

This is the final summation from Derby and Derbyshire Friends of the Earth, we thank the Secretary of State and the Examining Authority, for the opportunity to present evidence and our corrected 6A documentation, we also thank Case Officers for their patience. There will be no further participation from us, as we now believe there is enough evidence to show that HE is a climate emergency denier and is not taking the climate emergency, air pollution issues, environmental and cumulative scheme effects – especially on the poorer, disabled, women, and non-car driving sectors of society - seriously. The current coronavirus emergency is also a massive factor in these schemes. 49% of the current UK workforce is working from home, showing that this could be a workable solution towards the climate emergency, yet HE appears unable to grasp this. HE cannot act in isolation now. As stated in FOE 6A, home working is a success, companies will see this and realise that it pays them to maintain the work-from-home schemes, which will also lead them to save energy, as people working from home utilise their own premises, with related energy, food, lighting cost savings. This is having a massive impact on traffic and air pollution reduction.

The Paris Agreement is clear on human rights issues and this is National Policy. The A38 Junction schemes are a massive imbalance, in that public land is effectively being taken from the poorest sectors, namely the sick, disabled, women and those without access to cars, and given to those more affluent sectors, who can afford car travel. The new park entrance layout, on Ashbourne Rd, shows that car travel to the park is to be actively encouraged. The Secretary of State has an opportunity to correct that imbalance.

Extract from Paris Agreement

'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**'

HE does not appear to agree that the poorest and most deprived sectors of non-car driving society – mainly the above - require assistance, especially as the coronavirus crisis continues apace with the climate emergency.

Regarding inequality effects, the UK Government states the following in the March 2020 '**Decarbonising Transport: Setting the Challenge**' consultation

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876251/decarbonising-transport-setting-the-challenge.pdf

"The Fifth Assessment Report of the Intergovernmental Panel on Climate Change defines co-benefits as being "the **positive effects that a policy or measure aimed at one objective might have on other objectives**". Co-benefits of positive action on reducing transport emissions include: • Public health benefits through increased active travel and **improved air quality**; • Improvements to the economy and employment rates through industry and innovation;

- **Reduction in inequality where those who generate less noise and air pollution are disproportionately impacted by pollution"**

We ask the Secretary of State to take up the challenge, on behalf of communities who are least able.

Regarding the compulsory purchase of the land, the community, especially the above sectors, lose out on public open space, especially those people coming to the park from the Derby wards lacking in public open space, for this park is their 'countryside' as they cannot escape out of the city, to feel the benefits of cleaner air quality. They would not go to Mackworth Park or the other areas claimed, by HE, to make up for the loss of open space, as Markeaton Park is THEIR city park and the largest city park.

NSPNN People and Communities Para 5.174 '**The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings unless there is surplus or excess land or the benefits of the project outweigh the loss of those facilities.**'

We have outlined effects on the most deprived sections of society, in the poorest and most polluted wards, with diminished public open space standards. There is no benefit in further destruction of public open space.

AIR POLLUTION/PEDESTRIANS/COVID19

Air pollution will be worsened by the schemes, and HE acknowledges this.(REP 6-035 Vol 8.84) that "**Emissions overall would increase...**" , "**increased emissions from increased traffic on the A38...**"

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

- On the studies done, clearly this scheme would worsen air pollution in some areas, even if improving it in

others

- 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.
- 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-law-including-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-law-including-at-heathrow/attachment/cal-304-letter-of-clarification-from-the-commission190214_redacted-5/, and Client 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-of-clientearth-no-3-claimant-v-secretary-of-state-for-environment-food-and-rural-affairs-and-others/> or [http://www.bailii.org/cgibin/format.cgi?doc=/ew/cases/EWHC/Admin/2018/315.html&query=\(clientearth\)](http://www.bailii.org/cgibin/format.cgi?doc=/ew/cases/EWHC/Admin/2018/315.html&query=(clientearth))
- 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.
- 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>

Derby is a UK Government designated 'Clean Air Zone'. Many people trying to escape from the polluted, deprived wards of Derby, - wards omitted from this inquiry and not even acknowledged by HE as affected – do not have cars and often walk from the city. Their walking journey will be made longer and more polluted as they will be forced to cross polluted Kingsway, to the polluted MacDonalds/petrol station site, then across polluted Ashbourne Rd, placing themselves in a heavily polluted area, for longer than the current walking journey/crossings. DMRB LA105 is supposed to take them into account. We do not know how many people will be affected, as there have been no pedestrian counts (Eurogarages evidence). We were unable to carry out a count at Easter, due to the coronavirus emergency. There is also the matter of the thousands of daily pedestrian journeys made to and from the Royal Hospital, across the polluted Kingsway island pedestrian crossings, (FOE ENC 1) to and from Aldi supermarket, restaurant/housing. A pedestrian count 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. HE cannot claim that there are no impacts on pedestrians. HE has acknowledged 13000 vehicular movements on the A38 (Oral hearings 18 Feb 2020)

At time of writing there are estimated to be 1000 Covid19 patients at the Royal Hospital, the most polluted site in the East Midlands (FOE ENC 1) It is well documented that air pollution worsens coronavirus symptoms and makes it harder to recover. Regarding trees, HE states that pollution removal by local trees 'is small' . (8.91) Yet the UK Government acknowledges the massive beneficial effects of air pollution removal by trees, see <https://www.ons.gov.uk/economy/environmentalaccounts/articles/ukairpollutionremovalhowmuchpollutiondoesvegetationremoveinyourarea/2018-07-30>

The calculated approximate beneficial cost to the NHS, of health savings, in the East Midlands, is a saving of £20 per person. Across the East Midlands; including the main conurbations of Derby, Leicester, Nottingham, Northampton, Chesterfield, Lincoln, Mansfield, Loughborough and Kettering, this amounts to over £500 million and outweighs the £270 million cost of the schemes. In any case, the daily 15000 vehicles on the A38 and of course the Kingsway Royal Hospital site, the most polluted site in the East Midlands (FOE ENC 1) acknowledged by HE, would worsen health effects.

The effects on construction workers from air/landfill pollution, is not recognised. In fact HE scoped out effects on workers, which we consider to be unacceptable, especially as trial pits were halted at the Kingsway site, and HE admits that more investigations are needed. HE continually states, throughout their evidence, that many issues would be dealt with at the detailed planning stages. This is unacceptable. HE also dismisses air pollution effects on construction workers, during the works, despite stating that air pollution will be worsened at construction sites. (See 3 Derby FOE re heavy metals/landfill pollutants and bullet point 2 above)

CLIMATE CHANGE/FLOOD RISK/ENVIRONMENT

Despite asking for the information several times HE refuses to give the total carbon dioxide emissions for over 100 road-widening/building schemes proposed for England, a developed country. This in the year that COP26 was to

be held in the United Kingdom. The UK Government has pledged to increase tree cover in the UK and signed the Global Biodiversity Directive. State of Nature 2016 shows that the UK is one of the most nature-depleted countries in the world. <https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/state-of-nature-uk-report-2016.pdf>

HE has used outdated flood risk assessments (SFRA1_Plan_435329 Alvaston and SFRA1_Plan_429337 Allestree) and refuses to acknowledge the current climate emergency. At time of writing 20/4/20 - 27/4/20 severe storms have killed 7 people in the southern United States,(US), heatwaves in southern California, wildfires in Siberia, heatwaves in southwest US, strong winds and dust storms in Arabian peninsula, thunderstorms in Eastern India and Bangladesh, heavy rains and flooding in Kenya, Congo, killing over 30 people, floods in Yemen and Burundi, pre-monsoon torrential downpours in Odisha state, India. Greenland ice-sheet melt has added 1mm a month to rising sea levels, just in the last 2 months. This will rise to almost 1cm by September and the end of the A38 Junctions inquiry. Accelerating ice loss in Greenland will lead to a sea level rise of seven metres, affecting 400 million people.

Over 130 million people are currently at risk of famine across the world, due to combined coronavirus and climate emergency effects.

14.10.22 pg27 Vol 6 Chapter 14 Climate, states” **The ICCI assessment has not identified the potential for significant combined impacts of future climate change and the Scheme on identified receptors in the surrounding environment.**” Yet HE response to our Q37, was that ‘most climate change has been taken into account’

REP4;10 pg 4 2.4.3 Both Markeaton Brook and Mackworth Brook (see SFRA Allestree flood risk map)

2.5.4 ...**‘forming an important source of base flow to rivers’**

3.1.2 pg 6 ...**“that the Secretary of State be satisfied that flood risk will not be increased elsewhere...”**

3.1.3 “Consider risk of all forms of flooding”...“Take impacts of climate change into account...”

Pg 9 3.8.4 Environment Agency (EA) emphasised that “surface water run-off should be controlled to existing rates or less” The ‘existing rate’ has gone up considerably since November 2019. February rainfall levels were 141% of the average rainfall for February.

4.3.3 The email sent to EA, from HE, was on 8/11/19 – the day that the River Derwent flooded the city centre and Rolls-Royce workers were evacuated from the nuclear site next to the River Derwent in Alvaston, Derby (see Alvaston flood map) Photos of Derby city centre flooding, are at <https://derbyfoe.com/2019/11/08/derby-floods-8-11-2019/>

4.5.1 Groundwater is known to flood in areas underlain by major aquifers and 4.5.2, 4.5.3 the **‘underlying geology is permeable’** Markeaton Park groundwater flooding occurred 20/2/20 -(Derby Evening Telegraph link above)

4.5.6 **“The risk of groundwater flooding is considered to be high.”** A 40% climate change event is mentioned, yet 141% rainfall event already occurred throughout February

4.10 **“The risk of increased surface water run-off, from the scheme, to surrounding areas, is considered to be high”**

Exception Test 2B “The development must demonstrate that it provides wider sustainability benefits to the community, that outweigh flood risk”

We believe that the exception test has not been passed. Nor do the plans meet NSPNN People and Communities Para 5.174. The loss of public open space, trees, biodiversity, and deleterious effects of increased air pollution, on Derby people, including those sectors of society least able, as well as communities alongside the schemes, outweigh any perceived benefits and we request that the Secretary of State refuses the A38 Junctions developments.