

A38 Derby Junctions
TR010022

8.88 Applicant's Responses to
Information or Submissions Received
by Deadline 7

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

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A38 Derby Junctions
Development Consent Order 202[]

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Applicant's Responses to Information or Submissions Received by Deadline 7

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 7, 10 March 2020 in respect of the A38 Derby Junctions scheme (the Scheme) Development Consent Order (DCO) application. It also includes responses to some additional submissions made after deadline 7 and accepted at the discretion of the Examining Authority.

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
1) Chris Newman		
AS-052	<p>1) concerns about health of local people of all ages from emissions, particles, construction noise, dust /fumes during the 4 year project proposed, and in particular I worry about those with long term health conditions such as asthma. I also include worries about mental health impacts - stress, rage, frustration etc - during this long project near very populated areas, and safety issues from traffic trying to rat run through residential areas.</p>	<p>During the Scheme construction phase Highways England will implement a range of best practice construction measures to control air quality (including dust) and noise – such measures will be implemented in accordance with a Construction Environmental Management Plan (CEMP). This CEMP will be based upon the Outline Environmental Management Plan (OEMP) as submitted with the DCO application – refer to [REP6-007]. Environmental Statement (ES) Chapter 5: Air Quality [APP-043] and ES Chapter 9: Noise and Vibration [APP-047] assess the Scheme effects on air quality and noise, respectively taking into account defined mitigation measures. In addition, ES Chapter 12: People and Communities [APP-050] includes an assessment of the Scheme effects upon health determinants during both Scheme construction and operation. With the implementation of the mitigation measures as detailed in the OEMP [REP6-007], any health impacts associated with air quality and dust (and other health determinants) during the Scheme construction phase will be minimised, including any impacts potentially associated upon mental health (stress, rage, frustration). The signed Statements of Common Ground (SoCG) with Derby City Council (DCiC) [REP7-020], Derbyshire County Council (DCC) [REP6-010] and Erewash Borough Council (EBC) [REP1-008] all indicate that the local authorities are content that the Scheme will adopt</p>

Source	Comment	Applicant's Response
		<p>adequate measures (as detailed in the OEMP [REP6-007]) to avoid, reduce and mitigate potential health effects.</p> <p>With regard to traffic, the Traffic Management Plan [REP7-003] at paragraph 7.1.6 describes the traffic management proposals during the Scheme construction phase. The temporary road layouts will maintain journey times along the A38 and thereby minimise the desires of drivers to re-route onto the local road network. This strategy will prevent traffic flow increases on less appropriate roads.</p>
	<p>2) concerns about the wider environmental impacts - the loss of a significant chunk of the land of Markeaton Park, a much used and loved "green lung" in the area, as well as loss of a number of healthy mature trees along both sides of the existing A38 road, and impacts on lakes, the brook, and associated wildlife habitats.</p>	<p>A significant part of Markeaton Park will not be lost due to the Scheme. The Scheme aims to minimise impacts upon the park and its associated trees. The existing park entrance will be closed, with the existing exit being reconfigured to create a new signal-controlled park entrance and exit. A small part of the park along the existing A38 will be taken by the Scheme, whilst the works will also result in the loss of some mature trees along the park edge. However, replacement land will be provided as part of the Scheme proposals to mitigate this public open space 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 [APP-252].</p> <p>During the development of the Scheme's design, HE has sought to minimise the loss of existing trees, including trees within Markeaton</p>

Source	Comment	Applicant's Response
		<p>Park, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplans (ES Figures 2.12A to 2.12H [APP-068]). With regard to replacement tree planting in Markeaton Park, HE will deliver a landscape design that results in a net increase in trees. Extensive ecological baseline surveys have been undertaken to inform the Scheme design and mitigation measures. Refer to ES Chapter 8: Biodiversity [APP-046] for further details.</p> <p>In addition to landscape planting, HE will implement a wide range of ecology mitigation features – these are illustrated in the Environmental Masterplans (ES Figures 2.12C and 2.12D [APP-068]). 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. No veteran trees within the park, for which the LWS is designated, would be removed</p> <p>It is noted that temporary access to a large part of Markeaton Park will be required – this is illustrated in the Land Plans [REP2-002].</p> <p>Temporary access is required to create a new area of species rich grassland within the park, as well as to enable the installation of bat boxes and bird boxes – refer to the Environmental Masterplans (ES Figures 2.12C and 2.12D).</p> <p>It is noted that Markeaton Lake and the associated Middle Brook will not be impacted by the Scheme.</p>
	<p>3) Widening the A38 will make walking and cycling in the area even less safe and more</p>	<p>The Scheme proposals include retention of the existing walking and cycling network and enhancements where possible within the limits of</p>

Source	Comment	Applicant's Response
	<p>dangerous, yet we know that both the climate emergency and the policies to get people to move more in order to avoid obesity and associated problems such as diabetes need strengthening rather than weakening.</p>	<p>the works; this includes the regional and national cycle networks. These provisions will be segregated from the A38 carriageway where practicable to do so within the confines of the space available and will be to the current design and safety standards.</p> <p>The Scheme will enhance walking and cycling. See the Applicant's response [REP7-007] to comment 2 of S Wheeler and comment 1 of Dr David Young.</p>
	<p>4) Young people's futures are another concern. There are many children and young people who have few opportunities to have a voice in relation to the A38 project, yet the air they breathe, their nurseries, schools, play areas, community centres, homes, safe transport modes and health will all be severely impacted for a long period of time.</p>	<p>Scheme operation will have benefits for the travelling public, including users of public transport due to the reductions in bus travel times and the consequential improvements in bus-service reliability.</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, 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 Scheme opening year. Air quality at buildings within the study area will achieve the air quality criteria set to protect human health during construction and operation of the Scheme with Derby City Council's traffic management measures for Stafford Street implemented. The air quality criteria have been set to protect the most vulnerable members of society which includes children and the elderly.</p> <p>ES Chapter 12: People and Communities [APP-050] includes an assessment of the Scheme effects upon health determinants during</p>

Source	Comment	Applicant's Response
		<p>Scheme operation – this indicates that during Scheme operation, there will be a range of long term benefits with regard to human health determinants, namely improved access to local healthcare services, improved connectivity to areas of public open space, improved local air quality, increased opportunities for active travel, improved access to work and training, and improved social cohesion and lifetime neighbourhoods. As detailed above, the signed Statements of Common Ground (SoCG) with Derby City Council (DCiC) [REP7-020], Derbyshire County Council (DCC) [REP6-010] and Erewash Borough Council (EBC) [REP1-008] all indicate that the local authorities are content that the Scheme will adopt adequate measures (as detailed in the OEMP [REP6-007]) to avoid, reduce and mitigate potential health effects.</p>
	<p>4) The University of Derby is also alongside the A38, and it has worked hard to raise its teaching and research quality scores and its wider reputation, locally, nationally and internationally. It is also a major local employer. Staff and students and their parents would surely find this road project very off-putting, blighting their remaining period at the University, in the case of existing students & employees, or having consequences for recruitment of all potential recruits. The economic and reputational impact on the University and hence also on</p>	<p>It should be noted that the University of Derby has not raised any objections or submitted any representations to the Examination process for the Scheme.</p> <p>Highways England has and continues to engage with the University of Derby. The Traffic Management Plan [REP7-003] identifies the University of Derby as a party with specific interests in the traffic management arrangements. It is noted that the University of Derby is actively participating in the Derby Behavioural Change Group.</p>

Source	Comment	Applicant's Response
	<p>the City would be profound, and possibly take a long period of recovery. In the context of austerity years, and a possible new global recession, it seems madness to prioritise expensive and old-fashioned /short-sighted road widening projects. Encouraging and enabling better traffic management, and more through traffic to choose alternative routes, or better provision for public transport, increasing rail freight and other mitigations might together produce better planned outcomes without so much expense and so many destructive consequences.</p>	
<p>2) Cameron McKenna Nabarro Olswang LLP on behalf of Cadent Gas Limited</p>		
<p>REP7-011 to 017</p>	<p>Extension of Cadent's rights in Schedule 5</p>	<p>In response to the issues raised in Cadent's deadline 5 and 7 submissions regarding the purpose for which rights over land may be acquired, Highways England's position is that the rights sought in Schedule 5 allow Cadent to do everything it needs to in order to continue its operation. As Cadent has pointed out, Schedule 5 includes the rights to divert, maintain and access the apparatus. Highways England's position is that maintenance (and the definition of 'maintain' in the dDCO) is sufficiently broad as it includes "inspect, repair, adjust, alter, remove, replace or reconstruct". In addition, article 2(2) provides that "References in this Order to rights over land include rights to do or</p>

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		<p>to place and maintain, anything in, on or under land or in the airspace above its surface".</p> <p>Highways England does not consider that the inclusion of "operation" is necessary because it is implicit that any apparatus installed in land is intended to be used – that is the purpose of the rights being sought and it is clear from the inclusion of these rights in the Order that "operation" is not to be excluded.</p> <p>Similarly "protection" is not a right to be acquired, it is akin to a desire for a landowner not to interfere with Cadent's assets. If a landowner interfered with Cadent's assets and caused damage to them any loss caused would be either a contractual or tortious matter to be resolved between Cadent and the landowner and any such dispute is outside of the scope of the DCO and something which Highways England cannot control.</p> <p>Finally, Highways England considers that "decommissioning" is covered by the definition of "maintain" in the dDCO and/or the explanation outlined in respect of article 2(2) above.</p> <p>This position has been communicated to Cadent.</p>
	<p>GVD and definition of "utilities"</p>	<p>Highways England considers that article 10(4) allows it to transfer the benefit of the rights to be acquired under Schedule 5 to Cadent without SoS consent. This will be done once Highways England exercises a General Vesting Declaration.</p> <p>Cadent is suggesting that article 10(4) allows Highways England to transfer the benefit of the compulsory acquisition powers to Cadent</p>

Source	Comment	Applicant's Response
		<p>(and other utility operators), rather than the rights acquired being transferred to Cadent by Highways England following its exercise of the compulsory acquisition powers. It is not clear why Cadent thinks that this is what article 10(4) allows as the provisions of the dDCO are not drafted to allow this. It is not the intention of the DCO to give compulsory purchase powers to other parties but to secure them rights to continue operating. Highways England considers that the dDCO achieves this aim.</p> <p>In respect of expanding the definition of "utilities", referred to in Schedule 5, Highways England considers it is clear what utilities are being diverted as these are listed in the works numbers provided in Schedule 1. For example, in respect of plot 1/3b, Schedule 5 allows for the diversion and maintenance and access to utilities. The works listed are 1, 8 and 9, however, only work 9 deals with utilities diversions and these are specifically listed in work 9. Item (l) "diversion of a gas main by 61 metres" is what relates to Cadent as the other listed diversions contained in Schedule 1 clearly relate to other SUs.</p>
	Protective provisions	<p>Cadent has suggested a number of changes to the protective provisions which have been included in the dDCO (Schedule 9). Highways England is still considering these but should be in a position to provide the ExA with an update on these in due course.</p>

3) Mr B. W. Day		
AS-051	<p>What consideration has been given to the health affects that will ensue after the increase in pollution.</p> <p>This will surely affect the children at the Markeaton infants and primary school close by, with the royal school for the deaf in even closer proximity.</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, 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. Air pollutant concentrations at these schools are currently achieving the national and European air quality criteria set to protect human health and will continue to do so during both construction and operation of the Scheme. The air quality criteria have been set to protect the most vulnerable members of society which includes children and the elderly.</p> <p>ES Chapter 12: People and Communities [APP-050] includes an assessment of the Scheme effects upon health determinants during both Scheme construction and operation. This indicates that during Scheme operation, there will be a range of long-term benefits with regard to human health determinants, namely improved access to local healthcare services, improved connectivity to areas of public open space, improved local air quality, increased opportunities for active travel, improved access to work and training, and improved social cohesion and lifetime neighbourhoods. The signed Statements of Common Ground (SoCG) with Derby City Council (DCiC) [REP7-020], Derbyshire County Council (DCC) [REP6-010] and Erewash Borough Council (EBC) [REP1-008] all indicate that the local authorities are content that the Scheme will adopt adequate measures (as detailed in</p>

		<p>the OEMP [REP6-007]) to avoid, reduce and mitigate potential health effects.</p>
	<p>It will have a detrimental affect also on the beautiful Markeaton park and it's wildlife.</p>	<p>The Scheme aims to minimise impacts upon the park and its associated trees. The existing park entrance will be closed, with the existing exit being reconfigured to create new a signal-controlled park entrance and exit. A small part of the park along the existing A38 will be taken by the Scheme, whilst the works will also result in the loss of some mature trees along the park edge. However, 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 [APP-252].</p> <p>During the development of the Scheme's design, HE has sought to minimise the loss of existing trees, include trees at Markeaton Park, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplans (ES Figures 2.12A to 2.12H [APP-068]). 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 will implement a wide range of ecology mitigation features – these are illustrated in the Environmental Masterplans (ES Figures 2.12C and 2.12D [APP-068]). 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>

		<p>It is noted that temporary access to a large part of the Markeaton Park will be required – this is illustrated in the Land Plans [REP2-002]. Temporary access is required to create a new area of species rich grassland within the park, as well as the installation of bat boxes and bird boxes – refer to the Environmental Masterplans (ES Figures 2.12C and 2.12D).</p>
	<p>Have better public transport links been considered? Park and ride schemes?</p>	<p>By removing strategic long-distance journeys and heavy goods vehicles from the three junctions, the provision for local journeys by public transport will be improved because the reliability of bus services on Derby's radial routes will be improved.</p> <p>The specifics of Local Transport interventions are for Derby City Council to implement.</p> <p>Highways England is, and during the construction period will continue to be, engaged with local stakeholders and businesses to identify measures that will encourage walking, cycling and bus journeys. These matters are being discussed at the Behaviour Change Working Group hosted by Derby City Council.</p> <p>Within the limits of the proposed works, Highways England is retaining and improving the existing pedestrian and cycle facilities.</p>
<p>4) Hannah Dobson</p>		
AS-050	<p>While I understand rationale for the proposed work I object to the loss of habitat this would incur and am not convinced by reports that this could be replaced in the long term. I don't believe those reports and believe</p>	<p>In order to assess the Scheme effects on ecology and biodiversity, extensive ecology surveys have been undertaken – refer to ES Appendix 8.3a [APP-180] to Appendix 8.15 [APP-212]. This includes surveys associated with botanical and river habitats, great crested newts, reptiles, barn owls, breeding and wintering birds, bats, badger,</p>

	<p>instead that the loss would be permanent or if reduce size and biodiversity. While I appreciate the area is congested with traffic and business requires infrastructure I do not agree that this development is the best resolution to the issue. I believe more should be done to prioritise these issues but only where equal weight is paid to our climate, our wildlife and sustainability.</p>	<p>water vole and otter, white clawed crayfish, and terrestrial and aquatic invertebrates. With the baseline information collated, the Scheme ecologists have integrated a wide range of mitigation measures into the Scheme design – these are illustrated in the Environmental Masterplans (ES Figures 2.12A and 2.12H) [APP-068]. Such mitigation measures have been defined in consultation with key ecology stakeholders, including the local authorities, Natural England, the Environment Agency and Derbyshire Wildlife Trust. Taking into account the defined mitigation strategy, ES Chapter 8: Biodiversity [APP-046] provides details of the Scheme effects during both construction and operation. This chapter reports a moderate adverse significant effect (at the County or Unitary Authority scale) on the A38 Kingsway Roundabout Local Wildlife Site (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> <p>With regard to climate effects, 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 greenhouse gas (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</p>
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		the assessment findings – refer to HE response to the ExA first written questions (question 2.1 in [REP1-005]).
5) Derby City Council		
REP7-010	1. I refer to the above-mentioned updated air quality assessment provided by AECOM (on behalf of Highways England) in respect of the A38 Derby Junctions Development Consent Order process	Noted.
	2. The assessment has been produced in light of updated guidance on air quality assessment issued by Highways England under the DMRB portfolio, namely Guidance Document LA 105 – Air Quality (published in November 2019).	Agreed.
	3. Whilst it was accepted by Derby City Council (DCiC) prior to the release of the LA 105 guidance, that appropriate assessment work had been carried out in respect of air quality impacts arising from the scheme, it was considered that there was a degree of uncertainty surrounding the compliance assessment with respect to the EU Limit Values (under EU Directive 2008/50/EC) and the associated UK Regulations (The Air Quality (Standards) Regulations 2010) due to	This earlier work had been submitted as Document Reference 8.48 Additional Air Quality Information Submitted to DCiC and the ExA [REP3-019]. We consider this work to be appropriate and adequately assesses compliance with the Directive and Regulations, without carrying out further detailed modelling.

	a lack of clarity on an appropriate way to determine compliance.	
	4. Consequently, DCiC was of the view that application of the LA 105 guidance, whilst not a legal requirement, would be beneficial in order to provide further confidence that the scheme would be unlikely to give rise to EU Limit Value compliance.	Agreed.
	5. Document 8.46 now provides such an assessment and subsequently, DCiC can comment on the document as follows.	Agreed.
	<p>8.46 Updated Air Quality Compliance Risk Assessment</p> <p>LA 105 Assessment</p> <p>6. The main difference between the earlier assessment work and the updated investigation, surrounds the determination of relevant receptors, which most notably under LA 105 Guidance, now includes footpaths which are located within 15m of the carriageway.</p>	Agreed.
	7. I note that model verification has been reconsidered and a DCiC diffusion tube located adjacent to the carriageway of the A38 (referenced as DT34) was considered,	Noted.

	<p>but then excluded from the study-wide verification due to the apparent anomaly against modelling results elsewhere. It has however been utilised within a site-specific verification for the footpath at the location of DT34.</p>	
	<p>8. I am aware that site DT34 was located at a bus stop and therefore the emissions from buses regularly stopping and pulling away may have been responsible for skewing the results within this location. The site also experiences a steep rise in levels close to the carriageway, which would affect dispersion of pollutants. These factors do appear to be reflected in the model, which is reported to significantly under-predict concentrations at this location. Consequently, the approach appears reasonable.</p>	<p>Noted.</p>
	<p>9. Modelling is now provided in the document at 'qualifying features' along the DEFRA-defined PCM road links. This is oppose to the previous compliance assessment approach of modelling at a point 4m from the kerb, which was in line with DEFRA's National PCM compliance modelling and DCiC's own CAZ feasibility study modelling. The LA 105 approach is seemingly more</p>	<p>Agreed.</p>

	<p>logical than the DEFRA approach, as it is more representative of the points of exposure, notwithstanding that footpaths would arguably still not be relevant points of exposure against the long-term standard which uses annual average concentrations.</p>	
	<p>10. Table 1 in the document provides the results of annual average NO2 modelling for the completed scheme in 2024, as compared with the do minimum (i.e. without the scheme). This is represented as a single value for each PCM road link, rather than specified modelling points, representing the highest concentration modelled along that link</p>	<p>Agreed.</p>
	<p>11. The data concurs with the earlier assessment work completed as part of the Environmental Statement for the A38 Derby Junctions Scheme, which highlights a net benefit in terms of NO2 concentrations arising from the completed scheme. According to the data, compliance with the annual average NO2 Limit Value is achieved in 2024 at all receptors.</p>	<p>Agreed.</p>

	<p>12. The document states that modelling was also carried out for 'the three construction scenarios (Scenarios 0, 2 and 4) in 2021 alongside the A38 only'. The results of this modelling are not presented in the document however and there is no discussion of the results either.</p>	<p>The results for 2021 alongside the A38 have been submitted at Deadline 7 as: Document Reference 8.86 Supplement to Air Quality Compliance Risk Assessment [REP7-009].</p>
	<p>Modelling at 4m from Kerb 13. The document does however include modelling results within Appendix B, which compare AECOM's own modelling against DCiC's CAZ feasibility study modelling, based on points at 4m from the kerb. Whilst this is not relevant to the LA 105 assessment, it is a useful exercise which provides further confidence in terms of compliance against the EU Directive.</p>	<p>Agreed.</p>
	<p>14. Due to the different input data used, pertinently the traffic data arising from the transport modelling, the results of this modelling are generally significantly different to the results of the DCiC CAZ feasibility study modelling and DEFRA's National PCM modelling.</p>	<p>Noted, there are differences between the results from the three models due to the different input data used.</p>

	<p>15. Whilst the impacts of construction do appear to cause an increase in concentrations at certain points close to the A38, the modelling suggests that the increases do not create any new non-compliances against the EU Limit Value for annual average NO2.</p>	<p>Agreed.</p>
	<p>DCiC Conclusions 16. The updated assessment includes additional assessment work in accordance with the latest LA 105 Guidance.</p>	<p>Agreed.</p>
	<p>17. The results of the modelling suggest that the completed scheme (2024) is unlikely to create any new non-compliances against the EU AQ Directive Limit Value for NO2. In fact, in the majority of cases, the completed scheme is predicted to reduce concentrations of NO2 at relevant receptors, which concurs with the conclusions of the 2019 Environmental Statement.</p>	<p>Agreed.</p>
	<p>18. The results of the LA 105 modelling assessment in relation to construction impacts is omitted from the report however and therefore it is not possible for DCiC to comment on the potential for compliance risks that may arise during the 4 year</p>	<p>The results for 2021 alongside the A38 have been submitted for Deadline 7 as Document Reference 8.86 Supplement to Air Quality Compliance Risk Assessment [REP7-009].</p>

	construction phase of the scheme (using the LA 105 approach).	
	19. It is worth highlighting that the LA 105 assessment methodology has a subtle difference in approach as compared with that taken by DEFRA under their own national PCM Modelling compliance assessment work, and this relates to the definition of relevant receptor points.	Agreed.
	20. Pertinently, neither Highways England nor Local Authorities are in a position to determine compliance with the EU Directive/UK Regulations on air quality, since this duty falls on the Secretary of State for DEFRA.	Agreed.
	21. Notwithstanding this point, the results of the submitted compliance assessment are indicative of the completed scheme being unlikely to create any new non-compliances against the EU AQ Directive and associated UK Regulations. Furthermore, the results indicate that the completed scheme is unlikely to affect the ability of the UK to achieve compliance in the shortest possible time.	Agreed.

6) Derby Friends of the Earth		
REP7-018	<p>Paris Agreement/Human rights/rights of the sick/disabled/rights of the child/air pollution</p> <p>Q26 HE did not answer Q2, despite ExA stating that a written response was needed (Oral recordings 18 Feb 8.71 pg 17 of 58) The question was related to the HE statement, on that tape, that they were 'going to put more traffic onto the A38 and make it faster' We then asked if HE were saying that they were going to put more traffic and increase its speeds, onto the most polluted site in the East Midlands, (FOE ENC 1) the A38 Kingsway Island NHS Hospital site?</p>	<p>Highways England provided a response to this question in [REP6-042]. This stated the following:</p> <p><i>“The question relates to the A516 Uttoxeter New Road from Uttoxeter Old Road to the Royal Derby Hospital which is within an Air Quality Management Area (AQMA). DCiC has measured NO₂ concentrations and found concentrations to exceed the annual mean objective and limit value at site DT31 (431 Uttoxeter New Road) which is on the corner of Manor Road and Uttoxeter New Road. This site is shown in ES Figure 5.4 [APP-074]. Traffic flows on this road are expected to change during the Scheme construction phase. NO₂ concentrations have been predicted at a number of receptors in this area (e.g. R111, R112, R115, R116 , R117, R247, R248, R249, H3, H4 and H5) as shown on ES Figure 5.2A [APP-072]. NO₂ concentrations at all of these receptors are predicted to be within the NO₂ objective and limit value in 2021 both with and without Scheme construction during all three of the construction scenarios assessed and in 2024 both with and without the Scheme in operation. The lower NO₂ concentrations predicted for future years compared with the measurements concentrations are due to a cleaner vehicle fleet in future years.”</i></p> <p>Air quality at the A38 Kingsway Island Hospital site will be within the air quality criteria set to protect human health during construction and operation of the Scheme.</p>

	<p>Human rights, under the Paris Agreement, have not been considered by HE.(8.80) The Paris Agreement calls for a right-based approach, not the usual HE cost-benefit approach, which is fundamentally different. The scheme is thus in direct conflict with Government standing, as a signatory to the Paris Agreement. Extract from Paris Agreement (pg2 see above link) 'Climate change is a common concern of humankind, parties should consider respective obligations on human rights, the right to health,...of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity'</p>	<p>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 policy against which the Scheme needs to be considered. DfT has confirmed that the programme of schemes described in Roads Investment Strategy (RIS) 1 have been assessed and included in the Government's carbon budgets. The assessment of human rights is detailed in the Statement of Reasons [REP4-005] and a further update to this position was provided to the Examination at D6 [REP6-024]. It is noted that 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 greenhouse gas (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>
	<p>Nitrogen dioxide, as well as being harmful to people, is also a greenhouse gas. This has</p>	<p>Nitrogen dioxide (NO₂) is not a greenhouse gas. Nitrous oxide (N₂O) is a greenhouse gas, the main source being agriculture and thus the Scheme will not result in N₂O emissions.</p>

	not been taken into account when calculating effects	
	<p>The Paris Agreement itself states that “States have human rights obligations that are relevant to climate change; Parties should respect, promote, and consider those obligations when taking actions to address it; the relevant rights include the right to health, the right to development, and gender equality, and also the rights of those who are most at risk from the effects of climate change; and additional considerations such as intergenerational equity are also relevant.”</p>	Noted.
	<p>The residents of Mackworth/ Allestree/ Mickleover will also be heavily impacted by air pollution, and children at numerous schools in Mackworth/ Allestree/ Mickleover, Royal School for the Deaf, and at Kedleston Rd University. The total numbers of people adversely affected by the increased traffic and air pollution outweigh the numbers using these roads. The newest HE air quality information regarding DMRB LA105 acknowledges that footpaths are affected by air pollution, yet there are no figures for pedestrian movements, at Markeaton 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 [APP-043]. 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. The air quality at locations in the vicinity of the Scheme, including footpaths, will achieve all air quality objectives and limit values in the Scheme’s opening year (2024). The air quality criteria have been set to protect the most vulnerable members of society which includes children and the elderly.</p>

	<p>Kingsway junctions. In order to approximate pedestrian movements, a pedestrian count was carried out on 9/3/20 at the crossings on Kingsway Island, at 4pm; over 250 movements were counted for an hour, the lunchtime figure would have been higher. NB patients, visitors, workers use the footpaths to get to the crossing, to access the supermarket/restaurant/housing. Over an 8 hour period that equates to 2080 people using the footpaths, to get to the crossings, though some of these are both-way movements.</p>	<p>Consideration will be given at the detailed design stage to rerouting footpaths during construction that are adjacent to the A38 where construction of the Scheme would make air quality worse in areas that already have poor air quality.</p> <p>It is noted that details regarding pedestrian surveys are provided in ES Appendix 12.1: Walking, Cycling and Horse Riding Assessment [APP-226].</p>
	<p>Q27 HE claimed that (Written Summary of Oral Submissions 8.71 pg10) 'the impact on non-motor users, including pedestrians had been considered as part of the People and Communities chapter of the Environmental Statement' (ES) Have the impacts on non-motor users been fully considered, regarding the new DMRB LA105 regulations, relating to footpath use?</p>	<p>ES Chapter 12: People and Communities [APP-050] includes a full and appropriate assessment of Scheme effects on non-motorised users, including pedestrians. DMRB guidance LA105 relates to air quality and is considered in the Updated Air Quality Compliance Risk Assessment [REP6-020] and in the Supplement to Air Quality Compliance Risk Assessment [REP7-009].</p>
	<p>Regarding patients at the Royal Hospital at Kingsway Island; figures for death from respiratory diseases at Royal Derby Hospital have also been requested from the NHS, as well as the figures for benefits that city parks</p>	<p>Noted.</p>

	<p>bring, to people (2 A38 FOE London parks save NHS £370 million a year) As the 'most likely estimate' for the road-building is £229 million (HE Vol 4 4.2B 2.1.1) we are confident that the benefits Derby city parks, including Markeaton as the main city park, bring to the NHS, outweigh this figure. There are also the future claims for 'blight' to consider, under the Human Rights Act and the Paris Agreement (4.1.4)</p>	
	<p>Markeaton Park trees/scrubland/biodiversity to be destroyed, provides a valuable buffer zone protecting park users, residents, children, young people at the Royal School for the deaf, Derby University, from air pollution. This buffer zone also provides oxygen and air-cleaning properties for car/vehicle drivers on the A38.</p>	<p>The Scheme aims to minimise impacts upon Markeaton Park. The existing park entrance will be closed, with the existing exit being reconfigured to create new a signal-controlled park entrance and exit. A linear strip of the park immediately alongside the existing A38 (which has lower recreational and amenity value as a result) will be taken by the Scheme, whilst the works will also result in the loss of some mature trees along the park edge. However, 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 [APP-252].</p> <p>During the development of the Scheme's design, HE has sought to minimise the loss of existing trees, including tree loss from Markeaton Park, and where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplans (ES Figures</p>

		<p>2.12A to 2.12H [APP-068]). With regard to replacement tree planting in Markeaton Park, HE will deliver a landscape design that results in a net increase in trees. Extensive ecological baseline surveys have been undertaken to inform the Scheme design and mitigation measures. Refer to ES Chapter 8: Biodiversity [APP-046] and ES Appendix 8.3a [APP-180] to Appendix 8.15 [APP-212] for further details.</p> <p>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 Masterplans (ES Figures 2.12C and 2.12D [APP-068]). 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. No veteran trees within the park, for which the LWS is designated, would be removed</p> <p>It is noted that temporary access to a large part of the Markeaton Park will be required – this is illustrated in the Land Plans [REP2-002]. Temporary access is required to create a new area of species rich grassland within the park, as well as the installation of bat boxes and bird boxes – refer to the Environmental Masterplans (ES Figures 2.12C and 2.12D).</p> <p>It is noted that during Scheme operation, 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 within the park will achieve the applicable air quality objectives set to protect human health.</p>
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	<p>Q28 Many of the above receptors do not drive cars. Yet the worst impacts of such schemes, will be felt by them, through no action of theirs. Does HE agree that, under the Paris Agreement, the rights to health, of 'indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations' and women, are of equal importance to development rights?</p>	<p>As mentioned above, 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 policy against which the Scheme needs to be considered. DfT has confirmed that the programme of schemes described in Roads Investment Strategy (RIS) 1 have been assessed and included in the Government's carbon budgets.</p> <p>All members of the community are considered when planning the Scheme as highlighted by Highways England's Equality Impact Assessment process. The Planning Act process also has extensive consultation processes which have been undertaken as part of the Scheme.</p>
	<p>We have also written to the Ministry of Defence Safeguarding Establishments division, regarding the flooding issues (Q20, Q21, 2 A38...) and will present any replies at a later date.</p>	<p>Noted.</p>
	<p>Q29 Written summary of Oral Submissions Feb 19th 8.71 – Pg 45,b “whether the approach to carbon emissions adequately considers the Governments updated target for net zero carbon by 2050” and HE only able to apply “current carbon budgets from 2009-2015” In response to ExA HE confirmed that “assessments had not been based on</p>	<p>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 policy against which the Scheme needs to be considered. DfT have confirmed that the programme of schemes described in Roads Investment Strategy (RIS) 1 have been assessed and included in the Government's carbon budgets.</p>

	<p>net zero” Is this a breach of the Paris Agreement, to which the UK Government is a signatory and thus the Paris Agreement becomes national policy?</p>	<p>It is noted that 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 greenhouse gas (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>
	<p>Q30 Regarding Q9 what is the total CO2 figure including the CO2 from uncapping the landfill at the A38 Kingsway island? (Preliminary Environmental Information Report PEIR Kingsway Junction Landfill Site 9.5.38)</p>	<p>Reference should be made to ES Chapter 10: Geology and Soils [APP-048]. The Scheme will require excavations through the former landfilled area in order to construct the link road from Kingsway junction to Kingsway Park Close. The former landfill is not capped, whilst there is also passive landfill gas venting system covering parts of the former landfill site. CO₂ and other ground gases in this former landfill area need to be taken into account in order to ensure the protection of worker health and safety during the Scheme construction phase. In this regard a further site investigation is being planned to characterise the ground conditions at this site and thus assist in defining working practices, noting that there are standard working practices available to ensure worker safety. Given that the landfill area is uncapped and that there is a passive landfill gas venting system, it is not considered that</p>

		any additional CO ₂ emissions will arise as a result of the Scheme construction works.
	<p>Q31 The PEIR also states that there is a potential risk of explosion/asphyxiation from landfill gas and risk to construction workers of entering confined spaces, from carbon dioxide. The CO₂ recordings were “sufficient to exceed the 8 hour long term occupational exposure limit”. There are also risks from methane and hydrogen sulphide at Markeaton Junction (pg 108) Cadmium and selenium at Little Eaton (9.5.37).</p> <p>4 of the trial pits at Kingsway Junction were terminated at depths of between 1 and 2 metres. (PEIR 9.5.32 pg 107) As construction works will go far deeper, (see Q34) what is the increased risk to workers at the site/receptors using the nearby supermarket, restaurants, housing?</p>	<p>As detailed in ES Chapter 10: Geology and Soils [APP-048], a ground gas risk assessment has been undertaken – refer to ES Appendix 10.1: Ground Investigation Factual Report [APP-222]. This identified potential risks to construction workers in confined spaces and/ or excavations from at least one ground gas or from oxygen depletion at each of the junctions. As detailed in the EIA Scoping Report (2018), the Scheme construction works will be undertaken in a manner that appropriately protects the health and safety of workers – this is legal requirement and thus must be undertaken. As such, given that actions to protect workers must be undertaken to accord with legal requirements, Scheme effects upon construction workers was scoped out of the impact assessment. Nevertheless, further ground investigations are being planned which will enable Highways England to characterise the ground gas conditions and thus assist in defining working practices, noting that there are standard working practices available to ensure worker safety.</p> <p>As detailed in ES Chapter 10: Geology and Soils [APP-048], the Detailed Quantitative Risk Assessments (DQRA) undertaken for Little Eaton junction indicated that there were potential risks to controlled waters from cadmium and selenium. Further DQRA has been carried out [REP3-020] which indicates that the theoretical risk from dissolved metals is likely to be influenced by naturally occurring low-level concentrations derived from the strata mineralogy. Therefore, it is considered that there is a very low risk to the identified receptors from</p>

		<p>the presence of dissolved metal concentrations recorded in a very small number of samples at each of the three junctions. The Environment Agency has reviewed the information provided and has accepted that risks associated with land contamination will be appropriately managed by the Scheme – refer to the signed Statement of Common Ground (SoCG) with the EA [REP5-008].</p> <p>As detailed above, a further site investigation is being planned to characterise the ground conditions and thus assist in defining working practices, noting that there are standard working practices available to ensure worker safety. Through the adoption of standard good working practices, worker safety will be appropriately protected, noting that such protection is a legal requirement. Due to the adoption of appropriate working practices, as illustrated in ES Chapter 10: Geology and Soils [APP-048], construction of the Scheme would be subject to measures and procedures as defined within the Outline Environmental Management Plan (OEMP) [REP6-007] for the Scheme – with the adoption of such measures effects upon local residents due to land contamination risks are defined as being negligible.</p> <p>The signed SoCG with the Environment Agency [REP5-008], Derby City Council (DCiC) [REP7-020], Derbyshire County Council (DCC) [REP6-010] and Erewash Borough Council (EBC) [REP1-008] indicate that the applicable regulators are content that the Scheme will adopt adequate measures (as detailed in the OEMP [REP6-007]) to appropriately control potential impacts associated with contaminated materials.</p>
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	<p>Q32 The proximity of people at the hospital, residential, supermarket and restaurants means that many more 'sensitive receptors' to these risks, including construction workers, have not been added to HE calculated receptors. We ask why not, regarding the above?</p>	<p>As detailed above, Highways England has a legal requirement to protect the health and safety of site workers – thus such measures will be implemented during the Scheme construction works.</p> <p>As illustrated in ES Chapter 10: Geology and Soils [APP-048], construction of the Scheme will be subject to measures and procedures as defined within the OEMP [REP6-007]. With the adoption of such measures, effects upon local residents due to land contamination risks are defined as being negligible. As detailed above, the applicable land contamination regulators are content that the Scheme will adopt adequate measures (as detailed in the OEMP [REP6-007]) to appropriately control potential impacts associated with contaminated materials – refer to the signed SoCG with the Environment Agency [REP5-008], Derby City Council (DCiC) [REP7-020], Derbyshire County Council (DCC) [REP6-010] and Erewash Borough Council (EBC) [REP1-008].</p>
	<p>Q33 Asbestos has also been found at Markeaton junction. An estimated 6,000m³ of asbestos fibres at Kingsway Junction (PEIR Human Health Risk Assessment 9.5.32 pg 106.107); has the Kingsway Royal Derby NHS Hospital been informed of this and the risks from carbon dioxide, methane, hydrogen sulphide etc?</p>	<p>As detailed in ES Chapter 10: Geology and Soils [APP-048], it is estimated that approximately 7,000m³ of Asbestos Containing Material (ACM) will require excavation at Kingsway junction (this is excavated material that contains some asbestos fibres), primarily from the area of the link road to Kingsway Park Close which will be constructed through the former Rowditch Tip landfill. As such, an Asbestos Management Plan will be prepared and implemented to ensure asbestos can be identified, removed and disposed of in a legally compliant manner. Further details regarding the Asbestos Management Plan are detailed in the OEMP [REP6-007]. Given that any works associated with</p>

		<p>asbestos would be undertaken in a legally compliant manner, there would be negligible risks to workers and the general public. As detailed above, risks associated with ground gases will be appropriately managed to ensure worker safety and the safety of off-site receptors. Given the above, there is no need to inform the Kingsway Royal Derby NHS Hospital.</p>
	<p>Q34 (PEIR 9.5.35 Detailed Quantative Risk Assessment DQRA) Are there risks to controlled waters from chromium hexavalent, copper, cyanide, lead, nickel, zinc and ammoniacal nitrogen at Kingsway Junction?</p>	<p>As detailed in ES Chapter 10: Geology and Soils [APP-048], the Detailed Quantitative Risk Assessments (DQRA) undertaken for Kingsway junction indicated potential risks to controlled waters from hexavalent chromium, copper, cyanide, lead, nickel, zinc and ammoniacal nitrogen. This was based on risks to freshwater ecosystems. A further DQRA has been carried out [REP3-020] which indicated that the theoretical risk from dissolved metals is likely to be influenced by naturally occurring low-level concentrations derived from the strata mineralogy. Therefore, it is considered that there is a very low risk to the identified receptors from the presence of dissolved metal concentrations recorded in a very small number of samples at each of the three junctions. The Environment Agency has reviewed the information provided and accepted that risks associated with land contamination will be appropriately managed by the Scheme - refer to the signed SoCG with the EA [REP5-008].</p> <p>The signed SoCG with the Environment Agency [REP5-008], DCiC [REP7-020], DCC [REP6-010] and EBC [REP1-008] indicate that the applicable regulators are content that the Scheme will adopt adequate measures (as detailed in the OEMP [REP6-007]) to appropriately</p>

		control potential impacts associated with contaminated materials, including impacts upon controlled waters.
	<p>Q35 At time of writing (10/3/20) there are flood warnings on the River Derwent again (https://www.gaugemap.co.uk/#!Detail/162/173/2019-03-01/2020-03-31) It has just been reported on BBC2 weather news, 11.16pm, 10/3/20, that the East Midlands has received half a months rainfall in 24hours.</p> <p>HE stated that 'for the purposes of the traffic model used for the construction period, flooding would be considered a one-off incident' (Written Summary of Oral Submissions 8.71 pg9) In view of the climate emergency, 141% of normal rainfall affecting the east Midlands, including Derby, and extensive flooding across the UK, we request an explanation as to why HE is completely ignoring the situation on the ground, especially as adhering to 40% and a 'one-off incident' becomes ever more unacceptable and a continued reliance on weather conditions in the past?</p>	<p>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. https://www.metoffice.gov.uk/research/climate/maps-and-data/uk-temperature-rainfall-and-sunshine-time-series. 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 predicted trend based on climate models for future emissions scenarios only. 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 flood risk assessments and defined mitigation measures have been accepted by the applicable local authorities and the Environment Agency – refer to the signed SoCG with the Environment Agency [REP5-008], DCiC [REP7-020], DCC [REP6-010] and EBC [REP1-008].</p>

	<p>Q36 Written Summary of Oral Submissions Feb 19th 8.71 Item 10A Water Environment pg 51 of 58</p> <p>Environment Agency (EA) confirmed that flood data model was from 2013. There is more up to date data but EA would not be specifically involved in flood data at Markeaton Junction. EA agreed to consider these points in writing” We have been unable to find these written responses and ask who is involved in flood data, if it's not the EA?</p>	<p>Environment Agency submission [REP6-037] confirms that the latest model the Environment Agency has for the Markeaton Brook is their Derby City Tributary model that was undertaken in 2013. It is noted that the party responsible for surface water flooding control, highway flooding and fluvial flooding from upstream of Markeaton Lake is Derby City Council (DCiC), noting that DCiC has reviewed the Highways England FRA for Markeaton junction (ES Appendix 13.2B [REP4-010]) and is content with the report findings and the proposed mitigation approach. This is confirmed in the signed SoCG with DCiC [REP7-020].</p>
	<p>Q37 Derby city council (DciC) confirmed that “HE had used 1% AED event plus 40% climate change allowance method, based on an increase in rainfall..that would take most climate change into account” (Written Summary of Oral Submissions Feb 19th 8.71 Item 10A Water Environment pg 51 of 58) and a. “a 40% climate change allowance at Kingsway Junction deals with run-off as it affects flooding” This is a vast understatement, as Derby and the rest of the East Midlands received 141% rainfall EVENTS in February 2020.</p> <p>Has there been an estimate of the increased pollution of controlled waters because of the increased amount of rainfall affecting</p>	<p>The FRAs undertaken for the Scheme (both Kingsway junction (ES Appendix 13.2A [REP4-009] and Markeaton junction (ES Appendix 13.2B [REP4-010]) have applied climate change allowances as per latest guidance and reflect the expected average impacts on rainfall intensity. Both FRAs have been reviewed by DCiC who are content with the mitigation provided and report findings. This is confirmed in the signed SoCG with DCiC [REP7-020]. The value quoted means 41% more than the long-term average, not a 141% increase.</p> <p>With regard to runoff from the area of the Scheme to be constructed over the former landfill site at Kingsway junction, namely the link road to the Kingsway Park Close, contaminated material will be excavated and appropriately segregated and treated or disposed of. The Scheme will then be constructed and the associated earthworks formed with acceptable materials. As such, landfill material will not be present at the ground surface. Thus runoff contaminated with landfill material will not</p>

	<p>contamination and contaminated run-off from the Kingsway landfill site (Q31, 32,33,34) and we ask that HE provides the figure for contamination using the now normal 141% climate emergency increased rainfall?</p>	<p>be generated. Regardless, runoff from this area will be appropriately collected and controlled by the highway drainage system.</p> <p>In addition, the DQRA [REP3-020] indicates that there is a very low risk to the identified receptors from the presence of dissolved metal concentrations recorded in a very small number of samples at the junction. The Environment Agency has reviewed DQRA and has accepted that risks associated with land contamination will be appropriately managed by the Scheme - refer to the signed SoCG with the EA [REP5-008].</p>
	<p>National Friends of the Earth have also submitted observations on the A38 junction schemes and this is included below: - It is not clear if the study area has captured all possible issues on air quality – traffic displaced from one area can go on to add worsen air pollution at places some distance from the scheme itself</p>	<p>Traffic flows were modelled over a large area that included all of Derby, the M1 to the east, the A50 to the south and M1 junction 28 to the north (refer to Figure 3.1 in Transport Assessment Report [APP-254]) so that increases and decreases in flows across the traffic model study area could be assessed. Traffic flows beyond this area will not change.</p> <p>The air quality study area as detailed in ES Chapter 5: Air Quality [APP-043] includes the full highway network that would be affected by the Scheme. The road network expected to be affected by the Scheme is shown in ES Figure 5.2A-C: Study Area for Construction Phase Traffic Impacts [APP-072] and Figure 5.3A-C: Study Area for Operational Phase Traffic Impacts in the Opening Year [APP-073].</p>
	<p><input type="checkbox"/> On the studies done, clearly this scheme would worsen air pollution in some areas, even if improving it in others</p>	<p>The air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043] – this includes effects upon nitrogen dioxide (NO₂) levels during both Scheme construction and operation. The assessment indicates that overall, operation of the Scheme is expected to result in a slight improvement in local air quality (including NO₂) at properties within the study area as a greater number</p>

		<p>of properties are expected to have an improvement rather than a deterioration in air quality in the opening year. 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>
	<p><input type="checkbox"/> The scheme would make air pollution already over legal limits even worse at one location in the construction scenario '0' – while HE claim this would not be an issue as it would not delay the East Midlands Air Quality Zone achieving compliance, this test (as per paragraph 5.13 of the National Networks NPS) is not an adequate test, and such worsening should not be allowed.</p> <p><input type="checkbox"/> NB There is much support for the view that this test is not adequate - eg an EU clarification letter to Clean Air in London http://cleanair.london/legal/clean-air-in-london-obtains-qc-opinion-on-air-quality-lawincluding-at-heathrow/attachment/cal-322-robert-mccracken-qc-opinion-for-cal_air-qualitydirective-and-planning_signed-061015/, the McCracken QC opinion http://cleanair.london/legal/clean-air-in-london-obtains-qc-opinion-on-air-quality-lawincluding-at-heathrow/attachment/cal-304-letter-of-clarification-from-the-commission190214_redacted-5/, and Client</p>	<p>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 policy against which the Scheme needs to be considered.</p>

	<p>Earth judgements CE 2 and CE3) http://www.documents.clientearth.org/library/download-info/high-court-rulingon-clientearth-no-2-vs-ssefra-uk-air-pollution-plans/ and https://www.judiciary.gov.uk/judgments/the-queen-on-the-application-ofclientearth-no-3-claimant-v-secretary-of-state-for-environment-food-and-rural-affairs-andothers/ or http://www.bailii.org/cgibin/format.cgi?doc=/ew/cases/EWHC/Admin/2018/315.html&query=(clientearth)</p>	
	<p><input type="checkbox"/> Other results are sometimes very close to the 40ug/m3 legal limit, and are thus at risk of breaching it – even in the opening year there is one level over 35ug/m3, and under the construction phase several close to 40ug/m3.</p>	<p>On the balance of probabilities, NO₂ concentrations are predicted to be below the limit value are not expected to exceed it.</p>
	<p><input type="checkbox"/> This is particularly important as the 40ug/m3 level is not a 'safe' level – the World Health Organisation (WHO) have found health effects below 40ug/m3, and will be revising their standard: http://www.euro.who.int/en/media-centre/sections/press-releases/2013/01/newly-found-health-effects-of-air-pollution-call-for-stronger-european-union-air-policies</p>	<p>The WHO guideline for an annual mean concentration for NO₂ at 40 µg/m³ is current and has not been updated by the WHO.</p>

7) Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited		
<p>REP7-019 (A) Ford Lane Bridge</p>	<p>(i) Network Rail remains concerned that it has not been approached directly by Highways England to discuss its recent proposals for the Ford Lane Bridge and it has not yet been provided with the swept path analysis referred to in its Deadline 5 submission.</p>	<p>As the bridge assessment/verification survey work and the design of the A6/Ford lane junction is ongoing, the details have not yet been shared with Network Rail as they are still subject to confirmation and agreement with the relevant local highway authorities (LHAs).</p>
	<p>(ii) Network Rail also remains concerned as to how the proposed measures outlined in the Applicant's responses to Network Rail's Deadline 5 submissions are to be enforced. Network Rail require further clarification in that regard. For example, the proposal to reposition kerbs – how is this to be an enforceable obligation on the Applicant pursuant to the DCO?</p>	<p>Both of the LHAs are consultees for the detailed design of the Scheme (Derby City Council for the A6/Ford Lane junction and Derbyshire County Council for the river bridge assessment) and they both have an interest in the design being appropriate for the local affected stakeholders. The detailed design needs to be 'signed off' by the Secretary of State and LHA consultation will be one of the key items to inform the sign-off process.</p>
	<p>(iii) It is noted that the ability to accommodate 40T vehicles is subject to a "verification survey". When is that survey to be made available? How would the Applicant address matters should the verification survey not confirm the bridge as suitable for a 40T vehicle, thereby preventing Network Rail from accessing the Midland Mainline for maintenance purposes?</p>	<p>The verification survey is scheduled to take place in April. Should the survey fail to confirm the key assessment assumptions then an alternative way forward will need to be developed (e.g. a bridge strengthening scheme).</p> <p>The OEMP [REP6-007]) secures this by stating the following with regard to the Ford Lane bridge: <i>“Undertake verification of the Ford Lane Bridge structural assessment in order to determine any future access restrictions. Following receipt of verification results, Highways England will consult with DCC in order to define access continued solutions to be</i></p>

		<p><i>progressed during the detailed design stage. If necessary this will include discussions regarding the need for commuted sum payments to DCC or other means of future management of the structure (as needed) to ensure the long-term management and maintenance of the bridge in the interests of highway safety'. DCC has agreed to this process as detailed in the signed SoCG [REP6-010].</i></p>
	<p>Network Rail maintain their objection to the closure of the access to Ford Lane from the A38 until it has received satisfactory assurances that its vehicles (of the size and weight previously described) will be able to access the Midland Mainline for maintenance purposes.</p>	<p>The design of the A6 Duffield Road and Ford Lane junction will be carried out during the detailed design stage of the Scheme. Discussions are ongoing with DCiC, as the highway authority for this junction, to determine the details of the layout of the junction. Notwithstanding this, it is recognised that the Ford Lane junction must be altered to accommodate the HGVs accessing the Talbot Turf business, the Severn Trent Water pump station and Network Rail.</p> <p>Highways England has consulted with all affected businesses to determine what vehicles they require to continue to access Ford Lane following the stopping up of the A38 access. All of the responses given have been logged for inclusion within the detailed design criteria of the junction.</p> <p>At this time swept path analyses have been carried out to determine the minimum requirements for the alterations of the junction. These will be shared with affected parties, including Network Rail, once as the final layout of the junction has been agreed with DCiC.</p>
REP7-019	<p>Network Rail are not yet content with the proposed Protective Provisions in the dDCO and have made a number of comments on</p>	<p>Highways England is still considering NR's comments on the draft PPs and the Deed of Easement.</p>

<p>(B) Protective Provisions, Framework Agreement and other agreements</p>	<p>those Protective Provisions throughout the Examination process to the Applicant's lawyers. The latest amendments and comments were sent to the Applicant's lawyers on 20 February 2020. Negotiations are ongoing and it is hoped that agreement can be reached by the close of the Examination.</p> <p>A precedent Deed of Easement has been provided to HE's solicitors for review.</p>	
<p>8) Mr & Mrs Day</p>		
<p>AS-053</p>	<p>We should not be putting at risk, children's health e.g Royal School for the Deaf Derby, Ashgate Primary School and Nursery Ashbourne Rd, Markeaton Primary School, Kedleston Rd for yet more road schemes.</p> <p>Nor indeed compromising the health and well being of residents in close proximity to Markeaton Island and therefore the proposed works e.g the Sutton Trust Alms houses Ashbourne Rd and Mackworth. A large residential area located immediately behind Markeaton Island and between the A38 Kingsway and A52 Ashbourne Rd for the sake of road schemes.</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 air quality has been assessed at Derby schools, residential properties and hospitals that are near roads that would be affected by the Scheme either during construction or operation. With Derby City Council's (DCiC) traffic management measures implemented in Stafford Street, air quality at schools, residential properties and hospitals will be within the air quality criteria set to protect human health during construction and operation of the Scheme. The air quality criteria have been set to protect the most vulnerable members of society which includes children and the elderly. The same is true for the residential areas located in the vicinity of the Scheme.</p> <p>ES Chapter 12: People and Communities [APP-050] includes an assessment of the Scheme effects upon health determinants during</p>

		<p>both Scheme construction and operation. This indicates that during Scheme operation it is considered that overall the effect of Scheme operation on air quality, noise and neighbourhood amenity as a determinant of human health will be positive. The signed Statement of Common Ground (SoCG) with Derby City Council (DCiC) indicates that DCiC is content that the Scheme will adopt adequate measures (as detailed in the OEMP [REP6-007]) to avoid, reduce and mitigate potential health effects.</p>
	<p>We should not be allowing the demolition of approximately 15 sturdy, quality built houses on the A38 opposite Markeaton Park in the light of insufficient housing, for yet more road schemes.</p>	<p>It is accepted that the Scheme will require the demolition of houses at Markeaton junction which is recognised as a significant effect in the ES (refer to ES Chapter 12: People and Communities [APP-050]). HE is consulting with all affected property owners.</p>
	<p>Highways England and Derby City Council are ignoring the climate and ecological emergency by pushing for more roads for more cars. For the UK to meet it's legally binding carbon emission targets road traffic must reduce.</p>	<p>The Environmental Statement (ES) assesses the Scheme impacts upon local ecology (refer to ES Chapter 8: Biodiversity [APP-046]) and impacts on climate (refer to ES Chapter 14: Climate [APP-052]). Highways England has thus not ignored these important issues. 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 greenhouse gas (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</p>

		<p>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 8: Biodiversity [APP-046] provides details of the Scheme effects during both construction and operation and illustrates that whilst there would be moderate adverse significant effect (at the County or Unitary Authority scale) due to the loss of the A38 Kingsway Roundabout Local Wildlife Site (LWS), 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>
	<p>We do not need £250 million wasted on more roads in Derby. Derby needs investment in public transport, cycle lanes, paths and green spaces.</p>	<p>Please refer to the Applicant's response [REP7-007] to:</p> <ul style="list-style-type: none"> 3) S. Wheeler – points 1 & 2 5) Anne Morgan – point 1 7) Dr David Young 8) Pauline Inwood – bullet point 1 10) Nick Arran – point 5
<p>9) Christian Murray-Leslie</p>		
AS-054	<p>1. Increased Carbon Emissions.</p> <p>We are in a climate and ecological emergency (The UK government declared one in 2019 and made binding commitments to reduce carbon emissions and achieve carbon neutrality by 2050, although this is</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 greenhouse gas (GHG) impact as a proportion of total UK carbon emissions is negligible, such</p>

	<p>probably far too late). The scientific world are in virtually full agreement that the current dangerous upward trend in atmospheric CO2 and global warming is due to the burning of fossil fuels of which road traffic is an important cause (in the UK the most important cause). The UK is also signed up to the 2018 Paris agreement to adhere to its carbon budget to achieve carbon neutrality. Building the A38 derby junctions scheme transgresses these commitments as it will lead to increased carbon emissions during the building phase estimated to be 3.5 to 4 years both from construction traffic and from the induced congestion of local traffic, which has to be diverted around the scheme. When the construction is completed it will relieve local congestion, but steadily over time lead to greater local usage of the A38 and therefore greater carbon emissions (The CRPE report on impact of local road projects in England- Sloman et al 2017 shows that such schemes generate increased road traffic with 7% increase over first 3 to 5 years and an increase of 47% over the subsequent 8 to 20 years. Unfortunately any increased road space will continue to be filled as car usage continues to grow, when we should be taking</p>	<p>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>
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	<p>measures to reduce road traffic and to encourage alternatives to meet our climate commitments.</p>	
	<p>2. Air Pollution Derby is already a very polluted city from road traffic (as are many other Cities) and the air quality in several areas is unacceptable. Although the this road scheme will when completed relieve local congestion at and leading up to the Kingsway, Markeaton and Abbey Hill roundabouts, air pollution will be significantly greater during the 3.5 to 4 year construction phase.</p>	<p>Air quality impacts associated with vehicles during the Scheme construction phase have been investigated and reported in ES Chapter 5: Air Quality [APP-043]. Annual mean nitrogen dioxide (NO₂) concentrations are at risk of exceeding the NO₂ 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 imperceptible change or a small improvement in NO₂ concentrations in Stafford Street depending upon the stage of the works. NO₂ concentrations are predicted to achieve the objectives and limit values at all other properties during Scheme construction. All PM₁₀ 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 will be temporary during the Scheme construction phase only. 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. The air quality at locations in the vicinity of the Scheme will achieve all air quality objectives and limit values in the Scheme's</p>

		<p>opening year (2024). Vehicle emissions will decrease in the future as cleaner less polluting vehicles penetrate the vehicle fleet and air quality will improve. Vehicle emissions of oxides of nitrogen (NOx) in 2024 with operation of the Scheme are expected to be just over half (53%) of those in the base year of 2015 (refer to Table 5.7 in the ES Chapter 5: Air Quality [APP-043]).</p>
	<p>3. Ecological Impact and Habitat destruction</p> <p>The UK is one of the most nature impoverished countries in the world, yet we continue to destroy natural habitats at an ever increasing rate as new infrastructure projects are pushed through and new houses are built both of which destroy the connectivity of populations of wild creatures, required for their genetic diversity. A very significant number of mature oak trees probably in excess of 100 will be felled to enable this road scheme. Oak trees support the greatest biodiversity of all our native trees (mostly insects and other invertebrates, on which many other creatures depend for food). Planting replacement oak saplings will have very little value for 30 + years, both in terms of habitat replacement or for carbon capture.</p>	<p>In order to assess the Scheme effects on ecology and biodiversity, extensive ecology surveys have been undertaken – refer to ES Appendix 8.3a [APP-180] to Appendix 8.15 [APP-212]. With the baseline information collated, the Scheme ecologists have integrated a wide range of mitigation measures into the Scheme design – these are illustrated in the Environmental Masterplans (ES Figures 2.12A and 2.12H) [APP-068]. Taking into account the defined mitigation strategy, ES Chapter 8: Biodiversity [APP-046] provides details of the Scheme effects during both construction and operation and illustrates that whilst there would be moderate adverse significant effect (at the County or Unitary Authority scale) due to the loss of the A38 Kingsway Roundabout Local Wildlife Site (LWS), 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. It is noted that with the mitigation provided, the Scheme will have a non-significant (neutral) effect on the Markeaton Park Local Wildlife Site</p>

		<p>(LWS) which covers much of the park. No veteran trees within the park, for which the LWS is designated, would be removed.</p> <p>During the development of the Scheme design, HE has sought to minimise the loss of existing trees. Where such losses are unavoidable, mitigation planting is proposed as indicated in the Environmental Masterplans (ES Figures 2.12A to 2.12H [APP-068]). 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>Finally and in summary building more roads or increasing the capacity of roads for ever more carbon emitting traffic is entirely the wrong approach to achieving our carbon budgets, which we as a country are committed to both by our own acts of Parliament and by international treaty to prevent catastrophic uncontrollable climate change. To continue to construct schemes, which lead to more carbon emissions could well be unlawful as demonstrated by the recent high court judgment over the third Heathrow runway.</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 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> <p>As detailed above, ES Chapter 14: Climate [APP-052] 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 greenhouse gas (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>

		<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 policy against which the Scheme needs to be considered.</p>
<p>10) Susan Genda</p>		
<p>AS-055</p>	<p>I wish to express my deep and serious concerns regarding the above work. I am a resident [redacted], retired Headteacher and a member of the [redacted].</p> <p>Yet again at our meeting last evening, details emerge about the severe disruption and anxiety this will cause. We already have major issues in the village and in Derby with traffic. Speeding, rat running, parking and the sheer volume of traffic which continues to grow.</p> <p>These problems will be exacerbated both in the immediate and distance future.</p> <p>During the work the problems are obvious with increased rat running, congestion and environmental damage. Access to the hospital, university and homes will be severely impaired.</p> <p>The completion of the work will see increased traffic and pollution and will most definitely</p>	<p>Regarding Susan Genda's perception of traffic impacts during construction, please refer to the Applicant's responses [REP7-007] to:</p> <p>6) Dr John Spincer 7) Dr David Young</p> <p>Highways England does not agree that "severe disruption" will result from construction and does not agree that "existing problems will be exacerbated". Measures are being undertaken during construction preparation stage and will be taken, as identified in the Traffic Management Plan (TMP) [REP7-003], to mitigate against these perceived outcomes.</p> <p>The environmental effects associated with Scheme construction and operation are detailed in the Environmental Statement (ES). With regard to the comment that traffic will cause pollution and that the Scheme "will most definitely not comply with environmental targets as set by the government" it is noted that the air quality effects of the Scheme have been investigated and reported in ES Chapter 5: Air Quality [APP-043]. 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</p>

	<p>not comply with environmental targets as set by the government.</p> <p>The work is unnecessary, destructive, badly thought out and it has taken into account the local area. Please would you have regard for these concerns and reconsider this disastrous proposal.</p>	<p>expected to have an improvement rather than a deterioration in air quality in the opening year. 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). These air quality criteria have been set to protect the most vulnerable members of society which includes children and the elderly.</p> <p>In addition, Highways England wish to draw attention to the following significant benefits that the Scheme would deliver including (but not limited to):</p> <ul style="list-style-type: none"> • Separation of conflicting local and strategic traffic movements; • Addressing a significant problem of traffic congestion; • Building capacity into the network; • Contribution to supporting growth in Derby and the surrounding areas; • Journey time benefits which would see time saving derived from grade separation accumulated across all three junctions that would improve the average journey time for all vehicles travelling through on the A38 trunk road; • New pedestrian and/or cycle links; • Improvements in traffic safety for all users including vehicles, cyclists and local residents.
11) Anne Morgan		
	<p>Highways England is not able to provide a dedicated passage for emergency vehicles,</p>	<p>The Royal Derby Hospital is accessed from the A516 (i.e. not the A38, which at its nearest point is 1.4km distant from the entrance to the</p>

	<p>instead it relies on vehicles moving aside to allow room for ambulances to pass.</p> <p>The width of some vehicles of 2020 makes it impossible for the ambulance get past them; I have seen an ambulance unable to proceed although all the vehicles had moved aside.</p> <p>If people who have had a [redacted] are delivered to hospital quickly they can make a full recovery;</p> <p>if not in time they can be left severely disabled needing costly Social Care.</p> <p>There is certain to be additional gridlock at the A38 roundabout at the front entrance to the Royal Hospital when vehicle drivers aware of the roadworks delays at the Kingsway roundabout choose to leave at the Mickleover junction instead.</p> <p>There could be needless deaths if these proposals are given a Consent Order.</p>	<p>hospital). The statement: "A38 roundabout at the front entrance to the Royal Hospital" is not correct.</p> <p>In the unlikely event that the A38 is totally blocked by a traffic incident, other routes are available. This is the same as the existing situation.</p> <p>During construction, the A38 road layout including the existing A38 between Markeaton roundabout and the Kingsway roundabout will be at least 6.6m wide or wider. This is wide enough to accommodate two heavy goods vehicles side-by-side.</p> <p>The outline Traffic Management Plan [REP7-003] in Table 3.1 identifies the Emergency Services as a Customer to be consulted during the construction preparation stages.</p>
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