

## The Examining Authority's questions

Issued March 2020

### Derby City Council – responses to ExA Questions

Item	ExA Agenda	DCiC response
9.1 9.2 9.4	<p>a) Please could the Applicant clarify the consideration given to cumulative CO<sub>2</sub> 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>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> <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>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>The environmental statement on climate is very detailed in trying to quantify the schemes impacts. It concludes that the impact across all three climate aspects is largely acceptable for the 'do-something' scenario.</p> <p>Taking into account the immense challenge faced by society in hitting the 2050 zero carbon target any increase in Green House Gas emissions is taking us in the wrong direction. This additional GHG burden needs to be mitigated through an extensive tree planting scheme and making better provision for cycling and cycles routes along with procuring goods and services in the construction phase that are less carbon intensive.</p> <p>Opportunities for decentralised, renewable energy could also be investigated within the vicinity of the scheme in the form of large scale wind, hydro and solar.</p> <p>It is estimated that the increase in traffic emissions due to the A38 will be considerably less than 1% per year of the total road transport emissions for the City. The construction activity emissions of 130,858 tCO<sub>2</sub>e are more significant. It would be useful (and relatively straight forward) to set a maximum acceptable footprint for the detailed design and construction phase which needs to be challenging to ensure that best practice is</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>followed to drive down the GHG burden.</p> <p>The operation of the scheme is far more difficult to effectively monitor/manage and rests with the behaviour of the public along with advances in vehicle technology with electric vehicles and cleaner fuels (including hydrogen) driving down tail gate emissions.</p> <p>It is the Council's intention for the City to decrease GHG emissions and to preserve and nurture the natural environment. However there are other benefits to consider, such as the improvement in journey times, economic activity, and, after the completion of construction, the improvement in air quality.</p>
<p><b>10.5</b></p>	<p>a) What is the status of the Independent Safety Review Technical Note [Appendix A of REP6-014] with respect to the statutory procedures for the assessment of highway safety? Is the stated purpose of that review to "<i>maximise the safety of resident's movements</i>" appropriate for the question being asked about the case for CA? Please could DCiC comment on the technical content of the review and on how much weight should be given to it?</p> <p>b) Please could the Applicant clarify the need for a turning head at 255 Ashbourne Road and whether there is an alternative for this to be provided at 253 Ashbourne Road? Please could DCiC comment?</p>	<p>As an independent Safety Review, some weight and consideration needs to be given to the document and its recommendations.</p> <p>The general principles involved in building major public infrastructure projects such as road schemes, is that you seek to provide remedial measures to mitigate the impact of the scheme such that residents are no worse off with the scheme than without it. In terms of the specific case of the access to 255 Ashbourne Road and Sutton Close, this has to be safe.</p>

	<p>c) Considering the alternative of a shared left-in left-out access alternative for 253 and 255 Ashbourne Road to the proposed access road; what is the balance of safety and convenience against the human rights considerations for the proposed CA of the 14 Sutton Close garden?</p> <p>d) What is the safe distance required between the Markeaton junction and a right-in right out and left-in left-out junction on the south/west side of Ashbourne Road? What is the relative proximity of the existing Sutton Gardens junction? Can the proposed CA of the gardens at 1 Sutton Close be avoided?</p>	
<p><b>10.11</b></p>	<p>a) Has any successor in title been identified and contacted? How have their rights been considered? How have alternatives to CA, such as voluntary agreement, been considered?</p> <p>b) What consideration has been given to the rights of wider beneficiaries due to their use of the land as protected by the covenant, e.g. in relation to public amenity?</p>	<p>The successor in title has been identified as Annie Clarke-Maxwell. Her contact details have subsequently been provided to the Applicant in order that they may directly liaise with Annie to determine if any suitable alternative arrangements can be made. It is considered that the Applicant needs to establish the position directly with the successor in title since DCiC has no authority to act without the express consent of the beneficiary.</p>
<p><b>10.14</b></p>	<p>Have DCiC's concerns [REP4-029] regarding Part 1 and Section 10 claims for injurious affection been addressed by the Applicant's response [REP5-010]? Does</p>	<p>DCiC can confirm that we do not now have any outstanding concerns in relation to this matter.</p>

	DCiC have any outstanding concerns on this matter? If so, could a remedy be agreed with the Applicant?	
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**From:** [Paul Clarke](#)  
**To:** [A38 Derby Junctions](#)  
**Subject:** RE: A38 questionnaire  
**Date:** 27 April 2020 15:59:34

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Sirs,

To clarify in responding to Q9 we would obviously wish to be involved in a hearing on noise or air quality if it took place, but as I understand it, there are no outstanding noise/AQ matters to be dealt with from the DCiC (EHO) perspective. Under the circumstances we are more than happy for this process to continue in a written format only.

Regards

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**Subject:** A38 questionnaire

Response from Derby City

Regards,

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