

**Application by Highways England
for an
Order Granting Development Consent
for the
A38 Derby Junctions Project**

**EREWASH BOROUGH COUNCIL'S RESPONSE TO THE EXAMINING AUTHORITY'S REQUEST
FOR FURTHER INFORMATION ISSUED 19th MARCH 2020**

**PINS Reference: TR010022
Local Authority Reference: 032176**

No	Question to	Reference	Question
1.	The draft Development Consent Order		
	Reference is made to the draft Development Consent Order submitted by the Applicant at Deadline 6 [REP6-002].		
	Schedule 2 – Requirements		
1.11.	DCiC Erewash Borough Council (EBC)	Requirement 3 Construction Environmental Management Plan Adherence to the core hours.	<p>Are DCiC and EBC content with the ExA’s proposed amendments (<u>underlined</u>):</p> <p><i>“(viii) any emergency works; <u>provided that written notification of the extent, timing and duration of each activity is given to relevant local authorities in advance of any works that are to be undertaken outside of core hours, except for any emergency works, which are to be notified to the relevant local authorities as soon as is practicable.</u></i></p> <p><i>Any other work carried out outside the core hours or any extension to the core hours will only be permitted if there has been prior written agreement of the relevant environmental health officer provided that the activity does not result in materially new or materially worse environmental effects as reported in the environmental statement.”</i></p> <p>EBC are content with the ExA’s proposed amendments.</p>
1.12.	DCiC DCC EBC	Requirement 3 Construction Environmental Management Plan Provisions for the Handover Environmental Management Plan	<p>Are DCiC, DCC and EBC content with the ExA’s proposed amendments (<u>underlined</u>):</p> <p><i>“(5) Upon completion of construction of the authorised development the CEMP must be converted into the HEMP as approved under sub-paragraph (4). <u>The HEMP must:</u></i></p>

No	Question to	Reference	Question
			<p><i>(a) be substantially in accordance with the relevant HEMP provisions included in the OEMP and CEMP;</i></p> <p><i>(b) contain a record of all the sensitive environmental features that have the potential to be affected by the operation and maintenance of the proposed development; and</i></p> <p><i>(c) incorporate the measures referred to in the environmental statement as being incorporated in the HEMP."</i></p> <p>EBC are content with the ExA's proposed amendments.</p>
1.13.	DCiC DCC EBC	Requirement 5 Landscaping Preliminary works	<p>a) Are DCiC and DCC content with OEMP landscaping provisions, including for the preliminary works?</p> <p>b) Are EBC content with the OEMP provisions with respect to the main construction compound and any related features that might be retained permanently?</p> <p>b) EBC are content with these OEMP provisions.</p>
1.14.	EBC EA	Requirement 13(1) Surface and foul water drainage	<p>Are EBC and the EA content that OEMP provisions would provide enough protection for controlled and drinking waters in the vicinity of the main construction compound, including during the preliminary works?</p> <p>EBC are content with these OEMP provisions.</p>
Air quality			

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3.2.	DCiC EBC	Applicant's Updated Air Quality Compliance Risk Assessment [REP6-020] Applicant's Supplement to Air Quality Compliance Risk Assessment [REP7-009]	Do DCiC or EBC have any outstanding concerns, including with respect to the consideration given to impacts during construction? How should any outstanding concerns be addressed? EBC have no outstanding concerns relating to construction impacts.
3.4.	DCiC EBC	The Applicant's assessment	a) Do DCiC and EBC consider that the Applicant's air quality assessment represents a reasonable worst-case scenario? b) On balance, do DCiC and EBC agree that there are likely to be no significant air quality effects during construction or operation? a) EBC consider the Applicant's air quality assessment represents a reasonable worst-case scenario. b) EBC consider that based on the AQ assessment there should be no significant effects during construction or operation.
3.5.	EBC	A compliant zone becoming non-compliant	Is EBC still content that the proposed development would not, or would be unlikely to, result in a zone/agglomeration currently compliant becoming non-compliant? EBC is content that the proposed development would not result in a zone/agglomeration currently compliant becoming non-compliant.

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The water environment			
4.2.	EBC Applicant	Little Eaton construction compound in relation to Source Protection Zones 2 and 1.	<p>Does EBC consider that the OEMP [REP6-007] provisions regarding the Preliminary Works CEMP are enough to ensure a satisfactory drainage solution for the construction compound and relevant pollution prevention measures to mitigate the risks of pollution to controlled waters from activities in this location? Please provide an update on discussions regarding the condition in which the compound would be left.</p> <p>EBC consider that the drainage provisions for preliminary works required in the CEMP by the OEMP are adequate.</p> <p>In terms of the condition in which the compound would be left, the current proposals for the de-commissioning of the construction compound set out in section MW-G28 of the OEMP (Page 53) are not considered to be adequate by EBC. The site should not be restored to pre-work conditions but, as the construction compound involves works to an existing waste tip, it should be restored to a safe condition.</p>
Biodiversity and ecological conservation			
5.1.	EBC	Alfreton Road Rough Grassland Local Wildlife Site	<p>Having regard to the updated assessment of the Alfreton Road Rough Grassland Local Wildlife Site [REP4-023], does EBC still consider that the proposed development would have an unacceptable effect on the Local Wildlife Site?</p> <p>EBC still considers the 17% loss of biodiversity to be unacceptable.</p>

No	Question to	Reference	Question
Landscape and visual impact			
7.1.	EBC	Existing hedgerows	<p>Does EBC consider that enough information has been provided in the 'Hedgerows within the Order Limits' submission [REP3-021] to assess the effect of the proposed development on existing hedgerows at this stage of the project.</p> <p>EBC considers that adequate information has been provided to assess the effect on existing hedgerows.</p>
Other policy and factual issues			
9.1.	Applicant DCiC DCC EBC	Climate change and CO ₂ emissions	<p>a) Please could the Applicant clarify the consideration given to cumulative CO₂ emissions, rather than for the proposed development in isolation?</p> <p>b) Please could DCiC, DCC and EBC comment on the cumulative impacts of the proposed development with other local emissions and in respect to relevant local policy and targets?</p> <p>b) The EBC Local Impact Report (LIR) concludes that the development would be contrary to Erewash Core Strategy Policy 1 (Climate Change) in relation to the mitigation of climate changes but this is outweighed by the economic development benefits that would arise. EBC has no local climate change targets.</p>
9.2.	Applicant DCiC DCC	Climate change and net zero carbon by 2050	<p>a) Does the Applicant's approach to carbon emissions adequately consider the Government's updated target for net zero carbon by 2050 (Climate Change Act 2008 (2050 Target Amendment) Order 2019)?</p>

No	Question to	Reference	Question
	EBC		<p>b) Please could DCiC, DCC and EBC comment on the carbon emissions from the proposed development with respect to relevant local carbon policy and targets?</p> <p>b) The EBC Local Impact Report (LIR) concludes that the development would be contrary to Erewash Core Strategy Policy 1 (Climate Change) in relation to the mitigation of climate changes but this is outweighed by the economic development benefits that would arise. EBC has no local climate change targets.</p>
9.4.	Applicant DCiC DCC EBC Interested Parties	Climate change and carbon footprint	<p>a) Are there any comments or concerns regarding the mitigation set out in the OEMP to ensure that the carbon footprint would not be unnecessarily high?</p> <p>b) Has enough support been given to other transport modes and behavioural change?</p> <p>c) Has enough consideration been given to the climate change with respect to the loss of mature trees and the planting of new trees?</p> <p>d) How should the OEMP provisions be amended, if at all?</p> <p>EBC has no comments to make in relation to MW-CC1 (Climate Change GHG Mitigation of the March 2020 OEMP, Page 90.</p>

Signed



Date: 26th March 2020

Steve Birkinshaw
Head of Planning & Regeneration