

**A38 Derby Junctions**  
**TR010022**  
**8.98 Statements of Common Ground**  
**Position Statement**

Planning Act 2008  
Rule 8 (1)(k)  
The Infrastructure Planning (Examination Procedure) Rules 2010

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(Examination Procedure) Rules 2010

**A38 Derby Junctions**  
Development Consent Order 202[ ]

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**Statements of Common Ground Position Statement**

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<b>Regulation Number</b>	Rule 8(1)(k)
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<b>Author</b>	A38 Derby Junctions Project Team and Highways England

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01	28 April 2020	Deadline 11 Submission

## **Statement of Common Ground Position Statement**

Statements of Common Ground between Highways England and the following Interested Parties have been submitted as final versions to the Examining Authority (ExA):

- Derbyshire County Council;
- Derby City Council;
- Erewash Borough Council;
- Natural England;
- Derbyshire Wildlife Trust;
- Environment Agency;
- Historic England;
- Little Eaton Parish Council;
- Breadsall Parish Council;
- Virgin Media;
- Sutton Turner Houses;
- Sustrans and Derby Cycling Group; and
- Royal School for the Deaf.

This document provides the latest position on the Statements of Common Ground between Highways England and Interested Parties in respect of the A38 Derby Junctions scheme (the Scheme) Development Consent Order (DCO) application. The Statements of Common Ground where matters remain outstanding are with the following Interested Parties:

- Derbyshire County Council;
- Derby City Council;
- Royal School for the Deaf;
- Euro Garages; and
- McDonald's.

The matters which remain to be agreed are being progressed and have narrowed to the point where agreement should be able to be reached imminently. These matters are outlined in more detail in the table below.

Status	Comment	Applicant's Response and Action
<b>Derbyshire County Council</b>		
Final	Discussions with Highways England have explored a number of potential options for future maintenance and management of the Ford Lane bridge, including the possibility of Highways England paying a commuted sum to Derbyshire County Council, which will be subject to further consideration by Highways England.	<p>The work undertaken to date has included a structural assessment of Ford Lane Bridge. Although this assessment is subject to further verification, (to validate some of the assumptions made), it is anticipated that the structure will be able to accommodate increased usage as a result of the Scheme. In this respect, DCC is content with the information provided. Based on the assessment Highways England is also confident that the bridge can accommodate the accessibility requirements of local businesses and Network rail. The final stages of agreeing these issues will be undertaken after the close of the examination during the detailed design stage. The following steps will be taken to conclude this matter are:</p> <ul style="list-style-type: none"> <li>• Highways England provided a copy of the verification report, following non-intrusive survey of the bridge in April;</li> <li>• DCC to review and agree/discuss the content of the report with Highways England; and</li> <li>• Highways England and DCC to discuss the need for a commuted sum payment 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.</li> </ul> <p>In respect of the above steps, consultation with DCC will be undertaken (if needed) as set out in the Outline Environmental Management Plan (OEMP) [REP10-002] and the agreement of any further management and maintenance issues will be considered during the detailed design process (including means to reduce the road width on the bridge to a single lane)</p> <p><b>ACTION – To be secured post examination through the detailed design process.</b></p>

Status	Comment	Applicant's Response and Action
<b>Derby City Council</b>		
Final	<p>DCiC has reviewed the air quality impact assessment as reported in ES Chapter 5: Air Quality [APP043 / Volume 6.1] and additional information provided by Highways England during the examination stage. Stafford Street is the one area that is at risk of exceeding the limit value, but the traffic management measures that will be implemented by DCiC will achieve compliance. The assessment indicates that the Scheme is not anticipated to have an adverse effect on air quality in Stafford Street during construction, whilst the Scheme during operation is anticipated to improve the air quality on Stafford Street. Other roads that would have an increase in traffic during Scheme construction or operation were also assessed for compliance.</p>	<p>The OEMP [REP10-002] requires the Highways England construction contractor to maintain close communications with DCiC regarding traffic related air quality. DCiC will also be consulted during the preparation of the contractor's Traffic Management Plan (TMP). DCiC has confirmed that they have no outstanding air quality concerns as related to the DCO application.</p> <p><b>ACTION – To be controlled through the discharge of DCO requirements.</b></p>
	<p>DCiC agrees in principle to the construction phase noise and air quality mitigation measures as set out in the OEMP [REP10-002], which are predicted to deliver the residual effects as reported in the ES. DCiC accepts that the outline mitigation proposals as detailed in the OEMP will be translated into the selected construction contractor's Construction Environmental Management</p>	<p>ES Chapter 5: Air Quality [APP-043] assesses Scheme effects upon air quality, taking account of defined mitigation measures, whilst noise and vibration is assessed in ES Chapter 9: Noise and Vibration [APP-0.47]. Construction phase air quality and noise/ vibration mitigation measures are detailed in ES Chapter 5 and 9 are translated into the OEMP [REP10-002]. Delivery of the OEMP is a Requirement in the draft DCO. DCiC has confirmed that they have no outstanding air quality or noise/ vibration concerns as related to the DCO application.</p>

Status	Comment	Applicant's Response and Action
	Plan (CEMP) - DCiC will need to be consulted by the construction contractor during CEMP preparation.	<b>ACTION – To be controlled through the discharge of DCO requirements.</b>
<b>Royal School for the Deaf</b>		
Final	<p>There is a need to mitigate noise during the Scheme's operational phase, but any noise barrier should not be so high as to visually intrusive, consideration should be given the height and materials used to construct the barrier. RSD believes that a 4m tall barrier is appropriate but does not believe that it should be constructed of concrete and timber. It is noted that in discussions regarding the noise barrier, that AECOM has confirmed that the barrier will conform to harmonised specifications of standard BSEN14388(2005) and meet B3(DLR &gt;24 dB) standard for airborne sound installation specified in BSEN1793 Part 2 (1988). In addition, AECOM has confirmed that the noise barrier will be 4m tall and be made from timber, concrete or composite material. RSD requires written assurance in regard to the materials from which the barrier will be constructed. RSD have sent some suggestions for their preferred acoustic barrier solutions for the consideration of Highways England.</p>	<p>The noise mitigation benefit of a range of barrier heights has been investigated and discussed with the school. The school's preference was for the maximum noise mitigation benefit, although the school also did not want a barrier that would be visually intrusive (e.g. a 5m high barrier). Therefore, a 4m high reflective noise barrier will be installed on the western boundary of the school, northeast of Markeaton junction. This noise barrier is illustrated on Environmental Masterplan ES Figure 2.12C [APP-068] and ES Figure 9.4A [APP133]. Details regarding the noise barrier material will be developed during the detailed design stage, noting that the primary requirement for the barrier will be to meet the necessary noise attenuation specification. The School's preferences will be considered, and they will continue to be consulted during the specification of the noise barrier details. This commitment is detailed in the OEMP [REP10-002]. The School provided Highways England with examples of noise barriers that they would like to see installed and these will be passed on to the Highways England contractor for consideration during detail design (as stated above this commitment has been included in the OEMP and will be carried across into the next stage of works).</p> <p><b>ACTION – To be progressed during the detailed design process.</b></p>

Status	Comment	Applicant's Response and Action
	<p>RSD raised concern regarding operational traffic noise impacts at the school and requested barriers to be placed so as to “tunnel” the noise. Highways England refused. The reason for refusal was “amenity” space and a public footpath running along the perimeter which presents further concern due to land take and the integrity of the perimeter. Notwithstanding the above mitigation, the “red spot” on the sound map on the corner of the Karten building is unwanted and potentially unnecessary if sound barriers are placed on the infrastructure/highway itself. Notwithstanding the above, compensation for any noise, mitigation is sought.</p>	<p>With the proposed noise barrier in place on the boundary of the school, potentially significant increases in road traffic noise are limited to a number of facades at Lydia House and the Karten building (refer to ES Chapter 9: Noise and Vibration [APP-0.47]). Lydia House is used as residential accommodation by pupils, however, the affected sections of the Karten building are offices and meeting rooms and are therefore considered to be less sensitive. At all other school buildings the change in traffic noise levels is predicted to be negligible or minor (not significant). It is noted that with the Scheme in place, traffic noise levels at the worst affected school buildings (Lydia House and the Karten building) are not dissimilar to the without Scheme traffic noise levels at other parts of the school close to the A52. As discussed at the meeting with the school on 12.12.18 a noise barrier on the boundary of the A38, rather than the boundary of the school, was investigated however this option was not pursued due to other impacts and concerns with a barrier in this location. In particular Derby City Council was concerned that a noise barrier at the boundary of the A38, together with a security wall along the deaf school boundary would create a confined area (area previously occupied by the Queensway buildings) that could be at risk from anti-social behaviour. Thus, an option that keeps this area open towards the A38, with the noise barrier along the school boundary was considered to be a preferable option.</p> <p><b>ACTION – To be secured during the detailed design process.</b></p>
	<p>There is a need to mitigate noise during the Scheme construction phase. The design of the noise mitigation and the timing (i.e. prior to demolition of residential dwellings on Queensway) of its construction should be secured by the DCO.</p>	<p>A range of noise mitigation measures that conform to good site practice would be adopted during the construction phase (refer to the OEMP [REP10-002]. In addition, the 4m high noise barrier would be installed early in the construction phase and thus would be able to mitigate noise impacts during the Scheme construction phase. Early consultation with Highways England's contractor has confirmed that the noise barrier could be installed prior to the demolition of the Queensway buildings. The OEMP states “<i>If feasible Highways England will install the noise barrier prior to the demolition of the houses on Queensway, although this is subject to confirmation as it depends upon site conditions and</i></p>

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		<p><i>site possession. If early installation of the noise barrier is not possible, alternative methods of noise mitigation will be provided during the Queensway building demolition works (e.g. temporary noise barriers capable of providing the equivalent noise mitigation as the permanent noise barriers). A further option includes the provision of sections of the permanent noise barrier and sections of temporary noise barrier". This commitment will be carried forward to the next stage of design. It should be noted that adherence to the OEMP is a Requirement of the DCO. The OEMP also states that Highways England will discuss the timing of the works to demolish the Queensway properties with the school to investigate whether some demolition works can be timed to coincide with periods when the school is less sensitive (e.g. such as during school holidays).</i></p> <p><b>ACTION – To be secured by Requirement in the DCO and further detail provided during the detailed design process.</b></p>
	<p>RSD require confirmation that air quality impacts at the school are not of concern. RSD believes that reassurance in this regard, has not been provided by Highways England.</p>	<p>Detail of the effects of the Scheme on air quality are reported in the Environmental Statement (ES Chapter 5: Air Quality [APP-043]). This demonstrates that air pollutant concentrations at the school 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 assessment criteria have been set to protect the most vulnerable members of society which includes children and the elderly. Additional mitigation measures are therefore not required for air quality (noting that the OEMP [REP10-002] specifies the air quality/ dust mitigation measures to be implemented during the Scheme construction phase).</p> <p><b>ACTION – The results of the air quality assessment are reported in ES Chapter 5: Air Quality. The mitigation measures identified in the ES are secured in the DCO.</b></p>
<p><b>Euro Garages</b></p>		



Status	Comment	Applicant's Response and Action
Draft	<p>As readily accessible facilities [the service station], passing motorists can visit them without the need to depart from the strategic road network towards the town centre in search of services. The proposed scheme will have a serious and adverse effect on the trading operation of the service station. Petrol filling stations are trade related properties and trading performance is directly affected by certain key factors including accessibility and prominence to substantial traffic flows. The effect of the Scheme will be to allow traffic on the A38 to freely flow underneath the junction. This critical source of north and southbound trade will be lost to the service station, although this loss would be partially mitigated if advanced warning signs were provided as part of the scheme. Highways England has yet to determine whether such signage could be provided.</p>	<p>Euro Garages' concerns regarding the potential loss of trade is noted.</p> <p>Highways England is currently investigating how/whether the combined site (Euro Garages and McDonald's) can be designated as a Trunk Road Service Area (TRSA). TRSAs can be signed as 'services' directly from the Trunk Road network.</p> <p>At the meeting of 15th of January 2020 it was agreed that Euro Garages and McDonald's would provide safety case for provision of signage; Highways England will then seek to progress within their relevant department.</p> <p>Euro Garages submitted a Technical Note on this issue [REP6-038] to the Examination after the hearings in February and this is being considered by Highways England.</p> <p><b>ACTION – To be addressed through further joint meeting with Euro Garages and McDonald's during examination phase.</b></p>
	<p>Euro Garages has ongoing concerns over the geometric standards applied to the proposed access/egress with the A52.</p>	<p>The proposed arrangements are similar to the existing layout and will be usable for all future traffic. The detailed design stage will be used to refine the design in consultation with DCiC, EGL and McDonald's and the final design will be subject to a Stage 2 Road Safety Audit so safety of operation will be assured.</p> <p><b>ACTION – To be addressed through further joint meeting with Euro Garages and McDonald's during examination phase.</b></p>
<b>McDonald's</b>		

Status	Comment	Applicant's Response and Action
Draft	<p>Currently, deliveries to the Property are received five times per week from the A38 entrance. The Works necessitate a change in delivery routes into the restaurant. The proposed route does not account for how McDonald's delivery vehicles manoeuvre around the Property or potential health and safety concerns. Delivery cages weigh hundreds of kilograms and McDonald's' car park is reinforced in the south part only. By closing the A38 entrance, delivery vehicles will no longer be able to service the Property; they are too heavy to safely cross the unreinforced north section of the Property.</p>	<p>Swept path diagrams have been provided to demonstrate that access for deliveries from the proposed new A52 access is feasible within the current car park layout (and crossing onto the Euro Garages land as they do at present). Highways England has advised that, during the detailed design stage, pavement surveys could be carried out to determine the strength of all parts of the car park with strengthening works carried out as accommodation works if required. Highways England would welcome details of the existing car park construction (strengthened area and non-strengthened area) if available to be able to assess the load bearing capability. At the meeting on the 15th of Jan 2020, McDonald's noted that they have committed to taking core samples in their car park – the resulting information will be shared with Highways England when available. This information has not been provided to date.  <b>ACTION – To be addressed through further joint meeting with McDonalds and Euro Garages during examination phase.</b></p>
	<p>It appears as though the Works at the junction between the Property and Ashbourne Road encroach onto the Property.</p> <p>Highways England are proposing that queuing traffic up to the stop line is on McDonald's land. It may be possible that detector loops or similar equipment are required on McDonald's land. This is not standard practice and no detail of maintenance, liability or consideration of McDonald's private plant has been provided.</p>	<p>Highways England does not believe that the proposed layout encroaches onto land owned by McDonald's. However, it may be necessary to install some items (such as signal detector loops) within land owned by McDonald's so an agreement relating to future maintenance of such items will need to be reached.  <b>ACTION – To be addressed through further joint meeting with McDonalds and Euro Garages during examination phase.</b></p>

Status	Comment	Applicant's Response and Action
	<p>McDonald's has ongoing concerns over the geometric standards applied to the proposed access/egress with the A52.</p>	<p>The proposed arrangements are similar to the existing layout and will be usable for all future traffic. The detailed design stage will be used to refine the design in consultation with DCiC, EGL and McDonald's and the final design will be subject to a Stage 2 Road Safety Audit so safety of operation will be assured.</p> <p><b>ACTION – To be addressed through further joint meeting with McDonalds and Euro Garages during examination phase.</b></p>