Article 18 and Article 19 DCiC does not think that they have any implications on Section 4 of the Highways Act.</p>	<p>form part of the assets which will become DCiC's responsibility. Highways England has confirmed to DCiC that these matters will be discussed and secured through the MRSS.</p> <p>Also, Highways England understands that the Local Highway Authorities can apply to the Department for Transport for additional funding should there be an additional financial cost to any new infrastructure that will become their responsibility under article 13.</p> <p>DCiC has not previously raised any specific concerns in respect of articles 13, 18 and 19. However, following Highways England's meeting with DCiC (on 27 February 2020), DCiC has requested further detail from Highways England regarding the extent of new roads which will, following completion of the development, form part of their network.</p> <p>The lengths of new and de-trunked highway are listed below:</p> <p>New highway</p> <ul style="list-style-type: none"> <li>• Kingsway Park Close – approximately 180m length of road</li> </ul> <p>De-trunked highway</p>

Source	Comment	Applicant's Response
		<ul style="list-style-type: none"> <li>A52 Markeaton junction – approximately 300m length of road around the junction circulatory and new approaches of the A52</li> </ul> <p>It is worth noting also that as part of the Scheme there will be a number of existing lengths of highway that will no longer be the responsibility of DCiC (they will either become Highways England's responsibility or cease to be highway). These are::</p> <ul style="list-style-type: none"> <li>A5111 – approximately 20m length of road</li> <li>Brackensdale link road - approximately 90m length of road to be stopped up.</li> </ul> <p>The balance of new highway to be maintained by DCiC will be approximately 480m of new highway. Approximately 110m of highway will be removed from DCiC's responsibility (leaving a balance 370 m of new highway in DCiC's responsibility.</p>
<b>Transport networks and traffic</b> 3a) The openness and robustness of the qualitative assessment of congestion, route	<p>This answer covers item 3a), 3b) and 3c) as set out in the Hearing Agenda 4 because they are interrelated.</p> <p>DCiC's position on this question has always been that it will be difficult to predict the queuing and operational construction impacts on the local</p>	Noted.

Source	Comment	Applicant's Response
<p>uncertainty, journey reliability, journey times and fear of accidents during construction. Explanations of where the assessment is uncertain. The potential for "sustained periods of severe congestion as a result of construction" suggested by DCiC.</p> <p>3b) The consideration given to the range of likely impacts on the population arising from changes to congestion, route uncertainty, journey reliability and journey times on the local road network during construction. Consideration given to the inner ring road and</p>	<p>network. Strategic modelling provides a useful tool in identifying the broad re-routing of traffic patterns as a result of the construction phasing. However, it doesn't provide the complete answer.</p> <p>This isn't a criticism of the modelling assessment methodology or outputs used in the Environmental Statement. Indeed, the development of strategic modelling to test the economic and environmental cost benefits of major infrastructure schemes is well established through DfT guidance such as WebTAG and DMRB. It is a professional recognition of the forecasting limitations of strategic modelling in predicting the dynamic network demands as a result of implementing traffic management scenarios, particularly during the commuter peaks when network capacity is constrained.</p> <p>There is an expectation that the construction phasing of this large scheme, in an urban location, will be complicated and cause some local congestion problems that can't be predicted. As such, there has to be processes in place to manage and change traffic management schemes if they don't operate as predicted.</p>	



Source	Comment	Applicant's Response
<p>major routes identified by DCiC.</p> <p>3c) The modelling of queuing and junctions, the adequacy of the Saturn model and the need for LINSIG modelling for the assessment of impacts arising from disruptions to the local road network during construction.</p>	<p>As such, it is how the applicant approaches the wider traffic management of such impacts during construction, and their commitment to maintaining the efficient movement of traffic (within reason) that is important.</p> <p>The DCO places an obligation on the applicant to define their traffic management strategy through the Traffic Management Plan (TMP), and a process of governance. This is clear and DCiC does not have any issue with this or the wording in the DCO. However, it has been the content of the TMP and uncertainty over the exact construction phasing, until the detailed design is complete, which raised questions for DCiC.</p> <p>There have been further discussions with the applicant, and their contractor LinkConnex, and the TMP has been redrafted to provide more definition on communication, design and management processes. The inclusion of junction modelling to inform the design of temporary junctions as part of the traffic management phasing is an important step. Further, a commitment through the TMP to engage with transport operators and user groups, major businesses and public service providers through</p>	

Source	Comment	Applicant's Response
	the Behaviour Change Group is also positive. LinkConnex and Highways England has actively engaged with this group and begun to discuss a communication strategy and liaison over traffic management.	
3d) The updated Traffic Management Plan. The balance of prioritisation given to the A38 and to the local road network. Comments from the Local Highways Authorities, the A38 Behavioural Change Group and other stakeholders. Construction uncertainties, stakeholder engagement and resources. The Community Relations Manager and their liaison with DCiC and DCC. The ongoing role	In part the answer to 3a), 3b) and 3c) above applies to the first part of the question to 3 d). DCiC are committed to strongly push for a locally based Community Relation based manager and that this post should be in part based Derby City Council Offices. DCiC will be one of the first points of call for concerns from residents and Councillors raising issues on a daily basis. Indeed the travelling public do not always understand the spatial network management responsibilities of different Highway Authorities. This will cause a resource drain for DCiC. Highways England and LinkConnex is open to this suggestion and has agreed to discuss this with the DCiC through a Technical Working Group, which is currently being formalised and terms of reference set out.	As noted by DCiC, HE is discussing the details of this with DCiC as part of the Technical Working Group.

Source	Comment	Applicant's Response
of the A38 Behavioural Change Group and how that should be secured.		
3e) Impacts resulting from the proposed development on the local road network (including junctions, the inner ring road and major routes identified by DCiC) during operation. Responsibility for their mitigation. Proposed mitigation measures and how they are secured. The need to monitor local roads and for a separate agreement.	<p>The response from the Applicant at Hearing 4 to this question, is that Chapter 12 of the Environmental Statement looks at the wider impacts on all road users. Chapter 12, and specifically Section 12.10 looks at a range of effects from the scheme during construction and operation, including</p> <ul style="list-style-type: none"> <li>• impacts on journey times for cyclists and pedestrians;</li> <li>• physical changes to the network for all highway users such as moving bus stops;</li> <li>• a specific assessment of driver stress related to changes in Peak Traffic link flows;</li> <li>• severance related to changes in link traffic flows ;</li> <li>• Community and Private Assets;</li> <li>• Human Health (Air Quality and Noise); and</li> <li>• Climate Change.</li> </ul> <p>Further, the Chapter 7.3(a) Transport Assessment provides an analysis of the operation of the scheme that includes:</p>	DCiC comments on ES Chapter 12: People and Communities [APP-050] are correct.

Source	Comment	Applicant's Response
	<ul style="list-style-type: none"> <li>• Journey times with and without the improvement;</li> <li>• 24 Hour AADT link flows;</li> <li>• Road Safety;</li> <li>• Walking and cycling</li> <li>• Public Transport</li> </ul> <p>The assessments provide a broad measure of the impacts of the A38 Scheme on a range of assets and road users. There is no doubt that overall the A38 scheme will provide journey time, road safety and air quality benefits to both the trunk road and local road networks. However, DCiC has highlighted in previous answers to hearing questions that there might be particular junctions where there are significant changes to movements in traffic that will alter how they operate and potentially reduce their capacity. Broad metrics such as Driver Stress or changes in journey time do not provide an assessment of the changes in operation of junctions and impacts of queuing. The concern for DCiC is that as a minimum some junction signal timing might need adjusting to cope with changes to turning movements, however, changes to geometry might be required.</p> <p>To put this into context it is the same process of assessment that the A6/Ford Lane Junction has</p>	

Source	Comment	Applicant's Response
	<p>been through. It was identified that there was a significant change in turning movement at this junction and therefore it was tested using a more detailed junction model.</p> <p>DCiC provided the following examples in answer questions raised at Hearing 2.</p> <ul style="list-style-type: none"> <li>• Manor Road/Utttoxeter Road. Manor Road shows an increase of around 300 pcus in AM1.</li> <li>• Kingsway Junction/Cherry Tree Close/ Kingsway Retail Park. +265 increase towards Retail Park from A38 in AM2 Peak.</li> <li>• Utttoxeter New Road/Brick Street/ Ashbourne Road. A61 Sir Frank Whittle Way/ Alfreton Road. +224 increase from junction towards A38 in AM2 Peak, +163 increase towards A38, mixture of increase/decrease on other arms.</li> <li>• A608/A61/ Hampshire Road. No significant change, this could be to do with the routing through the Meteor from Mansfield Road – increase through meteor is 253 in AM2 peak. Decrease on north and south bound towards Pentagon.</li> <li>• Kedleston Road Slips. AM2 +150 right turn and 242 left increase to southbound on-slip A38.</li> </ul>	

Source	Comment	Applicant's Response
	<p>• A38(T)/ A6 Duffield Road – Palm Court Island. +397 increase in northbound off slip in AM2 peak – increase of 332 on A6 Duffield Road approach from the north.</p> <p>At a meeting held on 27/02/2020, Highways England reaffirmed it's position that the A38 Scheme will provide wider benefits across Derby's highway network. Further, the funding for the A38 Derby Junctions Scheme does not include funding for wider mitigation. However, Highways England suggested that a mechanism of monitoring the operation of the wider network is include in the OEMP. If significant operational impacts were identified as part of this process then the results could be used to petition for funding, either through Highways England or other funding routes. DCiC wants to see a commitment to such a mechanism.</p>	<p>Highways England is happy to discuss the outputs from the 'With-Scheme' (SATURN) traffic model forecasts. This strategic model would provide a useful tool to identify the broad re-routing of traffic patterns as a result of the Scheme.</p> <p>It is not within Highways England's remit to develop local transport interventions. It is noted that appropriate solutions may not necessarily be road-based.</p>
3g) Agreement of mitigation measures for Ford Lane Bridge (DCC and Network Rail concerns) and the Ford Lane/A6 Junction (DCiC	DCiC has been in on-going discussions with LinkConnex on a scheme for Ford Lane/A6 Junction. LinkConnex has drawn up a couple of alternative options to the full signalisation of the Junction and will be testing these shortly using junction modelling software.	Noted and Agreed. Highways England would also highlight that the current draft SOCG notes that DCiC and HE agree a 'scheme' is needed, but that this scheme will be defined and agreed through the detailed design process.

Source	Comment	Applicant's Response
concerns) and how they are secured.		
Article 50 - Appeals relating to the Control of Pollution Act 1974 SWQ [PD-014] 1.16 Applicant response [REP4-024]	<p>No further discussions have taken place. The basis of DCiC's objection to the wording of Article 50 related to the short time period (10 business days) within Article 50 that is provided to the Council in respect of drafting a response to any appeal lodged by the Applicant, for which the Applicant was originally stated in the dDCO to have a period of 42 days. DCiC notes that the Applicant has now offered to reduce the appeals period within the dDCO from 42 down to 21 days, however the requirement for the Council to submit written representations in respect of an appeal remains at 10 business days. This is not equitable. Whilst the purpose of DCiC's objection to the wording of Article 50 related more to extending the period available to the Council rather than reducing the appeals period available to the Applicant, DCiC does appreciate that there are practical limitations which forces a condensing of the process in order to resolve an appeal quickly. We further note that the 10 business day window is consistent with all other representation periods</p>	<p>Noted, given the clarification provided by DCiC, Highways England can confirm that no further revisions are proposed to the wording within the dDCO in respect of Article 50. As such, it is considered that this matter is now concluded.</p>



Source	Comment	Applicant's Response
	<p>in respect of the appeal, including for the Applicant themselves to prepare a response to representations.</p> <p>Consequently, whilst DCiC would prefer a longer time period to make representations in respect of an appeal, this is not considered to be a significant objection to the wording of Article 50.</p>	
<p>CAH2 Item 9</p> <p>a) The potential oversupply of Public Open Space. Whether there is enough certainty that CA of replacement land is necessary to justify the CA powers being granted. Whether CA of Replacement Land to avoid Special Parliamentary Procedure would be justified.</p>	<p>Following CAH2, DCiC has held further discussions with Highways England on outstanding matters of concern, including the issue of a potential surplus of POS land raised by the ExA. From these discussions DCiC can advise that:</p> <ul style="list-style-type: none"> <li>- There is a surplus of open space land in the locality of the application site against the adopted standard of 3.8 hectares per 1000 population;</li> <li>- Equally, there is an undersupply of POS land within the City Centre area, which lies close to the A38 corridor and is reliant on the presence of Markeaton Park for its recreational needs;</li> <li>- DCiC therefore considers that open space land supply, should be considered on a city wide basis, not in isolation;</li> </ul>	<p>Noted and agreed. Please also refer to the Technical Note (Document 8.79 [REP6-023]) which sets out in detail the position of Highways England on this matter as submitted at D6.</p>

Source	Comment	Applicant's Response
	<ul style="list-style-type: none"> <li>- DCiC is of the view that POS should be considered from both a quantitative and qualitative basis and the quantum of land is only part of the consideration;</li> <li>- The fact that there is a surplus of open land, should not in any event equate to an 'over supply' issue, as the standard is used for guidance purposes to ensure a minimum level of accessible high quality POS is provided within Derby;</li> <li>- As such there is no maximum level whereby the loss of POS should be disregarded because of an apparent surplus, as the provision above standard provides flexibility and enhancement for the benefit of the population of Derby;</li> <li>- In the case of the A38 Derby Junctions Scheme, DCiC accept that POS loss includes CA of land at Markeaton Park and as a high value recreational asset, it is entirely appropriate that replacement land should be provided, to mitigate for this loss.</li> </ul>	
<p>ISH4 Item 4</p> <p>c) Potential effects on open space and</p>	<p>It isn't Temporary possession but the access construction and potential severance under the heading Effect on the business of the park. DCiC has +100 events and car parking generating some</p>	<p>Such issues have been discussed with DCiC and it is agreed that careful traffic management will be needed during the Scheme construction phase. The amended OEMP submitted at D6 [REP6-007] states (at MW-TRA2)</p>

Source	Comment	Applicant's Response
events in Mackworth Park and Markeaton Park due to temporary possession, their	£600,000 with +1.6m visitors per year. Will need careful construction plans to ensure minimal/nil disturbances to maintain the popularity and patronage of the park	<i>"The detailed TMP (Traffic Management Plan) will ensure that the Scheme construction phase traffic management proposals minimise effects of traffic accessing Markeaton Park – both associated with routine park visits as well as park events. This will require the Highways England's Customer and Stakeholder Manager to regularly liaise with DCiC regarding routine park access arrangements, and arrangements for access to the park during organised events"</i>
Item 7 b) Whether the proposal would retain an adequate level of tree cover at the Markeaton junction. Whether adequate measures are in place to ensure retention of felled timber on the site as biodiversity mitigation.	DCiC is expecting a net gain in tree provision in the detailed plans	As discussed at ISH4 and confirmed in the amended OEMP submitted at D6 [REP6-007] (at D-L5 in Table 3.2c) <i>"With regard to replacement tree planting in Markeaton Park, Highways England will deliver a landscape design that results in a net gain in trees within Markeaton Park."</i> It is also noted that the landscape and tree planting design for Markeaton junction will be subject to consultation with DCiC. These commitments are agreed as detailed in the draft SoCG with DCiC.
d) The effect of the proposed development on protected trees including T358, the	DCiC has raised points to consider in the pursuit of the detailed plans in terms of Tree Protection plans and Arboricultural Method statement. We are expecting a net gain in overall replacement tree	As detailed above, with regard to replacement tree planting in Markeaton Park, Highways England will deliver a landscape design that results in a net gain in trees within

Source	Comment	Applicant's Response
correct identification of such trees and the appropriate Root Protection Areas. Updates required to the OEMP.	provision. T358 Veteran Oak proposed to be removed is not TPO'd. The fact that it is not TPO'd is not unusual as it is owned by DCiC and deemed to be under good management. We would prefer to see its retention through the detailed planning.	Markeaton Park, and that tree planting proposals to be discussed with DCiC.  With regard to Scheme effects on the veteran tree T358, the reasons for the unavoidable loss of this veteran tree are described in the Technical Note: Veteran Tree Loss T358 (examination document ref. 8.85).
Item 8 b) The approach to biodiversity enhancement and the use of Biodiversity Metric Assessment.	<p>The NPPF requires a net gain in biodiversity and is a strong material consideration in the planning process.</p> <p>The OEMP is the place for Biodiversity Metric Assessment and would give comfort going forward.</p> <p>It has been our understanding that biodiversity metrics would be applied to this application in order to fully understand the balance between losses and gains and ultimately to ensure that there is no net loss. This is primarily in relation to the habitats that will be impacted by the development rather than species. In this respect paragraph 8.3.24 of Chapter 8 (Biodiversity) within the Environmental Statement states as follows "A NNL (No-net loss) biodiversity assessment (based on suitable metric methodology) has been</p>	<p>These issues were discussed at ISH4 and agreement was reached with DCiC on the use of the Biodiversity Metric Assessment. As such, the draft SOCG with DCiC includes agreed text as follows "<i>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</i>". This commitment is confirmed in the amended OEMP submitted at D6 [REP6-007] which states at D-B31 (in Table 3.2c) "<i>Use of a biodiversity metric to assist with the detailed design of the Scheme landscaping proposals, and thereafter provide an evidence base for monitoring habitat management during the Scheme construction phase</i>".</p> <p>With regard to the NPPF, reference should be made to HE's response to ExA question 37 ISH2 [REP3-026]. This</p>

Source	Comment	Applicant's Response
	<p>undertaken and is reported separately to this assessment. Opportunities to achieve NNL (and potentially net gains) in biodiversity within the Scheme boundary based on the Defra metric are being sought to aim to comply with Highways England internal policy guidelines".</p> <p>Highways England Biodiversity Report 2018-19 includes a section (page 15) on measuring biodiversity and it is clear that HE have a commitment to using biodiversity metrics as a tool to help achieve better biodiversity outcomes. Despite the apparent commitment shown in the above statements from HE the application of biodiversity metrics across the development scheme has not to our knowledge been undertaken.</p> <p>Table 8.15 in Chapter 8 (pp 98 – 100) entitled 'Approximate habitat losses and gains associated with the scheme' sets out where HE has identified potential gains and losses. For some habitats such as grassland there is likely to be a net permanent habitat gain, whilst for others e.g. woodland and hedgerows there is likely to be a permanent habitat loss. In the case of both woodland and hedgerows HE argues that the habitats being</p>	<p>indicates that the primary basis for decisions on NSIP projects is the National Policy Statement for National Networks (NPSNN), but that the NPS itself acknowledges (paragraph 1.18) that "<i>the NPPF is also likely to be an important and relevant consideration in decisions on nationally significant infrastructure projects, but only to the extent relevant to that project</i>". 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 A38 Derby Junctions Scheme, HE considers 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, HE considers that moderate weight should be attributed to enhancing the natural environment, to the extent that it can be reasonably achieved in delivering an NSIP project. The Scheme has sought to maximise opportunities for enhancement in biodiversity associated with defined mitigation measures. These measures are detailed, together with mitigation measures, within Section 8.9 of ES Chapter 8: Biodiversity [APP-046] and a summary of residual biodiversity effects</p>

Source	Comment	Applicant's Response
	<p>planted are going to be of higher quality than those being lost. The problem is that without a clear accounting system (which biodiversity metrics would provide) we do not know whether the proposed 6.4 ha of new woodland and the proposed 107m of new hedge are sufficient to achieve no-net loss. How has HE arrived at these precise figures?</p> <p>ur concerns are therefore focussed on the level of mitigation and compensation being proposed for habitat loss within the scheme and the key question is how do we know that no-net loss or indeed any potential net gains have been achieved? How do we separate out those elements of mitigation that comprise actual enhancements once any residual impacts from the scheme have been fully mitigated and compensated for? For example how can we reach agreement that the replacement of 509m of species poor hedgerows with 107m of species rich hedgerow is sufficient to mitigate for the overall loss of hedgerows? Running these figures through a biodiversity metric calculator would give us a figure for how much hedgerow is needed to ensure</p>	<p>(adverse and beneficial) is provided in ES Appendix 8.20a [APP-217].</p> <p>It is acknowledged that the use of a biodiversity metric has been discussed at some consultation meetings and is referenced in the ES at para. 8.3.24. This relates to the use of a metric as part of the ongoing Highways England Designated Funds (DF) commission that is investigating opportunities for biodiversity enhancement works within areas of open space located adjacent to the A38. This DF commission is not part of the DCO application. A biodiversity metric calculation did not feed into the ecological impact assessment as reported in ES Chapter 8: Biodiversity [APP-046]. For NSIPs there is no explicit requirement to demonstrate no net loss or net gain using a Biodiversity Metric. Rather the Scheme has assessed impacts of the Scheme on biodiversity qualitatively as per CIEEM and DMRB guidance at that time, based on the significance of effects on flora and fauna and provided appropriate mitigation to avoid significant harm to biodiversity. All measures to mitigate potentially significant adverse effects as a result of the Scheme are to be delivered within the DCO boundary and are detailed in Section 8.9 of the ES Chapter 8: Biodiversity [APP-046]. The mitigation measures as defined for the Scheme are considered appropriate and have been defined in full</p>



Source	Comment	Applicant's Response
	<p>no-net loss and enable all parties to be comfortable about the mitigation proposed.</p> <p>We have no major concerns regarding the survey methods that have been used to assess individual habitats and we are not questioning the extent or quality of the habitats as presented in the ES.</p> <p>On the associated question of whether the no-net loss approach to biodiversity enhancement is acceptable (rather than aiming for a net gain) it depends on the weight given to the revised NPPF (February 2019). As stated previously DCiC is of the view that greater weight should be placed upon the NPPF policies to enhance the natural environment and provide net gains for biodiversity. We consider that the principles of the NPPF in relation to sustainable development and biodiversity are relevant to a project that clearly has a significant impact on habitats and species. We therefore disagree with Highways England in their determination that limited weight should be afforded to the NPPF in respect of the aspiration for net gain as summarised within para 170d and 175d. In our view Highways England's position is at odds with the current emphasis being placed on</p>	<p>consultation with ecological consultees. Thus no further ecological mitigation measures are considered to be required.</p> <p>With regard to Highways England Biodiversity Report 2018-19, Highways England is currently going through a period of transition of implementation of biodiversity metrics across their portfolio of Major Projects. The A38 Scheme pre-dates this transition. The calculations presented in ES Table 8.15 were taken from GIS information available at that time – based on the habitat retention plans ES Figures 7.7A and 7.7B [APP-093].</p> <p>When compensating for biodiversity loss, CIEEM (2019) refers to compensating for the same type of features as those affected and seeking to achieve at least equivalent levels of ecological functionality.</p> <p>Whilst the metric outputs can be helpful in predicting the change in biodiversity units and the amount and type of habitat required to mitigate any loss, the determining authority would need to decide whether the proposed mitigation is considered sufficient to address any potential significant effects in accordance with its policies, outside of a biodiversity metric assessment. The ecological mitigation proposals included in the Scheme have been defined in full consultation with applicable ecology consultees.</p>



Source	Comment	Applicant's Response
	<p>avoiding losses of biodiversity and providing net gains.</p> <p>We also note HE have agreed to a net gain in the number of trees to be planted against those being lost and that HE clearly have sought to achieve net gains for some habitats e.g. grasslands. We consider that it is a short step to embrace a net gain approach to enhancements across the scheme as a whole.</p> <p>Ideally it would be advantageous to see the results of a biodiversity metric assessment as soon as possible so that changes to the required mitigation can be included in the scheme at an early stage. However, if undertaking the assessment as part of the detailed design stage still allows for any required changes in the biodiversity enhancements to be made in order to achieve biodiversity gains for the scheme (or at least no-net loss), then this could be a workable way forward.</p>	<p>In summary, the Scheme has sought to maximise opportunities for enhancement of biodiversity associated with the defined mitigation measures. These measures are detailed, together with mitigation measures, within Section 8.9 of ES Chapter 8: Biodiversity [APP-046] and a summary of residual biodiversity effects (adverse and beneficial) is provided in ES Appendix 8.20a [APP-217]. Further opportunities to improve the biodiversity outcomes of the Scheme will be explored during the detailed design stage. HE has agreed to the use of a biodiversity metric to assist with the detailed design of the Scheme landscaping proposals, and thereafter provide an evidence base for monitoring habitat management during the Scheme construction phase.</p>
<p>Item 10</p> <p>a) Hydraulic modelling at the Markeaton junction.</p>	<p>DCiC can confirm acceptance of the Hydraulic modelling at the Markeaton junction</p> <p>DCiC also confirm the flood compensation storage is agreed</p>	<p>Noted and agreed.</p> <p>Noted and agreed.</p>

Source	Comment	Applicant's Response
b) Flood compensation storage at the Little Eaton, Markeaton and Kingsway junctions.		
d) Need for further information on discharge rates and volumes.	Detailed design will establish these rates and we would be looking for betterment where possible	Noted and agreed.
<b>20) Derbyshire County Council</b>		
REP6-028 <b>ISH3 1 Guillotine Provisions a) to c)</b>	DCC made no particular comments on the 'guillotine' provisions in its written response to the Examination Authority's (ExA) written questions. However, DCC's opinion was invited at the hearing session by the Inspector, when DCC expressed the opinion that it would be reasonable for the application for consent to contain a statement drawing the consultees attention to the 'guillotine' provisions for clarity and certainty and that 28 days appeared to be appropriate from DCC's point of view for consultation but that a 12 weeks consultation applied to Article 20, as suggested by Derby City Council would also be a reasonable requirement and was supported.	Noted. Highways England has retained the 28-day period in the final version of the dDCO submitted at D6 on the basis that it considers that this period is necessary and reasonable, together with the fact that none of the parties affected by the period objected to its inclusion. The 12-week period noted by DCiC relates to Article 19 and Highways England have provided justification for the inclusion of 12 weeks in Article 19 as opposed to 28 days in other articles because traffic management processes and systems need to integrate with those traffic management changes and the police need to update their enforcement detail relating to it.

Source	Comment	Applicant's Response
<b>REP6-028</b> 4) Disapplication of Water Resources Act 1991 and Land Drainage Act 1991. a)	DCC reaffirmed its comments made in its response to the ExA's written questions that, based on its investigation of other DCO cases across the Country, disapplication of the Water Resources Act and Land Drainage Act was standard practice in the DCO process and so DCC was happy with the disapplication of these provisions. Consultation by Highways England with DCC as Lead Local Flood Authority on the detailed design of the drainage proposals was considered to be important.	Noted and agreed. As mentioned to DCC, they will continue to be engaged in the development evolution of the Scheme. For example, as part of Requirement 13 (Surface and Foul Water Drainage) DCC would be consulted on the detailed drainage design and on the detailed design as a whole under Requirement 12. Highways England has also pointed out to DCC that Highways England needs to prepare a consultation report in respect of these requirement applications and that the Secretary of State will take DCC's representations into account when deciding on the determination of the requirement applications. Highways England has also confirmed to DCC that their inspection rights under s.64 of the Land Drainage Act 1991 are still effective though Highways England has explained that in practice DCC will need to liaise with Highways England if using these powers to ensure that access to the relevant land is safe, particularly during the construction period.
b)	DCC expressed the view that there was a need for protection to ensure the LLFA can influence the detailed design of watercourse alteration to ensure flood risk is not increased. DCC considered that	Noted and agreed.

Source	Comment	Applicant's Response
	consultation at the detailed design stage would be sufficient to address its requirements for consultation. Such a position has subsequently been set out and agreed in the revised Statement of Common Ground that was submitted to DCC by Highways England's consultants (Aecom) following a meeting between the two parties on 28th February 2020.	
10) Article 11 - Street Works	DCC confirmed that discussions had taken place between Highway England's consultants (AECOM) and DCC's Traffic Management Officers. DCC had no concerns with the disapplication of the County Council's Street Works Permitting Scheme in principle but was concerned that a mechanism needed to be put in place to ensure that the County Council was given appropriate notification by Highways England about when and what works were going to be undertaken to the sensitive streets in DCC's control.	Highways England has explained to DCC that it will be notified under the process set out in Articles 11 and 12 of the dDCO. In addition, the TMP has been updated to ensure that DCC is consulted on any additional processes it may require as the Scheme's design progresses and as part of the full TMP once this detail is collated and submitted to the SoS for approval.
14) Article 27 – Public Rights of Way	DCC said that there were no outstanding issues that were relevant to the DCO process. However, discussions had previously taken place with Highways England's consultants (Aecom) regarding the provision of a toucan crossing on the	HE is still holding discussions with DCC to agree the details for the design of the toucan crossing on the A61 (which is taking place outside of the scope of the DCO process and not part of the application for the Scheme). When this is

Source	Comment	Applicant's Response
	A61 to the south of the Little Eaton Junction scheme and that HE had secured funding for the provision of the toucan crossing outside the DCO process. DCC highlighted an on-going issue in its discussions that a section of the highway verge adjoining the A61 from a point where diverted Footpath no. 3 met the A61 down to the proposed location of the toucan crossing was not surfaced. DCC was keen to work with HE to ensure that this section of verge was surfaced to assist in maximising the use of the toucan crossing by pedestrians using diverted footpath 3 to cross the A61.	agreed, HE would be willing to discuss the surfacing of some of the verge as part of this Scheme.
19) Requirements 1 – 21: Provisions for Consultation	DCC expressed the view that ideally a requirement for consultation with the Derwent Valley Mills World Heritage Site Partnership should be added to Requirements 1 – 21 for clarity and certainty but that requirements for consultation through the OEMP would also be sufficient. The key issue was that consultation with the Partnership was carried out whether this was achieved through the Requirements or OEMP. DCC had no strong views either way.	Noted and agreed. Consultation with the Derwent Valley Mills World Heritage Site Partnership is now secured via the OEMP [REP6-007] as agreed with DCC at ISH4.

Source	Comment	Applicant's Response
21) CEMP and Handover Management Plan Requirement 3 b)	DCC expressed the view that it supported the ExA's suggested additional three provisions to the HEMP.	Noted. See Highways England's D6 response to the DCO ISH3 questions.
22) Requirement 4	DCC considered that it was reasonable to add a 28 day consultation period to Requirement 4 and this was supported.	This was not DCC's position at the ISH3 DCO hearing. Highways England, as mentioned at the ISH3 DCO hearing and in submissions on the ISH3 DCO questions submitted at D6, considers that 28 days is too restrictive as it is not flexible enough. It precludes a shorter time period but also a longer time period. Highways England does not consider that it is necessary to limit the consultation period in this way.
Schedule 3: Classification of Roads a) and b)	DCC confirmed that its officers had reviewed Part 1 – 8 of Schedule 3 and that DCC had no further comments to make as their concerns had been addressed by Highways England in the latest version of the DCO.	Noted.
Schedule 4: Permanent Stopping Up of Highways	DCC confirmed that it had reviewed Parts 1 – 4 of Schedule 4. DCC highlighted that the stopping up of Ford Lane was referred to in Part 1 and that DCC was in on-going discussions with Highway England to resolve the weight restriction issue on Ford Lane Bridge associated with the stopping up	Highways England can confirm that an approach to dealing with Ford Lane Bridge has subsequently been agreed with DCC and this process is set out in the final version of the SoCG between Highways England and DCC submitted at D6.

Source	Comment	Applicant's Response
	of Ford Lane for which more detail would be discussed at the Topic Specific Hearing Session 4.	The amended OEMP [REP6-007] (at MW-TRA12) as submitted at D6 secures the agreed position.
<b>REP6-029</b>  ISH4 3 Transport Networks and Traffic c) Modelling and queuing and junctions, adequacy of Saturn Model and need for LINSIG modelling for assessment of impacts arising from disruptions to local road network.	DCC considered that the use of the Saturn model was acceptable at this stage in the DCO process from the County Council's point of view. The modelling works using Saturn that had been undertaken so far were acceptable to the County Council and it had not raised any concerns to date. There were no signalised junctions on the DCC part of the network impacted by the scheme so use of the LINSIG model was not an issue for the County Council.	Noted.
d) Updated Traffic Management Plan. Comments from the Local Highways Authorities. Construction uncertainties, stakeholder	DCC confirmed that it had no further comments or concerns to make on the Traffic Management Plan at this stage. Impacts during the construction phase were still uncertain and so a coordinated and constructive approach was required between Highways England and the Local Highway Authorities to develop the TMP. From DCC's point	Noted and agreed.



Source	Comment	Applicant's Response
engagement and resources. The Community Relations Manager and liaison with DCC.	of view, it was important that the TMP needed to consider weight limits and restrictions on local roads in Derbyshire to ensure HGVs avoided those roads as much as possible.	
e) Impacts during operational phase of the scheme.	DCC confirmed that it had no further comments to make on the impacts of the scheme during the operational phase and need for monitoring.	Noted.
4 Land Use Social and Economic Impact  a) Footpath diversions at Little Eaton junction including the linkages between existing and proposed footpaths and the proposed diversion of FP3.	DCC indicated that the main outstanding issue with regard to the diversion of footpath diversion FP3 was in respect of the proposed provision of a new toucan crossing on the A61 to the south of where FP3 adjoined the A61 to the south of the new Little Eaton junction. A proposed detailed scheme had been designed by Highways England's consultants that had been submitted to DCC and was currently under consideration and assessment.  From the point where FP3 adjoined the A61 to where the new toucan crossing was proposed was currently just unsurfaced highway verge and so from DCC's point of view, there was a need to ensure that this stretch of verge was surfaced to encourage pedestrians using diverted FP3 to walk	Noted and agreed – refer to Applicant's response to point 14 above.

Source	Comment	Applicant's Response
	<p>southwards and cross the A61 via the new crossing. This issue was under consideration and discussion with Highways England.</p> <p>DCC indicated that there would be a need for the County Council to monitor the new 50 mph speed limit proposed for the stretch of highway from the new junction improvements southwards on to the A61 towards the proposed new toucan crossing point when the scheme was complete and operational. If 50 mph limit was unsuccessful in reducing traffic speeds on the stretch of the A61 then it may not be appropriate on safety grounds to provide the crossing as proposed. A decision would be taken by DCC once monitoring had taken place, which would be likely to be around three months.</p>	
d) Supreme Court Judgement on the approach to Green Belt openness	<p>The Panel of Inspectors raised this issue with Derby City Council and Erewash Borough Council at the hearing session but did not seek the views of DCC. However, for the record, DCC concurs with DCiC and EBC responses at the hearing that the judgement does not have any implications for how DCC considered the impacts of the scheme on the openness of the Green Belt. The case</p>	<p>Noted and Agreed. Highways England confirmed in their D6 submissions (See Technical Note – 8.78) that it considered there were no implications for the consideration of the Scheme in respect of Green Belt policy objectives, as a result of the Supreme Court Judgment.</p>

Source	Comment	Applicant's Response
	<p>revolved around the issue of whether assessment of openness of Green Belt should include visual impacts. DCC's case submitted to the Examination was based on a detailed assessment of the potential visual impacts of the scheme on the openness of the Green Belt around the Little Eaton junction improvements as well as spatial impacts on the five main Green Belt purposes.</p>	
<p>7) Landscape and Visual Impact a) Landscape tree planting at Little Eaton Junction</p>	<p>DCC confirmed that the details of the tree planting scheme that had been submitted by the applicants at this stage of the DCO process for the Little Eaton Junction part of the scheme were acceptable to the County Council. DCC was content that a greater level of detail would be submitted at the detailed design stage and that DCC would be consulted further at that stage in the DCO process for its comments.</p> <p>DCC emphasised that details of the tree planting scheme that had been submitted at this stage in the DCO process, particularly the photomontages that had been produced by Highways England's consultants, were very important in satisfactorily addressing DCC's concerns relating to the landscape and visual impacts of the scheme and</p>	<p>Noted and agreed.</p>

Source	Comment	Applicant's Response
	in informing the Council's revised position that the impacts of the scheme on the openness of the Green Belt, Outstanding Universal Value of the Derwent Valley Mills World Heritage Site and landscape and landscape character of the area, were now considered to be acceptable with the tree planting mitigation proposals in place, particularly to the east of the Little Eaton junction.	
10 The Water Environment  e) Scope of hydraulic calculations for Dam Brook Diversion	DCC highlighted that it had expressed concerns in its written submission to the ExA's written questions regarding the physical extent of the flood risk modelling that had been undertaken by Highway England's consultants that had been set out in the applicant's Hydraulic Modelling Technical Note Supporting Evidence. In particular, there were two culverts to the east of the extent of the modelling works that had been undertaken where there have been previous occurrences of internal flooding to properties in Breadsall, in particular around where the Dam Brook is culverted under Brookside Road and where Boosemoor Brook is culverted under Rectory Lane. DCC raised the question of whether the modelling works could be extended to encompass the area around the two culverts. This would	Noted and agreed – the SoCG with DCC indicates that DCC agrees that they will be consulted during the detailed design of the Dam Brook realignment works and associated biodiversity design, and that as part of the detailed design of the Dam Brook diversion works, Highways England will undertake hydraulic modelling using the existing hydraulic model, and will consider the need to extend the domain of the model to include the two culverts and upstream areas within Breadsall village. Such commitments are secured in the amended OEMP [REP6-007] as submitted at D6 (refer to PW-WAT3).

Source	Comment	Applicant's Response
	<p>provide DCC with necessary assurance that the proposed scheme would not increase the risk of flooding upstream in Breadsall Village.</p> <p>Highways England's representative indicated that the modelling works that had been carried out were sufficient to demonstrate that there was no risk to flooding of properties further upstream. Further consultation would be carried out with DCC at the detailed design stage when it would have the opportunity to comment further on the detailed design of the Dam Brook diversion and that Highways England will consider extending the domain of the Dam Brook hydraulic model to include the two culverts and upstream areas within Breadsall village.</p> <p>DCC indicated that it was happy with the suggested approach by Highways England and on that basis, had no further comments. (Note: This approach has subsequently been discussed and agreed with Highways England's consultants (28th February 2020) and included in an updated version of the Statement of Common Ground between DCC and Highways England, which is to be submitted to the Examination).</p>	

Source	Comment	Applicant's Response
f) The need for water quality monitoring during the operation of the proposed development	DCC indicated that it had raised no concerns regarding the need for water monitoring during the operation of the scheme.	Noted and agreed.
<b>21) Environment Agency</b>		
REP6-037	<b>ISH 3 – Draft Development Consent Order</b>  Q1) Guillotine matters – the Environment Agency confirms we have no further concerns regarding this matter.	Noted.
	Q4) Disapplication of legislation – Discussions have started to take place between the EA and Highways England and we understand they are now starting to look into the Midlands byelaws. Applicant understands that protected provisions covers the FRAP process.	As mentioned during the DCO ISH3 and in the ISH3 Question responses, Highways England is proposing to disapply the Midlands byelaws on the basis that they do not apply to the Scheme and on a precautionary basis - notably because the Midlands byelaws have been in place for a number of years and have been subject to significant change. To ensure there are no residual issues which might (but should not on the face of the byelaws) apply to the Scheme, Highways England is disapplying the Midlands byelaws through the DCO. At the DCO ISH3 hearing, the EA confirmed that they are content with this approach.

Source	Comment	Applicant's Response
	Q12) Article 20 – Discharge of Water - We previously responded to the written questions on this matter saying that we were satisfied with bullet points 1) and 2) to be incorporated.	Noted. At the DCO ISH3 hearing the EA did not consider it was necessary to include 1) given that no main river is being affected by the Scheme. 2) has been included in the dDCO.
	Q20) Management and mitigation plans – b) The latest addition of the Statement of Common Ground indicates that both the applicant and the Environment Agency have agreed the inclusion of a Verification Process through Requirement 3 (CEMP), and that the wording will refer to demonstrating the effectiveness of remedial actions.	It has been agreed with the EA that the amended OEMP [REP6-007] (as submitted at D6) (at MW-GEO3 in Table 3.2b) state that: <i>“Where remediation works have been undertaken, Highways England will prepare a Verification Report to illustrate that the works have been undertaken in accordance with the Remediation Strategy. The Verification Report shall be submitted to and agreed with the Environment Agency, noting that the Verification Report will report on the effectiveness of the implemented remedial measures”</i> . Thus the need for verification will be detailed in the CEMP, with the verification process being undertaken separately. This is confirmed in the final SoCG with the EA [REP5-008].
	Q21) CEMP and HEMP – a) we would be happy with the proposed approach. b) we would be happy with the proposed approach.	Noted. Please note Highways England's DCO ISH3 question responses to this point.



Source	Comment	Applicant's Response
	<p>Q23) Preliminary Works - PW-WAT1 refers pollutions risks during weather events and construction and by inference drainage. In our response to a previous Inspector Question on the subject of drainage solutions in the main compound area, we stated that given the sensitivity of this location, details of the drainage solution and pollution prevention measures should be included within the Preliminary Works CEMP. We believe these matters should fall under PW-WAT1. After discussions in ISH4 on this matter we now understand that the details of drainage solutions and pollution prevention measures will now be included within the Preliminary Works CEMP.</p>	<p>Agreed – the amended OEMP <b>[REP6-007]</b> (as submitted at D6) (at PW-WAT1 in Table 3.2a) states: “<i>preliminary works CEMP for the preliminary works to control the risk of pollution due to construction works, materials and extreme weather events, including change to flow, flood storage volume, water levels and quality. This will be completed having regard to industry guidance. Such measures will be defined in consultation with the applicable local authorities and the Environment Agency. The preliminary works CEMP will include details of pollution risk management measures at the main construction compound at Little Eaton junction (including measures to be implemented during the site establishment phase), taking particular regard to the protection of the nearby groundwater Source Protection Zones and surface watercourses. The preliminary works CEMP will also include details of surface water drainage solutions at the main construction compound at Little Eaton junction to appropriately control and manage surface water runoff</i>”.</p>
	<p>Q32) Protected Provisions – We are happy as protected provisions will require applicant to provide all information that would be required for a Flood Risk Activity Permit (FRAP).</p>	<p>Noted and the revised PPs included in the D6 DCO includes this approach, coupled with the relevant Environmental Permitting Regulations disapplication in article 3.</p>

Source	Comment	Applicant's Response
	<p><b>ISH4 – The Water Environment</b></p> <p>The Environment Agency were asked to provide a written summary of our oral contribution to this section of ISH4 in relation to the latest Markeaton Brook modelling, the climate change allowances used in requirement 14 for the Little Eaton junction, and for matters relating to the compound situated on areas designated as source protection zones (SPZ) 1 and 2.</p> <p>Markeaton Brook Modelling – We can confirm that the latest model the Environment Agency has for the Markeaton Brook is our Derby City Tributary model that was undertaken in 2013.</p>	Noted and agreed.
	<p>Climate Change Allowances – As previously mentioned in our response to the written questions. The Environment Agency are satisfied with the 50% allowances proposed for the Little Eaton junction. Climate change allowances requirements are detailed on gov.uk dependent on the vulnerability of the development and the flood zone the development is situated in. For essential infrastructure in FZ3 the upper end climate change allowance in the Humber catchment would need to</p>	Noted and agreed.

Source	Comment	Applicant's Response
	be used which is a 50% allowance, which is being proposed for the Little Eaton junction.	
	Little Eaton Construction Compound – As discussed in the hearing we now understand that the protection of controlled water will be detailed within the Preliminary Works CEMP which we would support.	Noted and agreed. Refer to response to Q23 above.
<b>22) Derby Climate Coalition</b>		
REP6-030	<p><b>ISH4 – Item 9.b - Whether the approach to carbon emissions adequately considers the Government's updated target for net zero carbon by 2050.</b></p> <p><b>Let's look at the National Appraisal of the A38 Derby Junctions Scheme as part of RIS 1</b></p> <p>The schemes studied for inclusion in RIS1 (Road Investment Strategy 1) were analysed for their Benefit to Cost Ratio. However, cost-benefit analysis has built-in biases that favour road schemes over other options. It has been criticised repeatedly for its perverse logic, double counting, and the high importance given to time savings of a few minutes for millions of motorists.</p>	<p>The Road Investment Strategy for the first Road period from 2015 to 2020 (RIS1) was published in December 2014 and outlined a long-term investment plan for the improvement of motorways and major roads. The feasibility studies considered for inclusion in RIS1 were– as the title suggests – road network improvement schemes. The analysis to determine schemes to be included within the RIS was undertaken by DfT.</p>

Source	Comment	Applicant's Response
	<p>By contrast, the assigned cost of carbon emissions is severely underestimated and costs of carbon emissions in future years are heavily discounted. The high rate of discounting coupled with the uncertainty of carbon costs in the long period over which the disbenefit is calculated (generally 60 years for road projects) also makes the accuracy and ethics of the economic appraisal highly questionable.</p> <p>This bias towards time savings and the discounting of carbon impacts means that environmentally damaging road projects that increase carbon emissions continue to get approved. This is totally disregarding the Government's updated target for net zero carbon by 2050.</p> <p>In the light of the Government's declared Climate Emergency the current cost-benefit appraisal process needs to be replaced with a transparent approach which gives more weight to carbon impacts and is not biased towards roadbuilding.</p>	<p>'The Green Book' is guidance issued by HM Treasury on how to appraise policies, programmes and projects and manage public money. The Green Book sets out the parameters and methods to be used. The DfT's transport appraisal guidance (TAG) follows this HM Treasury guidance.</p> <p>Given that the TAG assessment was used to prioritise between feasible road projects then the implied bias is not the issue. If the A38 Derby Junctions had not been selected in RIS1, then another road improvement scheme would have been selected in its place.</p> <p>Derby Climate Change Coalition appears to be questioning how DfT's overall investment budget was allocated to the different modes of transport. This is not an issue for this DCO, which has to be assessed against government policy i.e. the NPSNN.</p>
	<p><b>Having been accepted as part of RIS 1 using biased metrics let's look at the Detailed Transport Appraisal for the scheme</b></p>	<p>Most of the issues raised in this point are outside of the scope of the application for the Scheme or they are questions directed at the local highway authority, on which</p>

Source	Comment	Applicant's Response
	<p>According to Department for Transport guidance (May 2018), transport appraisal should begin with an 'option generation' stage which considers "all modes, infrastructure, regulation, pricing and other ways of influencing behaviour" to address a defined problem.</p> <p>Contrary to this guidance we have not seen any alternatives proposed by Highways England, including regulation, road pricing or behavioural change to address the stated problem of congestion. All we have been given is a limited range of road widening and junction layout schemes. Where are the proposals for road pricing, improved rail and bus services or segregated cycleways? What discussion has there been with the community or with Derby City Council about other measures that could be implemented?</p> <p>In Nottingham they have introduced a Workplace Parking Levy which has raised £61 million to date, all of which has been spent on improving the city's transport infrastructure, including extension to the city's tram network, significant renovation of the main railway station and a new fleet of 45 electric</p>	<p>Highways England cannot comment. However, Highways England provides the following response insofar as the points raised relate to the Scheme itself.</p> <p>The Transport Assessment Report <b>[REP3-005]</b> documents the Scheme's history in Table 2.1. The Scheme was originally defined by the road-based studies of 2002. A number of alternative options were investigated up to Preferred Route Announcement in January 2018.</p> <p>On the point of the potential for the increased capacity to generate new traffic, this has been addressed by the traffic forecast method. Please refer to the Applicant's response to S Wheeler <b>[AS-047]</b> at point 1.</p> <p>A free flowing and reliable strategic road network acts as a facilitator of local, regional and national economic growth. By enabling fast and reliable journeys we are able to reduce journey times, freeing up people's time for other uses, and enable businesses and road users to plan their journeys more effectively. These decreases in travel times and increases in journey time reliability do support economic</p>

Source	Comment	Applicant's Response
	<p>buses. Why hasn't similar consideration been given to such a scheme in Derby? Given the number of people commuting along the A38 to Derby, such measures could have had a significant and beneficial impact on congestion.</p> <p>The scheme is not even likely to meet its own objectives. According to Highways England the main objective for the project is to support economic growth by reducing delays and increasing the reliability of journeys. Yet there is a wealth of evidence stretching back nearly one hundred years that building more roads increases traffic. Evidence from 13 major road schemes published by Highways England supports the conclusion that road schemes generate traffic.</p> <p>There is also little evidence that road schemes support economic growth. Highways England's own evidence of the short-term impacts from over 80 road schemes, through its Post-Opening Project Evaluation (POPE) process, shows that of 25 road schemes justified on the basis that they would benefit the local economy, only five had any evidence of any economic effects. Even for these</p>	<p>growth and the benefits of the Scheme in terms of enabling future development and economic activity is set out in the Planning Statement [APP-252]</p>

Source	Comment	Applicant's Response
	five, the economic effects may have arisen from changes incidental to the road scheme, or involved development in an inappropriate location, or involved changes that were as likely to suck money out of the local area as to bring it in.	
	<p><b>Lastly, I would like to talk about the Environmental Statement</b></p> <p>Chapter 14 of The ES provides estimates for CO<sub>2</sub>e emissions – during construction these are estimated to be 130,858 tonnes, the majority of which is from embodied carbon within the construction materials. 'During operation' estimates are given for 2024 and 2039 – there is no information given for the years in-between but assuming a straight line increase we estimate that the scheme (including construction) will add around 160,000 tonnes CO<sub>2</sub>e compared to the do-minimum scenario in those 15 years.</p> <p>Now the Government's National Policy Statement on National Networks (NPSNN) guidance is that road schemes should not be rejected on grounds of increased carbon emissions unless the increase is "so significant that it would have a material</p>	<p>Estimated cumulative GHG emissions from 2024 to 2039 including construction and emissions of the operational Scheme equates to an additional 159,490 tCO<sub>2</sub>e. The GHG assessment presented in ES Chapter 14: Climate [APP-052] represents estimated emissions at the preliminary design stage. This estimate does not account for the future use of electric vehicles on the road, or opportunities to further mitigate emissions during the Scheme construction process.</p> <p>ES Chapter 14: Climate [APP-052] assesses the Scheme effects on carbon emissions during both the construction phase and operational phase and concludes that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's GHG impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial. In such circumstances, Highways England has considered GHG emissions from the Scheme in the context of the UK's new</p>



Source	Comment	Applicant's Response
	<p>impact on the ability of Government to meet its carbon reduction targets".</p> <p>The Environmental Statement says "The NPSNN states that it is very unlikely that the impacts of a road project would, in isolation, affect the ability of the government to meet its carbon reduction plans." But of course, they are not isolated cases! – should we really be judging these schemes in isolation?</p> <ul style="list-style-type: none"> <li>• So if we look at the carbon budget for Derby which has been estimated by the Tyndall Centre, this shows that for Derby to make its 'fair' contribution towards the Paris Climate Change Agreement it has to stay within a maximum cumulative carbon dioxide emissions budget of 7.1 million tonnes (MtCO<sub>2</sub>) for the period of 2020 to 2100. To do this it has to initiate an immediate programme of CO<sub>2</sub> mitigation to deliver cuts in emissions averaging a minimum of 13.1% per year.</li> <li>• In 2017 (latest figures available) Derby had carbon emissions of 1.1 million tonnes of CO<sub>2</sub> of which 0.4 million tonnes (35%) were transport.</li> </ul>	<p>net zero target set in 2019 and does not consider that this gives cause to alter the assessment findings – refer to HE response to the ExA first set of written questions (question 2.1 in <b>[REP1-005]</b>).</p> <p>ES Chapter 14: Climate <b>[APP-052]</b> presents a range of greenhouse gas mitigation measures. During the development of the Scheme detailed design HE will continue to review these mitigation measures and seek further opportunities to minimise carbon emissions as required by the Design Manual for Roads and Bridges (DMRB) and in line with the net zero target.</p> <p>It is not considered the remit of this DCO application to provide commentary on the implications of all road building schemes on the strategic highway network on carbon targets. The assessment as provided in ES Chapter 14: Climate <b>[APP-052]</b> indicates that carbon emissions resulting from the Scheme will not have a material impact on the ability of UK Government to meet its carbon reduction targets. Highways England considers that this assessment is wholly appropriate and proportionate for the purposes of the proposed development.</p>

Source	Comment	Applicant's Response
	<p>Based on these CO2 emission levels, Derby would use up its entire allocated carbon budget in just 7 years from 2020.</p> <ul style="list-style-type: none"> <li>Assuming that the Derby carbon budget for transport is 35% of the Tyndall budget, then this gives a total cumulative budget of 2.5 million tonnes for transport. So the additional 160,000 tonnes CO2e emissions from the A38 scheme compared to the do- minimum would actually be 6% of Derby's cumulative transport carbon budget. This is not insignificant. And this should be seen in the context of the 13% year on year reduction in emissions that is needed in Derby to meet the Paris Climate Agreement. So, I would argue that the emissions from this road scheme are so significant to Derby that it would have a material impact on the ability of Derby City Council to meet its carbon reduction targets". And put that together with the other 100 or more similar road schemes that will be affecting other Local Authorities, the cumulative effect would be so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.</li> </ul>	

Source	Comment	Applicant's Response
	<p>Even the 'business as usual', 'do-minimum' scenario is unacceptable in a climate emergency, let alone increasing emissions through a 'do-something' scheme. If we are going to "do-something" then the something we need to do is cut emissions from the existing A38 road by reducing traffic, starting immediately.</p>	
	<p><b>Just a quick mention of Electric Vehicles</b></p> <p>Note that the government's plans to electrify the road vehicle fleet is not going to be enough to meet carbon budgets. Even with the recent announcement to bring forward the ban on new petrol and diesel cars to 2035, this will still mean that nearly 70% of the cars on the road in 2030 will be petrol and diesel.</p> <p>In order to meet carbon budgets aligned with the Paris Agreement, the analysis by a number of researchers including the Tyndall Centre and Friends of the Earth, show that over the next 10 years we will need to cut road traffic by anywhere from 20-60% compared to current levels.</p>	<p>The GHG assessment presented in ES Chapter 14: Climate [APP-052] does not take account for government policy on the uptake of electric, hybrid or other low carbon vehicles.</p> <p>It is not considered the remit of this DCO application to provide commentary on government policies for meeting the net zero carbon emissions by the 2050 target. The application for the Scheme needs to be assessed against current government policy, which is the NPS NN.</p>

Source	Comment	Applicant's Response
	So rather than building new road capacity, we need to be doing everything possible to reduce the need to travel by car – through improvements to public transport, better cycle infrastructure, incentives for home working, car sharing etc.	
	<p><b>In conclusion</b>, we have here a road scheme that was</p> <ol style="list-style-type: none"> <li>1. initially proposed using biased cost benefit metrics that are unsuitable for times of climate emergency</li> <li>2. that is unlikely to meet its objectives</li> <li>3. which hasn't looked at suitable alternative solutions</li> <li>4. which will make it far more difficult for Derby to meet its carbon reduction targets and therefore will have a material impact on the ability of Government to meet its carbon reduction targets.</li> </ol> <p>Surely, we should be giving the Climate Change Act, which is legally binding, and the Government's updated target for net zero carbon by 2050 a lot more weight rather than continuing with the misguided approach of biased metrics, blinkered choice-making and the inadequate guidance of an outdated NPSNN.</p>	Refer to the comments above.

Source	Comment	Applicant's Response
	<p><b>Climate Change Act</b></p> <p>While we are on the subject of climate change, I would like to point out that the Climate Change Act and its targets are very out of date, as is the government's 2050 net zero target. The scientific consensus is that radical change is now necessary – incremental change is no longer enough – the ice-caps are already melting at speeds faster than expected, we have lost huge expanses of forest to fires, the permafrost has started to melt and nearer to home the A38 was closed due to flooding yesterday – in reality, I doubt we have any carbon budget left – it is gone – so in the absence of an appropriate response by the government, people need to start taking a stand – North Somerset Council took a stand last week by refusing permission for the Expansion of Bristol Airport on the grounds of Climate Change. I implore you to make a stand for humanity and all of nature and recommend that this application is also refused on the basis of Climate Change.</p>	<p>Highways England has no comment to make on these points, save to note the responses above which deal with the points raised in this submission.</p>
<b>23) Euro Garages Limited</b>		
REP6-039	Internal Rights of Way	The Applicant acknowledges Euro Garage's position in that they consider they hold sufficient vehicular rights over the

Source	Comment	Applicant's Response
		adjoining McDonalds restaurant freehold land to allow the service station to continue to operate and that they reserve their rights should new information come to light, or McDonald's change their internal arrangements.
	<p>A52 Access</p> <p>Following the completion of the scheme Derby City Council will be responsible for the maintenance and management of this section of highway. The view of Euro Garages' expert is that the Applicant's proposals are substandard. Despite our requests for the City Council's comments over the revised arrangements none has been provided.</p>	<p>The following is agreed wording in Derby City Council's Statement of Common ground in relation to the A52 access to McDonald's and Euro garages' site: <i>The applicant has approached DCiC as Highway Authority on the principle of the current proposed layout. DCiC doesn't have an issue with the principle of the access layout and is currently looking through the proposals to provide more detailed comments.</i></p>
	A38 Ingress	The Applicant notes that Euro Garages now accepts the reasoning behind the 'exit only' solution with the A38 diverge slip road.
REP6-040 Observation 1	<p>Road Safety Audit – Euro garages has commissioned its own Road Safety Audit, the main findings being:</p> <p><b>A52 junction layout:</b></p> <ul style="list-style-type: none"> <li>Any driver error will result in over running of the footway increasing the risk of NMU/vehicle collisions.</li> </ul>	<p>All of the points raised in the RSA carried out by Euro Garages are familiar to the Applicant and it is stressed that the layout proposed by the scheme is very similar to the current arrangement for the entry from the A52 which is considered to operate satisfactorily, i.e. the width of the proposed entry from the A52 is the same as the existing and the near-side kerb radius of the proposed entry is</p>

Source	Comment	Applicant's Response
	<ul style="list-style-type: none"> <li>Vehicles over running the footway will both damage the footway and may strike traffic signal equipment or other street furniture located close to the entrance.</li> <li>It is likely that Heavy Commercial Vehicles (HCVs) will use the offside A52 northbound lane to turn left into the site, drivers travelling northbound would not expect this manoeuvre and as such could increase the risk of side swipe type collisions.</li> <li>HCVs making very tight turns will scrub away the surface course causing increased damage to the surface material reducing the polished stone value and increasing the risk of loss of control type collisions.</li> <li>The radius of the turn is much sharper than drivers would expect and could enter the left turn into the site carrying too much speed resulting in an increased risk of heavy braking resulting in skidding and loss of control type collisions.</li> <li>The use of thin surface courses in these situations is not suitable as they are easily damaged in high wear areas and the dragging</li> </ul>	<p>slightly greater than the existing (3.5m compared with 2.8m).</p> <p>A swept path analysis has been carried out and this demonstrates that HGVs (both rigid and articulated) can safely negotiate the entry and the drawings have been shared with Euro Garages.</p> <p>The surfacing of the entry will be designed using appropriate material considering the high stress it will undergo due to the tight entry radius – Derby City Council is aware of this potential maintenance issue.</p> <p>As noted above, the proposed entry (including the right turn into McDonald's from the entry) is very similar to the existing. However, the Applicant would be happy to engage in further discussions with Euro Garages (and McDonald's) to investigate any means of improving the internal arrangement for traffic movements within their site.</p>



Source	Comment	Applicant's Response
	<p>of the rear axles/wheels can cause the surface to be seriously damaged.</p> <ul style="list-style-type: none"> <li>• The location of the right turn into McDonalds is very close to the traffic signal junction and could lead to vehicles queuing out onto the A52 resulting in shunt type collisions.</li> <li>• There is very little distance and therefore time for drivers to understand and react to the new road layout and as discussed above the very close proximity of the right turn into the McDonalds car park could be a serious safety risk. The A38 is a popular route and as such the A38 carries a significant number of drivers who do not know the area well and as such confusing road layouts can increase the risk of collisions. A lack of clear road markings and signing could result in both shunt and failure to give way type collisions.</li> <li>• The right turn does not meet the current standards set out in CD123.</li> </ul>	
REP6-040 Observation 2	Details of the traffic modelling of the new A52 Ashbourne Road/McDonalds/Esso traffic signalised junction is unavailable and as such there is no understanding of how the improvements will impact on the Markeaton	The Applicant would point out that it provided Euro Garages with Technical Notes on the signalised junction with the A52 on 17 February 2017, 24 <sup>th</sup> August 2018 and most recently

Source	Comment	Applicant's Response
	<p>junction. There is concern that the Esso/McDonalds arm will only run for a limited green time every cycle.</p> <p>It is unclear how the signals will be configured should only a minimum green of seven seconds be allocated to the exit from the site twice a cycle then there is an increased risk of long queues into the site.</p> <p>If queues become excessively long from the site vehicles may be tempted to use the exit lanes inappropriately resulting in an increased risk of side swipe/head on type collisions.</p> <p>There is concern that there will be an uncontrolled crossing of the site access details of the layout of this crossing are not provided. The layout of this could affect the position of the stop lines resulting in an Increased risk that the junction could become congested.</p>	<p>on 17 October 2019. These notes contained details of the TRANSYT analysis of the junction.</p> <p>It is also noted that McDonald's has carried out its own assessment of the junction and has concurred (in the deadline 6 submission) with the Applicant's conclusion that the capacity of the junction is sufficient for the forecast traffic demand.</p>
REP6-040 Observation 3	<p>Details of the proposed pedestrian facilities at the junction have been only partly considered as part of the RSA Problem 4.3.7. It does not consider NMU movements across the A52 to and from Markeaton Park. The park is well used with established trips between the park and the</p>	<p>The general Arrangements Plans (most recently submitted at deadline 2, [REP2-006]) show that a signalised crossing is proposed at the A52 signalised junction at this location.</p>

Source	Comment	Applicant's Response
	Esso/McDonalds site. No details have been provided on how pedestrian movements will be accommodated across the A52. A lack of suitable NMU facilities can increase the risk of NMU/vehicle collisions.	
REP6-038	<b>Advanced Warning Signs</b> Euro garages submitted a separate paper stating their case for designating the combined McDonald's and Euro Garages facility as a Trunk road Service Area (TRSA) and the provision of associated advance direction signage (referred to as <i>warning</i> signage by Euro Garages).	HE is considering the safety case paper submitted by Euro Garages and is discussing the case for additional signage.
<b>24) Derby Cycling Group</b>		
REP6-031	1. Issue 7.4a of the Traffic Management Plan (TMP) does not incorporate details relating to non-motorised users (NMUs) to the extent we suggested at deadline 3. • The Traffic Management Plan is still a motor-traffic management document, but cyclists and pedestrians are also traffic and should be planned for to the same level of detail as motor traffic. • Managing non-motorised traffic effectively is essential if the current level of NMU traffic is to be maintained during construction of the scheme. We	HE encourages the use of walking and cycling, particularly where this will reduce the number of car movements during the construction period.  As the TMP is developed it will contain more details regarding the management of non-motorised traffic and the measures taken to promote safety for pedestrians and cyclists. This will include the 'Workplace Transport Management Plan' which will cover the walking & access

Source	Comment	Applicant's Response
	<p>do however hope that a more ambitious objective will be set to facilitate an increase in the amount of NMU traffic, year on year, throughout the construction period.</p> <ul style="list-style-type: none"> <li>• There are no details in the TMP about how NMU route diversions will be designed, managed, consulted on or bought off.</li> </ul>	<p>routes through the site and any interface with public crossings points.</p>
	<p>2. There is no statement in the TMP about maximising the growth of active travel during construction, which we have outlined above. We think this is a critical challenge for the project to address.</p> <ul style="list-style-type: none"> <li>• Do the project team intend to target a growth in the number of NMU journeys?</li> <li>• If not, why not?</li> <li>• If so, how does the project team intend to achieve this objective?</li> </ul>	<p>Active travel will be encouraged at construction stage with all existing routes being maintained (with local diversions where required).</p> <p>Highways England will be happy to discuss the aspiration to grow active travel with Derby Cycling Group as part of the Behaviour Change Group discussions. If or when a target is agreed upon it can be included in subsequent updates to the Traffic management Plan during the detailed design stage before construction commences.</p>
	<p>3. The Traffic Management Scenarios within section 3 of the TMP, set out in some detail how the motor traffic will be managed during each phase of the construction works, but there is no mention of how NMU routes will be managed at the same time.</p> <ul style="list-style-type: none"> <li>• Will the project team please update the traffic management scenarios to include details of how</li> </ul>	<p>Section 5.2 of the volume 7.4(b) Traffic Management Plan describes the approach to manage non-motorised users' movements,</p> <p>Separately, footways and cycleway routes have been added onto the traffic management layout plans. These updated layout plans were displayed at the Derby Behavioural Change Group meeting on the evening of the</p>

Source	Comment	Applicant's Response
	<p>NMU routes will be affected and managed at each phase of construction.</p> <ul style="list-style-type: none"> <li>• Can the project team please define how the continuity of NMU routes will be achieved throughout construction, what diversions will be planned, how the diversionary routes will be designed and to what standards, and how these will be consulted on and bought off with NMU stakeholders.</li> </ul>	<p>4<sup>th</sup> March 2020. These drawings will be made available to the group through a shared document site to be managed by Highways England. At this latest meeting, the project team took away comments about establishing crossings of the A52 Ashbourne Road during the construction period.</p>
	<p>4. One thing which has been added to the TMP in Issue 7.4a, is much reference to the Derby Behaviour Change Group.</p> <ul style="list-style-type: none"> <li>• We would like to thank the project team for recognising this group of disparate organisations, all trying to plan their businesses during a period of significant traffic upheaval in the city.</li> <li>• We are please that meetings have begun, that they are intended to be very regular, and that a strong roadmap for registering stakeholders issues and concerns and discussing them has been put in place.</li> <li>• Without doubt there are many challenges about how the issues and concerns can be progressed, especially in the timescales available. Derby</li> </ul>	<p>Noted</p>

Source	Comment	Applicant's Response
	Cycling Group hopes that with a collaborative approach, they will all be successfully resolved.	
	<p>Specific paragraphs of TMP suggestions:</p> <p>1.3.1 As part of the purpose of the TMP, to add the vision "to grow the number of NMU journeys running through the construction area, year on year, throughout the construction period".</p> <p>2.6.2 Table 2 "Traffic management restrictions" needs a companion table to document the corresponding NMU restrictions</p> <p>3.1.1 Add the following highlighted text: "Maintain existing journey times along the A38 and associated cycle routes"</p> <p>3.1.2 The Customer Satisfaction table, 3.1, gives requirements of "all motorists" in some detail; NMUs need a similar level of detail (eg notification or diversions, collect and monitor NMU customer experience etc).</p> <p>5.2.2 At the ISH on 19th February, we specifically raised the following request: that as well as providing "cycle ways (through the scheme) where they are currently located", that cycle ways be</p>	<p>As noted above, Highways England will be happy to discuss this aspiration with Derby Cycling Group as part of the Behaviour Change Group discussions. If or when a target is agreed upon it can be included in subsequent updates to the Traffic management Plan during the detailed design stage before construction commences.</p> <p>All of these other points raised in this item can be considered in subsequent updates to the Traffic Management Plan during the detailed design stage before construction commences. Insufficient detail is not available at this time to include in the TMP now.</p>

Source	Comment	Applicant's Response
	<p>provided everywhere where a cycle path will be included in the final scheme, even if there is no such provision at present.</p> <ul style="list-style-type: none"> <li>• We ask this so that more continuous, off-road, cycle routes can be provided alongside the entire length of the scheme, to facilitate a switch from driving to cycling for anyone wishing to do so.</li> <li>• People who are driving but want to cycle to avoid congestion, will not be cycling through the roadworks; this will be especially daunting. However, cycle paths alongside may enable more people to take up cycling as an option.</li> <li>• Some specific places would be the A52 across the face of the Esso/Macdonalds entrances, to access the A38 crossings leading to Ashbourne Road and Queensway from Mackworth; also the western side of Queensway, which may at times be preferable to the existing paths on the eastern side. There could be other suitable locations as well.</li> </ul>	
	<p>We noted that there was conversation about narrowing of the Ford Lane bridge to prevent heavy goods vehicles from overloading the bridge</p>	<p>The narrowing of the roadway over the bridge will offer the opportunity to segregate pedestrians and cyclists from motorised traffic (as the bridge verges will become</p>



Source	Comment	Applicant's Response
	by more than one crossing it at the same time. We would like to comment that any narrowing of the bridge must avoid potential conflict between motor traffic and cyclists who may be crossing the bridge at the same time.	significantly wider). The details of this will be agreed with Derbyshire County Council in the detailed design stage.
	Derby Cycling Group would like to reiterate our total support for the controlled cycle/pedestrian crossing over the A61 between Pektron and Little Eaton islands. This crossing will facilitate significantly more cycling to and from Breadsall village and beyond, heading towards Derby City and Little Eaton. We regard the inclusion of this crossing as a matter which is independent of the issues under discussion regarding the re-routing of footpath 3 (FP3)	Noted – the Applicant is having discussions with Derbyshire County Council to agree the details for the design of this crossing which is a matter outside of this DCO examination.
	<p>Following our comments in our deadline 3 written submission, Section 15a part ii and section 6 of our original Written Representation, we are still awaiting information regarding safety measures that will be put in place to safe guard cyclists and pedestrians from construction traffic, especially heavy goods vehicles and abnormal loads.</p> <p>Can the project team please tell us:</p> <ul style="list-style-type: none"> <li>• What measures are being taken regarding non-motorised user safety?</li> </ul>	<p>In response to the ExA's second written question, Q9.4, the Applicant stated:</p> <p><i>a) As part of the Traffic Management Plan (TMP), the Contractor will produce a 'Workplace Transport Management Plan' which will cover the walking &amp; access routes through the site and any interface with public crossings points. Direct interface with NMUs will be minimised wherever possible as segregation is preferred, but there will be isolated locations where NMUs will have to</i></p>

Source	Comment	Applicant's Response
	<ul style="list-style-type: none"> <li>How will they be consulted upon and bought off?</li> </ul>	<p><i>cross the site during the works. Crossing points will be manned during working hours to manage the interface and prevent unauthorised access to site. Priority will be given at these crossings to NMU users. Outside of working hours the site will be made secure. The surface of any crossings will be maintained to avoid trip hazards and remove any loose material from the works. Each Access / Egress point will be assessed to consider both NMU visibility by site vehicles and for road users to ensure adequate signage and sight lines.</i></p> <p><i>b)</i></p> <ul style="list-style-type: none"> <li><i>Highways England supports Fleet Operator Recognition Scheme (FORS) and will tier this down to their supply chain. (Silver standard). This entails:</i> <ul style="list-style-type: none"> <li><i>- Classroom session as well as drivers travelling round city on a bike. Also each driver completes e-training which includes safety of vulnerable road users</i></li> </ul> </li> </ul> <p><i>For vehicles over 3.5T:</i></p> <ul style="list-style-type: none"> <li><i>- Additional awareness markings to increase vehicles' visibility</i></li> <li><i>- Blind spot cameras</i></li> <li><i>- Side proximity sensors</i></li> <li><i>- Audible warning alarm to alert cyclists (and others) that a vehicle is turning left.</i></li> </ul>

Source	Comment	Applicant's Response
		<ul style="list-style-type: none"> <li><i>Highways England will commit to providing Trixi mirrors on the project where it is identified that their introduction would assist in supplementing other provisions for managing the interface between construction traffic and NMUs.</i></li> </ul> <p><i>As noted in a) above, crossing points will be manned during working hours.</i></p> <p>The above text is included in volume 7.4(b) Traffic Management Plan submitted at Deadline 7 [Document Reference 7.4(b)] at section 5.14.</p>
<b>24) McDonald's restaurants Ltd</b>		
REP6-041	a) Assessment of junction capacities.	<p>It is note that McDonald's has carried out its own assessment of the junction and now concur with the Applicant's conclusion that the capacity of the junction is sufficient for the forecast traffic demand (with some caveats).</p> <p>The Applicant would be happy to engage in further discussions with McDonald's (and Euro Garages) to refine the design of the junction during the detailed design stage.</p>
	b) junction geometry;	<p>It is stressed that the layout proposed by the scheme is very similar to the current arrangement for the entry from the A52 which is considered to operate satisfactorily i.e. the</p>

Source	Comment	Applicant's Response
		<p>width of the proposed entry from the A52 is the same as the existing and the nearside kerb radius of the proposed entry is slightly greater than the existing (3.5m compared with 2.8m).</p> <p>A swept path analysis has been carried out and this demonstrates that HGVs (both rigid and articulated) can safely negotiate the entry and the drawings have been shared with McDonald's.</p>
	<b>c) the need to strengthen the McDonalds car park</b>	<p>It is understood that McDonald's have instructed their own contractor to take cores of the existing car park and the results are awaited</p>
	<b>d) justification for ingress to the McDonalds/EG facilities from the A38 slip road</b> Closure of the access from the A38 would involve directing approximately 100 vehicles per hour who would visit McDonald's or Eurogarages, from the A38 south approach, through the proposed gyratory and require them to use the signalised access into the wider site from the A52 to make the u-turn in. These 100 vehicles making the turn in would be part of an hourly flow of over 1000 vehicles heading to the A52 westbound through	<p>All of the points raised in this respect are similar to those noted by Euro Garages; as noted in point b) above the layout proposed by the scheme is very similar to the current arrangement which is considered to operate safely.</p> <p>A swept path analysis has been carried out and this demonstrates that HGVs (both rigid and articulated) can safely negotiate the entry and the drawings have been shared with McDonald's.</p>

Source	Comment	Applicant's Response
	the junction. It would seem that HE's concerns under the CDM regulations 2015 with regard to the designer's duty do not extend to the risks associated with introducing 100 u-turn movements per hour to the proposed traffic signal junction, which could otherwise be avoided, by maintaining access from the A38.	
	e) <b>the provision of roadside signage</b> McDonald's awaits further input from HE in terms of a reasonable and practical signage Proposal as part of the wider scheme mitigation.	HE is discussing the case for additional of signage with the relevant departments within HE.
	f) <b><i>The effect of the proposal on access rights across the McDonalds and EG sites.</i></b> We have previously supplied the Land Registry filed plan for title number DY103730, which shows shaded in brown the land over which EG have rights. Investigations in relation to the implications of the scheme are still being considered by our client.	Noted – the Applicant does not believe there is an issue in this respect.
	g) We remain in receipt of extracts of HE's Road Safety Audits, however, these did not include	The Stage 1 Road Safety Audit was carried out in accordance with the terms of reference as described in the

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	<p>the audit brief, terms of reference or details of the Audit Team and their qualifications, as would be expected of our client when undertaking a Road Safety Audit.</p> <p>We are still yet to receive a copy of the WCHAR report.</p>	<p>Design Manual for Roads and Bridges (DMRB) document HD GG119 'Road Safety Audit'. The advice issued in the DMRB applies to trunk road and motorway highway improvement schemes.</p> <p>The Road Safety Audit Team meet the requirements set out under the EC Directive 2008/96/EC Audit Procedures and outlined within GG119 by a member of the team holding a Certificate of Competency in Road Safety Audit.</p> <p>As noted in the Applicant's Response to Submissions Received at Deadline 4 [REP5-010], item 5.7 in response to McDonald's stated: <i>The Applicant was not aware of this request for the WCHAR, however, it is available as it was submitted as part of the DCO Application in the Environmental Statement Appendix 12.1: A38 Walking, Cycling and Horse Riding Assessment [APP-226].</i></p>
<b>25) Erewash Borough Council</b>		
REP6-043	<p><b>Erewash Borough Council's Environmental Protection Teams clarification on the issues arising from Issue Specific Hearing 4</b></p> <p>The majority of the planned work is due to take place within the previously determined core hours except for certain activities as detailed Table 3.2a</p>	<p>This comment is at odds with the previously agreed position that EBC would like a section 61 for all works required to take place outside the core hours, <u>including</u> those listed in PW-G4 and MW-G12 of the OEMP [REP6-007]. The exception being emergency works – see below. This position is secured by the OEMP which at PW-NOI2 states</p>

Source	Comment	Applicant's Response
	<p>provision PW-G4 of the OEMP. If work is required to take place outside the core hours (other than those already listed in PW-G4) it is EBCs preference that a section 61 application is made.</p> <p>EBC understands that unforeseen emergency works may be required to take place at short notice and as such EBC would like to be informed if any emergency works are planned especially if it is likely the SOAEL is to be exceeded however don't feel it necessary to agree emergency works in advance. The contractor should however make every effort to ensure the emergency works are completed as soon as possible and use the mitigation measures detailed in the OEMP and implement BPM to ensure the works are completed as quietly as possible with minimal disturbance to residents throughout the emergency works required.</p>	<p>that <i>"For works within EBC's administrative area, before any works are undertaken outside of core working hours and which comprise noise generating activities, Highways England will submit an application to EBC (in a format as agreed) for prior consent under Section 61 of the CoPA"</i>. HE has contacted EBC and has clarified that EBC's position remains as detailed in the OEMP.</p> <p>It is agreed that unforeseen emergency works outside core hours may be required during the construction phase and thus it will not be possible to submit advance section 61 applications. Should any emergency works be required outside core hours they will still be undertaken in accordance with the practices as detailed in the OEMP, including the implementation of BPM. The OEMP at PW-G4 and MW-G12 states <i>"Highways England will inform the applicable local authorities regarding any emergency works undertaken outside of core hours as soon as is practicable"</i>. The next version of the OEMP will make to clear that emergency works outside of outside core hours will not be covered by a section 61 application.</p>