



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

The Examining Authority's Request for Further Written Information Issued on 19th March 2020

Response on Behalf of Derbyshire County Council

Little Eaton Junction Improvements

(Located within the Administrative Area of Derbyshire)

Question No.	Question	DCC Response
Section 1	Part 1 -The Draft DCO	
	Preliminary	
1.1	Article 3 – Disapplication of Legislative Provisions	<p>a) Yes Derbyshire County Council is content with the proposed disapplication of S23 of the Land Drainage Act and with other provisions requiring them to accept disapplication including those for consultation during the detailed design stage.</p> <p>b) As noted at the last hearing session on February 18th, Derbyshire County Council understands that the disapplication of Local Highway Authority Street Works Permitting Schemes appears to be common practice in other DCO applications processes. It is aware, however, of a number of examples where this has not been the case such as in the Thames Tidal Tunnel DCO application.</p> <p>In the context of the above, Derbyshire County Council would re-iterate its concerns, however, that it is important that Highways England consults closely, effectively and in a timely manner with Derbyshire County Council's Network Management Officers on any works that are carried out to streets by the applicant (that would otherwise subject to DCC's Permit Scheme) so that the Authority is fully aware of the works that are scheduled to place and by whom, so that the Authority can manage and</p>

		respond to any enquiries made by local residents affected by the works.
1.3	Article 4: Maintenance of Drainage Works	Derbyshire County Council is content that the dDCO provisions would not prevent them fulfilling their statutory duties as Lead Local Flood Authority.
	Part 2 - Principal Powers	
1.4	Article 6 – Maintenance of authorised development	<p>a) Derbyshire County Council as Lead Local Flood Authority is content that the dDCO provisions would not prevent it from fulfilling its statutory duties. From a highways and drainage perspective, the County Council is largely in agreement with Highways England, in that many of the issues around maintenance of both existing and future assets are a matter for the detailed design process. Discussion with Highways England about this has been positive and the Local Highways and Lead Local Flood Authority are keen to ensure continued engagement with Highways England during the detailed design of the emerging scheme(s) and their construction.</p> <p>C) See answer to b above</p> <p>D) No. None.</p>
	Part 4 – Supplementary Powers	
1.9	Article 20 – Discharge of Water	A) Yes Derbyshire County Council is content with this amendment and has no further comments.

		B) Yes Derbyshire County Council has been given assurances by Highways England that it will be fully consulted during the detailed design stage on this matter and is content that the OEMP appropriately addresses its concerns.
	Schedule 2 – Requirements	
1.12	Requirement 3: Construction Environment Management Plan and Handover Environment Management Plan	Yes Derbyshire County Council is content with requirements a, b and c.
1.13	Landscaping Preliminary Works	a) Derbyshire County Council is content with the OEMP landscaping provisions, including for the preliminary works and has no further comments to add.
Section 2	Transport Networks and Traffic	
	Driver Stress Assessment	
2.5	Non-Motorised Users	No. Derbyshire County Council has no further comments to make on this issue.
2.6	Traffic Management Plan Update	No Derbyshire County Council has no further concerns or issues regarding the Traffic Management Plan.
2.7	Ford Lane closure and bridge	Ongoing discussions have been taking place with Highways England / Aecom regarding this issue and

		<p>discussions are continuing. At the time of writing, the current situation with Ford Lane Bridge is that the County Council is waiting for the investigation to be carried out on site by the applicant's consultants to verify some assumptions in the theoretical assessment. The investigations are being organised by AECOM.</p> <p>The site investigations need a road closure to complete as they need to excavate over the centreline of the bridge and this cannot be carried out under lights. Once the consultants have carried out the investigation this will confirm if the re-assessment of the bridge to 40 tonnes capacity is valid.</p> <p>If it is, then the County Council will continue discussions with Highways England to agree a commuted sum / payment to cover DCC's increased maintenance liability. If a satisfactory payment is agreed then DCC will progress removal of the current 7.5 tonne weight restriction.</p>
Section 9	Other Policy and Factual Issues	
9.1	Climate Change and CO2 Emissions	<p>b) Please refer to pages 29 and 30 of the Final Statement of Common Ground that has been agreed between Derbyshire County Council and Highways England and submitted to the examination. DCC is satisfied that the applicant's Environment Statement (Chapter 15) has taken account of all relevant developments that should be considered in the assessment of the</p>

		<p>cumulative impacts of the scheme and the cumulative impact methodology that has been applied.</p>
9.2	Climate Change and Net Zero Carbon by 2050	<p>B) Derbyshire County Council has been working closely with its local authority partners (8 district and borough councils) to address the impacts of climate change and to reduce greenhouse gas emissions which are consistent with the allocated carbon budgets for Derbyshire and to reduce carbon emissions to net zero by 2050. To this end the above Derbyshire local authorities published the Derbyshire Environment and Climate Change Framework in October 2019, which committed all the local authority partners to seek to achieve these targets. The Framework sets out 7 key themes, one of which is 'Travel', to deliver the climate change objectives and a range of strategies and action plans that will help deliver these objectives, including the Derbyshire Local Transport Plan 3 under the Travel theme.</p> <p>The LTP 3 was published in 2011 and includes 5 key goals one of which is to 'Tackle the Impacts of Climate Change' and sets out a range of proposed measures to achieve this goal, which include well maintained roads and rights of way; efficient transport network management; improving accessibility and achieving healthier travel habits; better safety and security; and a considered approach to new infrastructure. A Review of the LTP has been commenced by</p>

		<p>Derbyshire County Council but this is in its very early stages.</p> <p>As noted below, the applicant's OEMP (and associated CEMP) contain a range of measures to seek mitigate the impacts of the scheme on air quality and climate change. It will be essential that these measures are fully implemented and monitored by the applicant, in consultation with the appropriate local authorities, particularly during the construction phase of the scheme to ensure that the carbon footprint of the scheme is minimised, in line with the objectives and goals of the Derbyshire Environment and Climate Change Framework and Derbyshire Local Transport Plan.</p>
9.4	Climate Change and Carbon Footprint	<ul style="list-style-type: none"> a) Derbyshire County Council has reviewed the contents of the applicant's OEMP particularly in respect of air quality and climate change and its proposed measures for mitigation and considers that the proposed measures appear to be appropriate, comprehensive and based on best practice to ensure that the carbon footprint of the scheme would not be necessarily high. b) Yes Derbyshire County Council considers that appropriate consideration has been given to other transport modes and behavioural change, particularly to accommodate the needs of public transport and linkages to the surrounding cycleway / public rights of way network. c) Yes Derbyshire County Council considers that the applicant has given sufficient consideration

		<p>to the need to retain and protect existing trees during the construction phase of the development and to maximise the extent of planting of new trees wherever appropriate. DCC is content that it will be consulted at the detailed design stage of the scheme on the scheme's proposed landscaping proposals and mitigation strategy.</p> <p>d) No further comments.</p>
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