

A38 Derby Junctions

TR010022

**8.28 Statement of Common Ground with
Breadsall Parish Council**

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

A38 Derby Junctions
Development Consent Order 202[]

Statement of Common Ground
Breadsall Parish Council

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STATEMENT OF COMMON GROUND

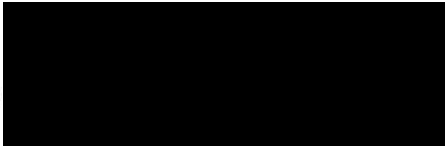
This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Breadsall Parish Council.

Signed 

Chris Archbold
Project Manager on behalf of Highways England
Date: 17 March 2020

Signed 

Christine Goodwin
Chairman, on behalf of Breadsall Parish Council
Date: 17 March 2020

Signed 

Michael Poplar
Councillor, on behalf of Breadsall Parish Council
Date: 17 March 2020

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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the proposed A38 Derby Junctions ('the Application') made by Highways England Company Limited ('Highways England') to the Secretary of State for Transport ('Secretary of State') for a Development Consent Order ('the Order') under section 37 of the Planning Act 2008 ('PA 2008').
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/ or the Planning Inspectorate's website¹.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the Applicant and Breadsall Parish Council (BPC).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1st April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency to be conferred upon or assumed by Highways England.
- 1.2.3 BPC consists of ten councillors whom collectively attend to matters in the parish of Breadsall, which includes Breadsall village and land beyond, the majority of which is located to the north-east. Little Eaton junction is included within the administrative boundary of the BPC, as well as the approximately 400m of the A38 west of the junction and approximately 600m of the A38 north of the junction.
- 1.2.4 In 2015 the Breadsall anti-A38 Action Group (BAG) was formed - this is supported by BPC and many of its members are also Parish Council members - therefore, correspondence and issues raised by the BAG have been included in this SoCG. However, for the avoidance of doubt, this SoCG is a document agreed between BPC and Highways England (the Applicant).

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

1.3 Terminology

- 1.3.1 Section 3 of this SoCG sets out the issues that are considered material to BPC. These tables indicate whether an issue is 'Not Agreed'; is 'Under Discussion' where points will be the subject of on-going discussion: wherever possible these will be resolved or refined; and 'Agreed' where an issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to BPC, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to BPC. However, BPC reserve the right to raise further issues during the course of the examination.

2 Record of Engagement

2.1.1 A summary of key meetings and correspondence that has taken place between Highways England and BPC in relation to the Application is outlined in Table 2.1. Highways England has engaged with BPC directly and through the Little Eaton Reference Group, which is a group created by Highways England as means of disseminating information regarding the Scheme to the local stakeholders with a particular interest in the Little Eaton Junction; key correspondence with this group, that relates to BPC, has also been included where appropriate.

2.1.2 In addition, and as set out in paragraph 1.2.4, Highways England has included correspondence with the BAG but, it should be noted that this SoCG is between BPC and HE.

Table 2.1: Record of engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
January to February 2015	Non-Statutory Public Consultation	Members of BPC attended the non-statutory public consultation undertaken in 2015.
29.09.15	Little Eaton Reference group Meeting	BPC and Breadsall Action Group both represented in the Little Eaton Reference Group as formed by Highways England as means of communicating Scheme development plans with the local authorities. Presented outcomes of public consultation and assessment of alternative options following consultation.
February 2016	Email	Email exchange with BPC to agree locations for supplementary photomontages.
03.03.16	Little Eaton Reference group Meeting	Meeting to discuss footpaths, cycleways, environment and traffic modelling.
02.03.16	Email	From Breadsall Action Group commenting on the Options Assessment Report and proposing a further two option (Options 2A and 2B).
01.04.19	Meeting	With Breadsall Action Group to discuss the contents of the email above.
18.05.16	Little Eaton Reference group Meeting	Meeting to discuss Options 2A and 2B, as proposed by BAG and explained in the Environmental Statement (ES), Chapter 3: Scheme History and Assessment of Alternatives [APP-041] .
20.06.16	Email	From the Breadsall Action Group proposing a further option (Option X1) in response to assessment of Option X as proposed by Little Eaton Parish Council.
08.07.16	Email	To Little Eaton Reference Group advising outcome of assessment of Option X1, as proposed by Little Eaton Parish Council.
12.10.16	Little Eaton Reference group Meeting	Meeting to present details of potential environmental effects of the Scheme and associated mitigation measures.

Date	Form of Correspondence	Key topics discussed and key outcomes
09.12.16	Meeting	Site meeting with Breadsall Action Group and the local MP to look at the options.
Preferred Route Announcement delayed for 13 months – further option (Option 2C) assessed and stakeholder engagement suspended.		
30.01.18	-	Preferred Route Announced. BPC did not agree with the chosen option and disagreed with many aspects of the option appraisal and, in the view of BPC, HE never seriously entertained any alternative to the preferred route.
22.02.18	Email	Inviting BPC to meet to refresh dialogue.
19.03.18	Meeting	With BPC and the Breadsall Action Group to discuss the Scheme planning process and timeline, as well as environmental mitigation proposals.
29.03.18	Meeting	With BPC to discuss the Scheme planning process and timeline, as well as environmental mitigation proposals.
11.09.18	Email	To the Breadsall Action Group containing a Technical Note to outline the environmental mitigation proposals for Little Eaton junction.
03.10.18	Email	From the Breadsall Action Group enclosing a series of comments on the proposals contained in the environmental mitigation Technical Note.
08.04.19	Email	Providing a point by point response to the Breadsall Action Group's comments above.
25.06.19	Meeting	With the Breadsall Action Group – confirmed that although they disagree with the 'Preferred route' for Little Eaton junction, they would be willing to discuss the proposed environmental mitigation proposals. Confirmation that the group will make a representation to the DCO on this basis.
03.08.19	Relevant Representation Comments	BPC provided a Relevant Representation to the DCO submission.

2.1.3 It is agreed that this is an accurate record of the key meetings and consultation undertaken between Highways England and BPC in relation to the issues addressed in this SoCG.

3 Issues

3.1 Issues related to Environmental Assessment and Mitigation

Document	Document or Paragraph Ref	Sub-section/ Issue	Comment	Highways England	Status
ES Appendix 4.1: The Planning Inspectorate Scoping Opinion	[APP-166]	Scope of the ES	<p>BPC stated that the EIA Scoping Report “does not recognise the potential environmental benefits of the other Options, which have been discarded and now relates only to the ‘Preferred Route Option’”.</p> <p>In addition, BPC stated that they would like the ES to specifically consider the following the matters in detail:</p> <ul style="list-style-type: none"> • The Local Environment • Noise • Light pollution • Flood risk • Aesthetic appearance 	<p>The Preferred Route was announced on the 31st of January 2018, after a comprehensive period of optioneering. The EIA Scoping Report presented Highways England’s proposed methodology for assessing the environmental effects of the preferred route. It was not within the scope of the EIA Scoping Report to present methodologies for assessing the environmental effects of more than one option. However, the EIA Scoping Report provided details of the option appraisal process and alternatives considered.</p> <p>The ES [APP-039 to 055] has taken into account the concerns of BPC, and other statutory and non-statutory consultees, that relate to potential environmental impacts associated with the Scheme.</p>	Not agreed
ES Chapter 9 – Noise and Vibration	[APP-047]	Low noise road surface	BPC has highlighted the need for noise mitigation at Little Eaton junction.	The Scheme would be constructed throughout with a thin surfacing system (i.e. a low noise surface), which results in lower levels of	Agreed

				noise generation than a standard hot rolled asphalt surface. The use of low noise thin surfacing can reduce noise levels by 3.5dB at speeds of ≥ 75 km/hr.		
ES Chapter 9 – Noise and Vibration and Environmental Masterplans	[APP-047] [APP-068]	and	Noise and screening barriers at Little Eaton junction	BPC has highlighted that noise/ visual screening barriers at Little Eaton junction are essential. BPC would like to be consulted in relation to the detailed specification of the effectiveness, the durability and appearance of the barriers. BPC also require confirmation that the barriers would be suitably maintained.	In order to mitigate noise and visual effects, the Scheme design includes the following noise/ visual screening barriers: <ul style="list-style-type: none"> • 2.5m reflective noise/ screening barrier on the southbound diverge slip road to the A61 at Little Eaton junction. • 2.5m reflective/ absorptive noise/ screening barrier on the southbound A38 mainline at Little Eaton junction. • 2.5m reflective noise/ screening barrier on the northbound A38 mainline at Little Eaton in the vicinity of the Ford Farm Mobile Home Park. Such barriers are illustrated on the Environmental Masterplan ES Figures 2.12F and 2.12G [APP-068] . The two Highways England responses below are also of relevance to BPC's comment.	Agreed

ES Chapter 9 – Noise and Vibration	[APP-047]	Noise and screening barriers at Little Eaton junction	BPC has requested to be consulted over the noise/ visual screening barriers specification.	Noise/ screening barriers would be made of durable material – the exact specification and colour of the barriers will be confirmed at the detailed design stage. Highways England would be happy to present details of the proposed barrier specification to the BPC during the detailed design stage.	Agreed
ES Chapter 9 – Noise and Vibration	[APP-047]	Noise and screening barriers at Little Eaton junction	BPC has highlighted that noise/ visual screening barriers at Little Eaton junction need to be appropriately maintained. BPC wishes to see evidence that this is a robust regime under which repairs, and maintenance are always carried out promptly.	Highways England confirms that following their installation, the noise/ screening barriers would be subject to on-going maintenance by Highways England as the East Midlands Asset Delivery team. Highways England will liaise with BPC in regard to the maintenance regime during the detailed design stage.	Agreed
ES Chapter 7 – Landscape and Visual	[APP-045]	Lighting at Little Eaton junction	BPC has stated that overhead lighting at Little Eaton junction should be confined to the roundabout and the adjoining sections of slip roads.	The A38 mainline at Little Eaton junction would not have overhead lighting in order to minimise visual intrusion upon local residents. To ensure that drivers would be aware of the bend in the road at this location, appropriate signing would be installed along with the provision of solar powered studs integrated within the road pavement. This approach would avoid the need to install	Agreed

				approximately 56 lighting columns along the A38 mainline. However, 12m high LED luminaires would need to be provided at the new at-grade Little Eaton roundabout and the approaching slip-roads for safety reasons.	
ES Chapter 7 – Landscape and Visual	[APP-047]	Landscape planting at Little Eaton junction	BPC has highlighted that woodland/tree belt planting would be important for visual screening from the Breadsall direction.	The landscape design as detailed in ES Figure 7.8A to 7.8C [APP-094] illustrates that screening planting of trees and scrubs would be undertaken along the Scheme at Little Eaton junction. This includes a dense shelterbelt of woodland trees along the southbound new A38 mainline. Planting would integrate with retained vegetation, whilst in order to maximise landscape benefits upon Scheme opening, it is proposed that a number of semi-mature trees be planted along sections of the Scheme, including adjacent to the northbound A38 north of the junction.	Agreed
ES Chapter 7 – Landscape and Visual	[APP-047]	Landscape planting at Little Eaton junction	BPC has requested addition tree planting in the vicinity of the Dam Brook diversion at least 20m wide, and comprise of robust evergreen species.	Highways England consider that with the provision of the noise/screening barriers and woodland planting on the A38 mainline embankment, that appropriate landscape mitigation planting has been included in the Scheme design. Due to the presence of the attenuation ponds and the private	Under discussion

				<p>access to this area, any additional woodland planting in this area would increase permanent land take from adjacent land which is not considered to be justified. However, during the detailed design stage Highways England will investigate whether the tree belt near the highway runoff attenuation ponds/ ecology ponds adjacent to Dam Brook can be increased in width to provide further screening.</p> <p>At present the landscape design specifies that the tree belt on the east side of Little Eaton junction would comprise 10% evergreen species. Given the ecological function of the woodland planting, it would not be appropriate for the woodland to comprise of a higher percentage of evergreen species, noting that the planting proposals need to accord with the tree and woodland planting guidance in the applicable section of the 'Landscape Character of Derbyshire' publication. Nevertheless, Highways England has confirmed that the evergreen mix in the woodland planting can be reviewed during the detailed design stage in consultation with DCC (who have committed to consulting with Breadsall Parish</p>	
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				Council). Lastly during the detailed design stage opportunities will be investigated for additional woodland planting (potentially with agreement from adjacent landowners).	
ES Chapter 7 – Landscape and Visual	[APP-047]	Landscape planting at Little Eaton junction	BPC has requested that there is guaranteed regime for maintenance of the woodland and replacement of dead or dying species. BPC wishes to see the plan which sets out the provisions that will be included in the maintenance regime.	As detailed in ES Chapter 7: Landscape and Visual (refer to para. 7.9.6) [APP-047] “ <i>The appointed contractor would be responsible for undertaking landscape management within the contract period (for up to five years after Scheme opening), after which the longer term maintenance and management of the soft estate responsibilities would transfer to Highways England as the East Midlands Asset Delivery team</i> ”.	Agreed
ES Chapter 13 – Road Drainage and the Water Environment and Appendix 13.2C: Little Eaton Flood Risk Assessment	[APP-051] and [APP-231]	Flood Risk	BPC is aware of ES Chapter 13: Road Drainage and the Water Environment [APP-051] and the Little Eaton Flood Risk Assessment [APP-231] . It is assumed that Derby City Council and Derbyshire County Council has reviewed these documents and are content with their contents.	The Scheme design at Little Eaton junction includes the diversion of Dam Brook – such works have been designed in a manner that will not result in adverse effects upon area flooding.	Agreed

-	-	Footpath	BPC have commented that there is currently a footpath which leads from Rectory Lane Breadsall directly to the A38 and the B6179 just north of the A38/A61 roundabout. The proposed diversion of this footpath appears to sever this route and involve an extremely circuitous detour via a new toucan crossing far to the south on the A61. This detour is unacceptable and a footpath route approximately equivalent to the present one must be provided.	The proposed diversion to the footpath leading from Rectory Lane toward the A38 has been discussed with Derbyshire County Council's Rights of Way team. Given the safety aspects associated with facilitating a crossing point for the footpath where it emerges from the fields to the south east corner of the junction, it was felt that making this a circular route to link with another footpath leading from Croft Lane would be preferable. This particular route has little observed use and safer more cost effective facilities are being provided at the existing crossing of the A61 from Croft Lane.	Not agreed
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3.2 Scheme Design and Optioneering

Document	Document or Paragraph Ref	Sub-section/ Issue	Comment	Highways England	Status
-	-	Optioneering	BPC wishes to record that despite the extensive dialogue with HE, it disagreed with many aspects of the option appraisal and concluded that HE never seriously entertained any alternative to the eventual preferred route. In particular HE never made any attempt to overcome that land acquisition issues related to Option 2.	Following the consultation in 2015 a lot of interest in the Little Eaton junction was generated and many alternatives from the Breadsall Parish Council (and others) were proposed. The more feasible options (including the option referred to as Option 2) were subject to a further assessment against the option presented at the 2015 consultation (essentially option 3 from the 2003 consultation) and an Alternative Options Assessment Report was produced (refer to Appendix 3.2 of the Environmental Statement – Options Assessment, Little Eaton [APP-163]). This confirmed the conclusion of the 2003 consultation that the presented option should be progressed as the preferred route.	Not agreed
-	-	Optioneering and environmental assessment	A reliable comparison of the various options can be made only with the benefit of detailed environmental assessment of each option. The selection of the preferred route <i>in advance of</i> the detailed environment assessment was therefore premature in that it precluded a proper analysis of	The Environmental Statement for the preferred route consists of 17 chapters totalling 872 pages. It includes 152 figures and 81 appendices. To permit this to be produced it was necessary to develop a design in sufficient detail as well as prepare a detailed	Not agreed

			the alternatives. BPC have pointed out many flaws in the option appraisal which actually was carried out.	traffic model so that the environmental assessments can be carried out. It would not be feasible to prepare such an assessment for all options that were considered. We must use an Alternative Options assessment process to compare alternatives qualitatively to permit a fully reasoned decision to be made for recommending a Preferred Route which is then subject to the full assessment.	
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