

A38 Derby Junctions
TR010022

8.101 Responses to Examining Authority's
Further Written Questions

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A38 Derby Junctions

Development Consent Order 202[]

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1 Responses to the Examining Authority's Further Written Questions

- 1.1.1 This document has been prepared by the Applicant to set out its responses to the Examining Authority's (ExA's) further written questions.
- 1.1.2 These can be found in **Table 1-1** below.

1.12

No	Question to	Reference	Question	Applicant's Response
1.	The draft Development Consent Order			
	Reference is made to the draft Development Consent Order submitted by the Applicant at Deadline 9 [REP9-004] and the ExA's Schedule of Changes to the dDCO [PD-017].			
	Part 1 – Preliminary			
1.1.	Derby City Council (DCiC) Derbyshire County Council (DCC) Applicant	Article 3 Disapplication of permit schemes	<p>a) Are DCiC content with the proposed disapplication of their permit scheme and with any other provisions required for them to accept disapplication, including those in Articles 11 and 12, in the Traffic Management Plan (TMP) [REP7-003], and in the Outline Environmental Management Plan (OEMP) [REP10-002]?</p> <p>b) DCC have reiterated concerns [REP9-047] that the Applicant “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)”. Are DCC content with the provisions</p>	<p>a) DCiC to respond</p> <p>b) DCC to respond. Highways England notes, however, that DCC has confirmed to Highways England that it is content with these provisions.</p> <p>c) Yes. Para 6.3.2 should read DCC not DCiC.</p>

No	Question to	Reference	Question	Applicant's Response
			<p>for consultation and other relevant provisions in paragraphs 1.1.7, 3.1.7, 5.7.1-4 and 6.3.2-5 of the TMP [REP7-003]?</p> <p>c) Should the final sentence of paragraph 6.3.2 of the TMP [REP7-003] read "... the DCC Permit Scheme ..."?</p>	
Part 2 – Principal Powers				
1.2.	DCiC DCC Applicant	Article 6 Maintenance of authorised development	<p>a) Further to the concerns raised by DCiC [REP9-030], should the Applicant include a provision in the OEMP [REP10-002] to specifically ensure the maintenance of the flood storage areas at Kingsway Island which is to return to the original landowner?</p> <p>b) Do DCiC and DCC consider that an acceptable process is secured in the OEMP [REP10-002] for the identification of final maintenance and repair responsibilities? Have satisfactory principles for maintenance and repair been agreed?</p>	<p>a) The next version of the OEMP being submitted at Deadline 12 includes the specific commitment that Highways England will ensure that the flood storage areas to be installed at Kingsway junction (including those within the Kingsway hospital site) are appropriately maintained and fulfil their flood risk mitigation function (with maintenance being in accordance with the Handover Environmental Management Plan (HEMP)).</p> <p>b) DCC and DCiC to respond. However, note that the next version of the OEMP being submitted at Deadline 12 includes the requirement for a Maintenance and Repair Strategy Statement (MRSS) to be prepared during the detailed design stage, following consultation with the applicable local authorities regarding the maintenance and</p>

No	Question to	Reference	Question	Applicant's Response
				repair responsibilities (as based upon the MRSS [REP6-025] submitted during the Examination). The Scheme is at a preliminary design stage and Highways England does not consider that it is practical to agree the principles for maintenance and repair at this stage; the detail being more appropriately dealt with at the detailed design stage when the specifics are clearer to both Highways England and the local highway authorities.
Part 3 – Streets				
1.3.	DCiC	Article 18 Clearways	The Applicant has stated [REP10-009] that it has updated the Schedules following discussions with DCiC. Is DCiC now content with the updated Schedules [REP9-004]?	DCiC to respond
1.4.	Applicant DCiC	Article 19 Traffic regulations	The Applicant has stated [REP10-009] that it has updated the Schedules following discussions with DCiC. Is DCiC now content with the updated Schedules [REP9-004]?	DCiC to respond
Part 4 – Supplemental Powers				
1.5.				Not used

No	Question to	Reference	Question	Applicant's Response
Part 6 – Operations				
1.6.	DCiC	Article 40 Trees subject to tree preservation orders	Are DCiC content with these provisions and with the related provisions in Schedule 8 and in the OEMP [REP10-002]? If not, how should they be amended?	DCiC to respond
Schedule 2 – Requirements				
1.7.	Environment Agency (EA)	Requirement 13(1) Surface and foul water drainage	Is the EA content that OEMP [REP10-002] provisions would provide enough protection for controlled and drinking waters in the vicinity of the main construction compound, including during the preliminary works?	EA to respond
Schedule 5 – Land in Which New Rights, etc. May be Acquired				
1.8.	Applicant	Schedule 5	a) Further to Cadent Gas' comments [REP9-032] and for clarity and consistency with Cadent Gas' standard easements, please could the relevant purposes be amended to "...for the diversion, operation, maintenance, protection and decommissioning of, and access to ..."? b) If the Applicant disagrees with Cadent Gas' reasoning for the	a) Highways England reiterates its previous submissions on this point. Highways England does not consider that the additional wording is required because the current dDCO drafting enables Highways England to secure the powers needed to transfer adequate rights and protection to Cadent Gas under article 10. In addition, the definition of "maintain" in the dDCO is broad enough to encompass the rights sought by Cadent and it is unclear why

No	Question to	Reference	Question	Applicant's Response
			<p>inclusion of "<i>protection</i>", "<i>operation</i>" or "<i>decommissioning</i>", please could it explain why?</p> <p>c) If the Applicant considers that the wording proposed by Cadent Gas would cause a problem, please could it explain why?</p>	<p>Cadent considers that further wording is needed in the dDCO. Highways England has provided the same explanation on this point to Cadent but, to date, no response has been given by Cadent regarding the scope of the definition of "maintain" in the dDCO and why it is considered inadequate.</p> <p>As Highways England has provided - on a number of occasions throughout the Examination - it is best practice to draft the dDCO so as to avoid "for the avoidance of doubt" provisions or superfluous wording which adds nothing to the powers or rights sought under the statutory instrument. As Highways England considers that the drafting secures what Cadent wants, Highways England does not consider it necessary to keep expanding on the rights required (a process which could in fact limit or hinder the rights required as part of the compulsory acquisition process). It is worth stressing that Schedule 5 is linked to article 26; the article which gives Highways England the power to acquire the rights listed in Schedule 5. The exercise of this power will take place once the detailed design of the Scheme is understood and the actual rights will be secured through the compulsory acquisition process (likely to be</p>

No	Question to	Reference	Question	Applicant's Response
				<p>a General Vesting Declaration). As such, it is at that stage that the detail of the specific rights will be defined and secured and all Highways England is seeking in the dDCO is the <i>power</i> to acquire a set of rights which is necessarily broad at this stage because the Scheme is in its preliminary, not detailed, design stage. See also Highways England's response 9.1, at REP10-009.</p> <p>b) See a) above. In addition, Highways England considers that the inclusion of bespoke protective provisions for Cadent Gas within the dDCO ensures that Cadent's apparatus is adequately protected. The purpose of securing the power under article 26 to acquire the rights included in Schedule 5 is to ensure the continued operation of Cadent's services. It is worth noting that other DCOs have included the wording that Highways England is proposing as part of the Scheme and Cadent have not previously had an issue with it (and it has worked in practical terms). The M42 Scheme (see Schedule 8 of that dDCO) does not include 'decommission' for example.</p> <p>Notwithstanding the fact that Highways England considers that it will have sufficient scope to obtain the necessary rights for</p>

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				<p>Cadent under the DCO, it is worth noting that once the diverted pipes are in the ground they will form part of the national gas infrastructure network in any event and, as such, Cadent will benefit from the wide powers available to all gas undertakers under the Gas Act 1986, and Schedule 3 of that Act in particular.</p> <p>c) It is clear from submissions to the Examination that Cadent seeks to align the wording of this DCO with its own standard easements. Highways England considers that this refinement is not necessary for the reasons outlined at (a) and (b) above.</p>
Schedule 8 – Trees Subject to Tree Preservation Orders				
1.9.	DCiC	Schedule 8	Does DCiC have any outstanding concerns? How should any outstanding concerns be addressed?	DCiC to respond
Schedule 9 – Protective Provisions				
1.10.	Applicant Cadent Gas Limited	Schedule 9	It would be helpful to the ExA and the Secretary of State if the majority, if not all, matters of contention [REP9-032][REP10-009] could be resolved between the Applicant and Cadent Gas Limited during the Examination. To that end it is suggested that the expert legal	The legal teams for both Highways England and Cadent have been and continue to discuss their respective positions on the protective provisions and have been working collaboratively. The series of statements and counterstatements made to the Examination is necessary because (i) the

No	Question to	Reference	Question	Applicant's Response
			<p>advisors acting for each party discuss the points on which they differ and seek to resolve them collaboratively rather than through a series of statements and counterstatements to the Examination.</p>	<p>ExA has asked for detailed updates on the points in dispute between the parties and an explanation on why the parties differ; and (ii) where agreement cannot be reached on the specific points, the ExA has all the relevant information it needs to take these statements and counterstatements into account when making a recommendation to the Secretary of State. It may be (despite best efforts from both parties) that not all points of contention can be agreed in which case it will be important that the ExA has been furnished with as much information as possible to allow it to make a recommendation on the basis of the submissions provided to it by Highways England and Cadent.</p> <p>A point to note is that publication of the Secretary of State's decision on the M42 Junction 6 DCO (which also involves protective provisions for Cadent Gas) is currently due on 21 May 2020; this may mean that some further representations on the issues with Cadent will be necessary (and Highways England will of course be discussing these with Cadent).</p>
1.11.	Applicant Network Rail	Schedule 9	Please could Network Rail consider the Applicant's response [REP10-009] to its	Network Rail's proposed amendment to paragraph 38(d) is agreed.

No	Question to	Reference	Question	Applicant's Response
			<p>proposed wording [REP9-037] and please could the Applicant consider Network Rail's further amendments [REP10-013]?</p> <p>It would be helpful if the parties could please discuss the few remaining points that have yet to be agreed.</p>	<p>Highways England has requested further information regarding the scope of additional paragraph 42 and is currently awaiting a response from Network Rail. Highways England is confident that mutually satisfactory wording will be found.</p> <p>Other than this one point, the Protective Provisions are in agreed form.</p>
1.12.	Applicant Statutory Undertakers	Schedule 9	<p>a) Do any statutory undertakers have any other outstanding concerns? How should any outstanding concerns be addressed?</p> <p>b) Before the close of the Examination, please could the Applicant and any other relevant party please provide a summary of any protective provisions that have not been agreed together with a summary of the differences between the parties?</p>	<p>a) Other than the issues specified in relation to Cadent Gas and Network Rail above, there are, as far as Highways England is aware, no outstanding points of concern with either Western Power Distribution (WPD) or Severn Trent Water (STW). It should be noted, however, that STW has recently changed its legal team and the new team has yet to formally agree the protective provisions (albeit its previous legal team was content with them).</p> <p>b) Highways England is confident that the protective provisions with Network Rail will be agreed.</p> <p>Highways England will review the outstanding issues with Cadent Gas once the decision on the M42 Junction 6 project has been published on the 21 May 2020.</p>

No	Question to	Reference	Question	Applicant's Response
				Highways England will then provide an update to the Examination.
Schedule 10 – Documents to be Certified				
1.13.	Applicant	Schedule 10	<p>Further to the Applicant's response [REP9-029], it is not clear to the ExA that the Schedule provides references to:</p> <ul style="list-style-type: none"> • the latest versions of all relevant new or updated documents provided by the Applicant during the Examination; and • updated environmental statement documents incorporating all clarifications to paragraphs, tables, figures or plans provided by the Applicant in its' Written Representations during the Examination. <p>a) Please could the Applicant carry out a detailed review of its' submissions during the Examination, including both standalone documents and relevant material embedded in its responses to the ExA's questions and in its comments on submissions made by others?</p>	<p>a) A review has been undertaken of updated documents provided during the examination by Highways England, focussing on the documents that would be certified within Schedule 10 of the dDCO (which will operate as the control documents for the purposes of implementation of the DCO and discharge of the requirements). In addition, a check of all other documents (new and updated) provided during the examination has been undertaken against the Guide to the Application [REP11-002], the principal document prepared by Highways England for document management purposes and for which an update has been provided for each deadline submission.</p> <p>b) In the version of the Guide to the Application submitted for D12, additional referencing is provided to include the examination library reference. Furthermore, an additional table is provided within the Guide to the Application to clarify the current position in respect of Schedule 10</p>

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			<p>b) Please could the Applicant provide a summary (with Examination Library reference number and specific page, figure, plan, table or paragraph number, as appropriate) of all relevant submissions to the Examination (including, but not limited to, those provided at item 33 of [PD-015]) and clarify which Schedule 10 document includes each submission?</p> <p>c) Please could the Applicant then update Schedule 10, providing a unique date and revision number to each updated Schedule 10 document, and provided copies of the updated Schedule 10 documents that are to be certified?</p>	<p>documents. This represents the most up to date record of the Schedule 10 documents.</p> <p>c) The final version of the dDCO including an updated Schedule 10 will be provided at Deadline 14 following the scheduled hearings, including the provision of final versions of any Schedule 10 document, in the event that they have not already been previously provided to the ExA.</p>
2.	Transport networks and traffic			
2.1.	DCiC	Modelling of queueing and junctions during construction	a) Is DCiC content the Applicant has given enough consideration to the potential for queues at one junction to effect other junctions and potentially lead to gridlock for the purposes of identifying reasonable worst-case impacts during	<p>DCiC to respond.</p> <p>Highways England will use the SATURN traffic model to examine the interaction between junctions during the key construction phases. This is secured in the TMP. Junction modelling of the temporary</p>

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			<p>construction and as appropriate for this stage of the process?</p> <p>b) If DCiC is not content, does it have any suggestions about how this can be addressed during the remainder of the Examination?</p>	<p>junction designs is also secured in the TMP. DCiC has stated that it is content with Highways England's approach [REP9-030; item 2.1].</p>
2.2.	Applicant	Increases in road traffic	<p>The Applicant has previously cited a Post Opening Project Evaluation of Major Schemes which finds relatively low levels of induced traffic.</p> <p>Christian Murray-Leslie [AS-054] has stated that a "<i>CRPE report on impact of local road projects in England- Sloman et al 2017 shows that such schemes generate increased road traffic with 7% increase over first 3 to 5 years and an increase of 47% over the subsequent 8 to 20 years</i>".</p> <p>a) Please could the Applicant comment?</p> <p>b) If the Applicant disagrees with the figures quoted by Christian Murray-Leslie or the underlying CPRE methodology, or considers that they are not relevant to the proposed development, please could it explain why?</p>	<p>The report referred to has not been submitted to the Examination. It is not clear in what context these quotes are made or on what basis the conclusions are taken. Out of context it is difficult to understand how relevant this extract is to the Scheme and what the specific elements of the quote relate to. No such elaboration is given in the question and it is not clear whether the ExA have reviewed the report. Without the report neither Highways England nor the Examination Authority are in a position to understand the relevance of this quote when taken in isolation.</p> <p>Nevertheless, Highways England understands that the CPRE report makes some conclusions based upon a range of road types with wide-ranging objectives. For this specific Scheme, additional traffic flows may be attracted into the A38 corridor by two mechanisms, reassignment and induced</p>

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				<p>trips. Highways England has assessed the magnitude of these mechanisms through modelling and using DfT's transport appraisal guidance.</p> <p>The first and most common response to a new road scheme is reassignment. Reassignment, in the case of this Scheme, is a positive effect because it will attract vehicles away from the less appropriate urban roads and onto the A38 strategic road network, which will provide a high level of service. Traffic flows on those less appropriate local roads will be reduced by the reassignment mechanism, which will reduce the number of road traffic casualties. The reassignment response will also be beneficial by reducing traffic flows on roads such as Stafford Street, which has high NO₂ concentrations. Reassignment is a positive outcome of the Scheme.</p> <p>A second response is that of induced trips. Induced trips will cause extra traffic flows because Highways England's customers will discover new opportunities (for leisure, shopping, work, etc) and therefore will make new trips that they did not make before the Scheme. Induced trips are a positive effect for those customers that discover new</p>

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				<p>opportunities. The downside of induced trips is that those new opportunity journeys interact with vehicles that are already on the network and slow them down.</p> <p>The number of induced trips resulting from a Scheme is related to how transformational that Scheme will be. For example, a new estuary crossing might lead to a large number of induced trips; whereas a simple capacity improvement to an existing route will generate very few if no induced trips.</p> <p>The size of traffic reassignment and the number of potential induced trips for this specific Scheme was assessed using a traffic model. The DfT's Transport Appraisal Guidance (TAG) unit M2 "variable demand modelling" describes the mathematical process for appraising induce trips. The method and the parameters provided in TAG are based upon a research and feedback from various post-opening studies.</p> <p>Appendix H of TAG unit M2 describes the DIADEM software, which was used to undertake the variable demand modelling for the Scheme.</p> <p>The largest induce trip response in the opening year (2024) occurred in the AM2 (0800-0900) modelled hour. Of the 72,000</p>

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				<p>vehicles represented in this hour, the variable demand modelling process added 278 trips (0.4%) in response to the Scheme. This is a low number of induced trips.</p> <p>In the year 2031, seven-years after opening, the response to the Scheme was to add 288 trips (0.4%) to the AM2 peak hour.</p> <p>The above values are assessments of trips. To convert to "traffic" we can multiply by the average car trip length, which without the Scheme was 11.72km in the 2031 AM2 modelled hour, increasing to 11.80km (0.7%) with the Scheme. Combining the induced trips with the change in average trip lengths gives the "induced traffic" response to the Scheme as a 1.0% increase.</p> <p>For this Scheme, the induced traffic will be much less than the 7% reported by CPRE based upon a wide range of road improvement types.</p> <p>The Scheme will be an improvement to an existing transport provision.</p>
2.3.	Applicant DCiC	Customer and Stakeholder Manager	DCiC has committed to providing a desk for a Customer and Stakeholder Manager and this has been added to the OEMP [REP10-002]. However, no commitment has been given to whether	Highways England (and its Contractor) can confirm that the Customer and Stakeholder Manager will spend a minimum of 1 day per week in DCiC's offices from June 2020 onwards and as the Scheme progresses i.e.

No	Question to	Reference	Question	Applicant's Response
			<p>the Customer and Stakeholder Manager would actually spend any time at DCiC's office.</p> <p>a) Please could the Applicant and DCiC agree on either:</p> <ul style="list-style-type: none"> • how much time the Customer and Stakeholder Manager's time should spend in DCiC's office; or • on the circumstances in which their attendance at DCiC's office would be required? <p>b) Please can the OEMP be updated accordingly?</p>	<p>it advances closer to the start of the construction, this would increase as and when required. Highways England is committed to working with DCiC to communicate with stakeholders. Table 2.1 in the OEMP being submitted at Deadline 12 has been amended to state that the Customer and Stakeholder Manager will spend a minimum of 1 day per week in DCiC's offices.</p>
2.4.	DCiC	Access to Royal Derby Hospital during construction	<p>a) Is DCiC content with the measures set out in the TMP [REP7-003] to maintain access to the Royal Derby Hospital during construction?</p> <p>b) If DCiC is not content, does it have any suggestions about what other mitigation should be secured?</p> <p>c) Should "<i>a dedicated passage for emergency vehicles</i>" be provided in the manner suggested by Anne Morgan [AS-056]?</p>	DCiC to respond
2.5.	Applicant	Non-motorised users (NMU)	Further to the Applicant's response [REP10-009] to Derby Cycling Group's	<ul style="list-style-type: none"> • Highways England and its contractor can confirm that they will commit to (rather

No	Question to	Reference	Question	Applicant's Response
			submission [REP9-041], is the Applicant able to secure commitments in the TMP [REP7-003], for example: <ul style="list-style-type: none"> • commitment to (rather than support for) a Fleet Operator Recognition Scheme (FORS) to be operated to a minimum of silver standard, with exceptions for some specialist plant, but this would be kept to a minimum and plans would be put in place such that their movements would minimise interfacing with NMU; and • for reasonable or best endeavours to be made to including the measures set out in sections A1, A2 and A3 of Derby Cycling Group's Deadline 6 submission [REP6-031]? 	than support) a Fleet Operator Recognition Scheme (FORS) to be operated to a minimum of silver standard, with exceptions for some specialist plant, but this would be kept to a minimum and plans would be put in place such that their movements would minimise interfacing with NMU. This will be secured in the next update of the TMP. <ul style="list-style-type: none"> • Highways England and its contractor can confirm that reasonable endeavours will be made to including the measures set out in sections A1, A2 and A3 of Derby Cycling Group's Deadline 6 submission [REP6-031] and this will be secured in the next update of the TMP. The Behaviour Change Working Group will be the forum where these initiatives can be discussed, developed and agreed as the scheme moves towards the construction stage.
2.6.	Applicant DCC Network Rail Derby Cycling Group	Ford Lane bridge	a) Do DCC, Network Rail or Derby Cycling Group have any comments on the measures secured in the OEMP [REP10-002], reference MW-TRA12? How should any outstanding concerns be addressed?	a) DCC/ Network Rail/ Derby Cycling Group to respond b) The verification survey was undertaken on 4 th May 2002, the data is currently being interpreted and the findings will be shared

No	Question to	Reference	Question	Applicant's Response
			b) Please could the Applicant provide an update on the verification survey and subsequent assessment? Is this work likely to be completed during the remainder of the Examination?	with the examination and all interested parties as soon as they are available.
2.7.	DCiC	Ford Lane / A6 junction	a) Is DCiC content with the measures secured in the OEMP [REP10-002], reference MW-TRA14? b) If DCiC is not content, please could it suggest alternative wording?	DCiC to respond, however, Highways England would note that the position on this has been agreed with DCiC in that it should be carried out during the detailed design stage. Refer to Table 3.3 of the DCiC SoCG [REP7-006]: <i>"It is agreed a Scheme is needed to address this issue and this will be agreed in consultation with DCiC through the detailed design process."</i> The OEMP [REP10-002] secures these measures (refer to MW-TRA14 in Table 3.2b).
3.	Climate change			
3.1.	Applicant	National policy considerations	Derby Climate Coalition [REP9-040] has referred to the need <i>"to challenge the validity of this scheme in terms of national policy on climate change as well as the NPSNN"</i> . Please could the Applicant briefly summarise the consideration given to national policy on climate change, and	The Climate Change Act 2008 (amended 2019) has set legally binding targets for the UK to be net zero carbon by 2050. Highways England is committed to contributing to meeting this target. The NPS NN requires the Scheme to be in line with Government policy (Climate Change Act 2008), and to assess the impact

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			<p>to local policy and whether the proposed development is consistent with them?</p>	<p>of the Scheme against associated carbon budgets and the impact of the Scheme on UK carbon targets. The NPS NN states at para. 5.18 <i>“any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets”</i>.</p> <p>ES Chapter 14: Climate [APP-052] concluded that carbon emissions are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's greenhouse gas (GHG) impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial.</p> <p>As outlined in ES Chapter 14: Climate [APP-052], the local policies identified as relevant to climate change are:</p> <ul style="list-style-type: none"> • Derby City Local Plan – Part 1 Core Strategy • Derby Local Transport Plan LTP3 (2011 - 2026)

No	Question to	Reference	Question	Applicant's Response
				<ul style="list-style-type: none"> • Derby's Climate Change Strategy • Erewash Core Strategy <p>In line with local policy, the mitigation measures as set out in ES Chapter 14: Climate [APP-052] seek to reduce the impact of the Scheme on climate change in line with national targets, while also ensuring that the Scheme is resilient to potential future climate change impacts such as higher temperatures and increased flood risk.</p>
3.2.	Applicant	CO ₂ emissions	<p>The Applicant considers that the greenhouse gas impact of the proposed development as a proportion of current UK carbon budgets is negligible and therefore immaterial.</p> <p>a) Please could the Applicant comment on the suggestion that to meet the UK's targets requires attention to sources of the scale of the proposed development, and smaller, as cumulatively these represent a high proportion of the total?</p> <p>b) Please could the Applicant comment on the suggestion that the proposed development is likely to be a larger source of greenhouse gases, and</p>	<p>a) DfT has confirmed that the programme of schemes described in the Roads Investment Strategy (RIS) 1, in which this proposed Scheme is included, have been cumulatively assessed and included in the UK Government's carbon budgets.</p> <p>Under these circumstances it is considered that the proportion of CO₂e emissions represented by the combined CO₂e impact of the RIS1 schemes will not compromise the UK's ability to meet its carbon reduction targets.</p> <p>b) The assessment of greenhouse gas (GHG) emissions presented in Chapter 14: Climate [APP-052] has been undertaken in line with the requirements of the NPS NN</p>

No	Question to	Reference	Question	Applicant's Response
			<p>(during construction) a larger source of increases, than most other individual sources?</p> <p>c) How is the Applicant's conclusion consistent with consideration of cumulative impacts and (if appropriate) the large contribution from the proposed development compared with other sources?</p>	<p>and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – as such there is not a requirement to compare the impact of the Scheme against other individual sources of GHG emissions.</p> <p>c)The comparison of GHG emissions against the UK carbon budgets provides an inherently cumulative assessment as it considers allowable emissions from all sources within the UK.</p> <p>As set out in point 3.2 a) above, DfT has determined that the cumulative impact of the schemes identified as part of RIS 1 will not have an impact on the UK meeting its carbon reduction targets.</p>
3.3.	Applicant DCiC DCC	Net zero carbon by 2050	<p>The Applicant advises that the schemes in Road Investment Strategy (RIS)1 have been assessed and included in the UK Government's carbon budget. It also advises that the Proposed Development is included in RIS2 and, as such, is fully integrated with the Road to Zero Strategy. However, RIS1 and the Road to Zero Strategy pre-date the Government's updated target for net zero carbon by 2050 (Climate Change Act 2008 (2050 Target Amendment)</p>	<p>a) & b)</p> <p>RIS 2 published in March 2020 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872252/road-investment-strategy-2-2020-2025.pdf) supports Government's plans for decarbonising road transport. The roads programme has been subject to impact assessments and complies with the Paris agreement obligations.</p> <p>Scheme construction is scheduled to occur within the third and fourth UK carbon</p>

No	Question to	Reference	Question	Applicant's Response
			<p>Order 2019). The Applicant also advises that 'Consideration has been made of the potential impact of the proposed development against the updated net zero GHG target by 2050 and the Applicant does not consider that this gives cause to alter the assessment findings.'</p> <p>a) Please would the Applicant provide further details of how it concluded that there was no need to alters is assessment finding in its consideration of the scheme against the updated net zero GHG target.</p> <p>b) Please would the Applicant clarify how that assessment takes into account the fact that the carbon budgets for the net zero target will not be available until later in 2020?</p> <p>c) Please would the Applicant clarify its understanding of the weight to be attached to locally allocated carbon budgets and whether the assessment takes them into account.</p> <p>d) Do DCiC and DCC consider that the locally allocated budgets are consistent with the UK Government's net zero target?</p>	<p>budgets, being completed in 2024. The trajectory of permissible emissions allowed under each carbon budget steadily decreases to 2050, reflecting the UK's transition to a low carbon economy. When the revised carbon budgets are published later in 2020, the emissions trajectory to 2050 will no doubt increase in line with the net zero carbon target, however, there will still be a greater level of permissible emissions within the third and fourth budgets when Scheme construction occurs. By 2050 the majority of carbon emissions from the Scheme will be from road users. It is anticipated, however, that in line with Government policy these emissions will decrease significantly as the use of electric, hybrid and other low carbon vehicles increase and the national grid, supplying electricity to power these vehicles, decarbonises.</p> <p>Furthermore, in the DfT report Decarbonising Transport: Setting the Challenge (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878642/decarbonising-transport-setting-the-challenge.pdf) published in March 2020, government has committed to</p>

No	Question to	Reference	Question	Applicant's Response
				<p>developing a Transport Decarbonisation Plan which will set out in detail what government, business and society will do to reduce emissions across all modes of transport, to achieve net zero emissions for every mode of transport by 2050. This plan is due to be published in Autumn 2020.</p> <p>c) In line with the requirements of the NPS NN, the assessment of greenhouse gas (GHG) emissions presented in Chapter 14: Climate [APP-052] has considered the impact of GHG emissions from the Scheme against the legally binding UK carbon budgets and the UK carbon reduction target. There is no requirement to consider the Scheme against locally allocated carbon budgets. It is understood that the locally allocated carbon budgets are derived from the UK Carbon Budgets set through the Climate Change Act 2008 (amended 2019). The purpose of the local carbon budgets is, however, to advise local authorities when considering how the carbon budgets could be aggregated for their jurisdiction. Locally allocated carbon budgets have no legal requirement to be adhered to.</p> <p>d) DCiC and DCC to respond.</p>

No	Question to	Reference	Question	Applicant's Response
3.4.	Applicant	Operational emissions	<p>a) The Applicant has stated [REP9-029] a commitment to reducing operational emissions. Does it intend to apply any of those methods to the proposed development, for example photovoltaic noise barriers or other renewable energy technology? If not, why not?</p> <p>b) Would the use of photovoltaic noise barriers have any implications for the visual impact assessment?</p>	<p>a) Photovoltaic noise barriers are not being proposed for use along the Scheme given that this remains an emerging technology and is still subject to further feasibility investigation by Highways England. No photovoltaic noise barriers are currently operational on Highways England's Strategic Road Network. With regard to other renewable energy technologies, as indicated in ES Chapter 14: Climate [APP-052] lighting columns will not be installed along the mainline at Little Eaton junction. To ensure that drivers are aware of the bend in the road at this location, appropriate signing would be installed along with the provision of solar powered studs integrated within the road pavement. This approach will avoid the installation of approximately 56 lighting columns and reduce operational energy use. In addition, during the detailed design, Highways England will investigate further opportunities for using renewable energy technologies – this is already covered in the OEMP [REP10-002] under MW-CC1 in Table 3.2b as part of the Energy and Carbon Plan.</p> <p>b) Refer to the point above that photovoltaic noise barriers are not being considered as</p>

No	Question to	Reference	Question	Applicant's Response
				<p>part of the Scheme. However, even if they were to be considered, their use would only be possible if they did not result in materially new or materially worse environmental effects as compared to those reported in ES Chapter 7: Landscape and Visual [APP-045].</p>
3.5.	<p>Applicant DCiC DCC Erewash Borough Council (EBC)</p>	Carbon footprint	<p>a) Should carbon footprint targets be set in the OEMP to ensure that best practice is followed?</p> <p>b) Please could the Applicant advise whether the planting of new trees fully compensates for the loss of mature trees from a climate change and carbon sequestration perspective? If not, why not and should it? Please clarify the age of new planted trees considered in the response.</p>	<p>a) No, Highways England does not consider this necessary or practical, and is not aware of any previous Highways England projects where such targets have been required. It should also be noted that there is currently no approved method for setting carbon targets for strategic road network Schemes. For such carbon targets to be robust and meaningful they need to be based on appropriate evidence of best practice for road schemes and on achieving an identified outcome. As such this would need to be set at a network wide level, not agreed arbitrarily for an individual scheme.</p> <p>The Highways England Operational Metrics Manual (OMM) (January 2019) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775149/Operational_Metrics_Manual.pdf) presents a number of performance measures that set out how Highways</p>

No	Question to	Reference	Question	Applicant's Response
				<p>England will deliver the first Roads Investment Strategy (RIS 1) while contributing to the Government's wider environmental and social needs.</p> <p>Performance measures are supported by Performance Indicators (PI) against which performance will be assessed. Specifically, the OMM presents a PI requiring carbon dioxide from Highways England supply chain activities to be monitored and reported. Measured aspects of the supply chain include energy, embedded carbon in materials, transport and waste removal associated with construction and operation of the Highways England road network. The PI requires that suppliers working for Highways England seek to enhance their own performance and demonstrate a reduction in carbon intensity by providing timely and accurate carbon returns. This requirement is formalised contractually with the contractor as a requirement of the Collaborate Performance Framework (CPF). Contractors must report total emissions quarterly using the Highways Carbon Tool. Emissions intensity should also be reported in CO₂e/£M spend. Contractors receive financial incentives for their performance.</p>

No	Question to	Reference	Question	Applicant's Response
				<p>b) The planting of new trees does not fully compensate for the loss of mature trees in terms of loss of carbon sequestration, as demonstrated by the 'land use change' emissions reported within ES Chapter 14: Climate [APP-052]. This assessment concluded that total carbon emissions from the Scheme are not deemed to be significant in the context of the current UK carbon budgets. The assessment demonstrates that the Scheme's greenhouse gas (GHG) impact as a proportion of total UK carbon emissions is negligible, such that it can be considered to be immaterial. Therefore, it is not considered necessary to fully compensate for the loss of carbon sequestration due to the loss of mature trees through planting of new trees.</p> <p>Within the 'land use change' GHG calculations, 'mature' trees are defined as those of >20 years, while the carbon factor for trees of <20 years has been used for the calculations for 'new' trees. As detailed in ES Chapter 7: Landscape and Visual [APP-045] it is proposed to plant a number of semi-mature trees in prominent locations around the Scheme (detailed as plot type LE5.1 – individual trees on the landscape</p>

No	Question to	Reference	Question	Applicant's Response
				<p>design drawings shown in Figures 7.8a to 7.8c [APP-094]). Elsewhere trees will be planted as whips which are young trees seedlings typically approximately 2–3 years old.</p>
3.6.	<p>Applicant DCiC DCC Derby Cycling Group</p>	<p>Support to other transport modes</p>	<p>The ExA questioned [PD-018] whether enough support has been given to other transport modes and behavioural change.</p> <p>The Applicant responded [REP9-029] that “...Highways England is the strategic highway authority. Other transport modes are the responsibility of the DfT and the Local Highway Authority (which at two of the three junctions is DCiC). These organisations are responsible for promoting transport interventions that promote behavioural changes and the use of non-carbon-emitting transport modes.</p> <p>Paragraph 5.205 of the National Policy Statement for National Networks states that “Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure.”</p> <p>a) Please could the Applicant reconsider its earlier response, if</p>	<p>a) Highways England notes the comment and in providing a response, would refer to the full extent of paragraph 5.205 of the NPSNN in guiding its response which states:</p> <p><i>“Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, consistent with paragraph 3.19-3.22 [Accessibility] above, the applicant should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users”.</i></p> <p>Highways England’s support would be based on the need for schemes as identified by the local authorities either as mitigation for the proposed development or as part of the local authorities’ own plans, so that this could be taken account of in the Scheme design. To date despite detailed consultation and engagement on the proposed scheme, no such proposals have</p>

No	Question to	Reference	Question	Applicant's Response
			<p>necessary following discussion with other relevant parties about which initiatives it would be appropriate to support? Should these include the "ride share schemes" suggested by Mair Bain [REP9-043], "park and ride schemes" suggested by Mr B.W.Day [AS-051] or other additional measures to support pedestrians, cyclists or public transport?</p> <p>b) Please could DCiC, DCC and Derby Cycling Group comment?</p>	<p>been identified and the design principles are now fixed for the purposes of the DCO application. Where Highways England can have a greater influence is in relation to seeking to address severance, which is considered to be the focus of paragraph 5.205.</p> <p>Accordingly, the obligation under the NPS NN is on supporting other transport modes through the consideration of reasonable endeavours to reduce severance and improve accessibility for all, not to deliver new alternate schemes such as the ones referred to. Moreover, given the features of the Scheme design it would not be possible to incorporate such measures as park and ride or ride share schemes, which Highways England reiterates, remain the responsibility of the local authorities.</p> <p>In addition to the above, it is noted that when this road-based Scheme was originally <u>considered</u>, there were – in 2002 – local highway authority considerations of park-and-ride schemes at the Kingsway junction and alongside the A61 Alfreton Road. These ideas have been omitted from subsequent local transport plans; partly because they would require exceptional</p>

No	Question to	Reference	Question	Applicant's Response
				<p>public capital investment and partly because there were other transport investment priorities in the city that were considered to be a higher priority. The Scheme would not preclude park and ride schemes from being implemented at a later date; but the objectives given to Highways England do not include a business case and public funding for a park and ride facility nor the implementation of a ride share scheme. Highways England is charged with the expenditure of public funds and has processes in place to ensure that business cases for investments are robust.</p> <p>Turning to severance and potential barriers to non-motorised users, this has been a focus for the design and the following new provision of footpaths/ cycleways will be delivered as part of the Scheme.</p> <p><u>Kingsway junction</u></p> <ul style="list-style-type: none"> • A new perimeter footpath and occasional seating area will be provided around the flood storage areas within the Kingsway hospital site (traversing Bramble Brook). • A new pedestrian/ cyclist route will be provided across Kingsway junction from Mackworth Park. This new route will link

No	Question to	Reference	Question	Applicant's Response
				<p>Mackworth from Greenwich Drive South to the A5111 Kingsway.</p> <ul style="list-style-type: none"> • A controlled crossing will be provided on Brackensdale Avenue (east of the A38) at the A38 underbridge (the two existing bridges over Brackensdale Avenue will be widened to cater for the provision of the additional lane on each carriageway). • A controlled (toucan) crossing will be provided on the proposed link road from Kingsway junction (eastern roundabout) to Kingsway Park Close. • A controlled (toucan) crossing will be provided on the A5111 Kingsway. <p><u>Markeaton junction:</u></p> <ul style="list-style-type: none"> • Closure and diversion of the existing footpath and cycleway (route of RR66) from Raleigh Street to the A52, east of the A38. The combined footway and cycleway will be widened to 3m with clear signage. • Controlled (toucan) crossings will be provided on all arms of Markeaton junction. • Controlled crossings will be provided on the A52 west of the Esso garage to

No	Question to	Reference	Question	Applicant's Response
				<p>provide access into Markeaton Park from the west.</p> <ul style="list-style-type: none"> The existing Markeaton Park footbridge to the north of the junction will be demolished and replaced in a similar location with a new bridge for combined footway and cycleway (extended to allow for the additional A38 lanes). <p><u>Little Eaton junction:</u></p> <ul style="list-style-type: none"> NR54 will cross the new proposed southern slip roads (using a controlled toucan crossing) and use the bridge to pass under the mainline A38. An uncontrolled crossing will be provided from the section of the NR54 that runs along the B6179 to provide access to the other side of the road. <p>In addition, during Scheme operation there will be benefits for users of public transport due to reduced congestion on the A38 junctions, offering improvements to the reliability of bus service journey times on the urban radial routes.</p> <p>It is therefore considered that appropriate measures have been put in place to address issues of severance through new provision for non-motorised users, in accordance with</p>

No	Question to	Reference	Question	Applicant's Response
				<p>the objectives of paragraph 5.205 of the NPSNN.</p> <p>Taking into account the above, ES Chapter 12: People and Communities [REP9-011] reports benefits for users of public transport as well as benefits for non-motorised users through improved and safer crossing facilities, improvements in amenity and an increased perception of safety which will encourage increased route usage – refer to ES Chapter 12: People and Communities [REP9-011] for details.</p> <p>b) DCiC, DCC and Derby Cycling Group to respond</p>
4.	Air quality			
4.1.	Applicant	The potential for materially new or materially worse air quality effects during construction	The Applicant has stated [REP9-029] that it would review impacts during detailed design and that <i>“in the unlikely event that the assessment indicates that the traffic management proposals give rise to materially new or materially worse environmental effects, this will indicate the need to amend the traffic management proposals or propose additional mitigation”</i> .	a) and b) As detailed in the OEMP [REP10-002] at MW-AIR4 in Table 3.2b it states that <i>“During the Scheme detailed design stage, Highways England will review the detailed traffic management proposals and undertake an assessment of the potential air quality effects to determine whether they comply with the requirements of the ES and the OEMP. It is anticipated that this will indicate that the effects are similar to those</i>

No	Question to	Reference	Question	Applicant's Response
			<p>a) Please could the Applicant advise whether there is a commitment to implement the amendments to traffic management proposals and other additional mitigation that it refers to and, if so, how that is secured?</p> <p>b) Please could the outcomes to be required of any amendments to traffic management proposals or proposed additional mitigation be clarified in the OEMP? Should these be to ensure that there were no materially new or materially worse air quality effects during construction?</p>	<p><i>as reported in the ES. In the unlikely event that the assessment indicates that the traffic management proposals give rise to materially new or materially worse environmental effects, this will indicate the need for to amend the traffic management proposals or propose additional mitigation".</i> It is proposed that additional text is added to the sentence above stating that: "<i>such amended traffic management proposals or additional mitigation measures will then be implemented (noting that such amended traffic management proposals or additional mitigation measures will not give rise to materially new or materially worse environmental effects)</i>". The next version of the OEMP being submitted at Deadline 12. This commitment will be secured given that compliance with the OEMP is covered by dDCO Requirement 3.</p>
4.2.	DCiC	The Applicant's assessment	Putting to one side any overall considerations of the proposed development, such as the overall balance of benefits and adverse impacts of the proposed development, do DCiC agree with the Applicant's assessment on the specific point that there are likely	This is question addressed to DCiC. However, Highways England note that effects could be considered to be significant if the Scheme causes a worsening of air quality in areas that are predicted to exceed an EU limit value or Air Quality Strategy objective as set out in IAN174/13. All properties are predicted to achieve the limit

No	Question to	Reference	Question	Applicant's Response
			to be no significant air quality effects during construction? If not, why not?	<p>values and objectives with DCiC's Stafford Street traffic management measures in place. Certain sections of footpath adjacent to the A38 south of Markeaton junction are predicted to exceed the EU limit value for annual mean NO₂ both with and without Scheme construction in 2021 (which means that the Scheme is not the determinant in whether the EU limit is met).</p> <p>During the Scheme detailed design stage, Highways England will investigate air quality at footpaths adjacent to the Scheme during the various construction phases. If the Scheme is predicted to make air quality worse at these footpaths, then alternative footpath routes will be identified and implemented as mitigation. This is set out in the OEMP [REP10-002] at MW-AIR4 in Table 3.2b. Therefore, Highways England consider that there are no significant air quality effects during Scheme construction.</p>
4.3.	Applicant	Consistency with DEFRA compliance modelling	DCiC [REP9-030] have stated that inconsistency remains between the Applicant's approach and DEFRA's, noting " <i>it now appears that the approaches are still different with respect to the choice of modelled receptor points (DEFRA's national</i>	a) The compliance methodology that local authorities (including DCiC) have been asked to follow by Defra requires NO ₂ concentrations to be assessed at 4m from the kerbside. The compliance methodology that is included in LA105 for road projects requires NO ₂ concentrations to be assessed

No	Question to	Reference	Question	Applicant's Response
			<p><i>model utilises a point 4m from the kerb, however the HE Guidance is to model at all 'qualifying features' within 15m of the carriageway, which vary in terms of their distance from the kerb".</i></p> <p>a) Does the Applicant agree with DCiC that its methodology is different to DEFRA's?</p> <p>b) With reference to any differences in methodology and paragraphs 5.9 and 5.13 of the National Policy Statement for National Networks, please could the Applicant justify whether it has made a "judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive" that is sufficient for decision making by the Secretary of State?</p>	<p>at the qualifying feature which includes footpaths, within 15m of the road. Both are based on guidance from the Joint Air Quality Unit (JAQU) which is part of Defra. So yes, the methodologies are different.</p> <p>In light of the differences between the two methods, results using each of the two methods have been presented. Predicted NO₂ concentrations at 4m from the kerbside during Scheme operation and construction are presented in Appendix B of [REP6-020]. Predicted NO₂ concentrations at qualifying features during Scheme operation are presented in [REP6-020] and for qualifying features near the A38 during Scheme construction in [REP7-009].</p> <p>At 4m from the kerb in the Scheme opening year of 2024, all receptors were predicted to be within the NO₂ limit value both with and without the Scheme in operation. At 4m from the kerb in the Scheme construction year of 2021, all receptors except for one (FID 1553) both with and without the Scheme for each construction scenario were predicted to have NO₂ concentrations within the limit value. Receptor FID 1553 is close to Markeaton junction and is to the south-east of the junction and located at a footpath.</p>

No	Question to	Reference	Question	Applicant's Response
				<p>Receptor FID 1553 is predicted to marginally exceed the NO₂ limit value without any construction activity and with Construction Scenario 0, the increase due to Construction Scenario 0 is classed as imperceptible. NO₂ decreases at this receptor are predicted with Construction Scenarios 2 and 4 due to road realignment and traffic management measures which reduce NO₂ concentrations to within the limit value.</p> <p>At qualifying features in the Scheme opening year of 2024, all receptors are predicted to be within the NO₂ limit value both with and without the Scheme in operation. At qualifying features near the A38 in the construction year of 2021, some footpaths adjacent to the A38 south of Markeaton junction are predicted to exceed the NO₂ limit value without Scheme construction and with Scheme construction. Increases in NO₂ concentrations were predicted with Construction Scenario 0 and decreases with Construction Scenarios 2 and 4 at these locations due to the realignment of the footpaths as part of the Scheme. If construction is predicted at the detailed design stage to make air quality worse at the footpaths that are predicted to</p>

No	Question to	Reference	Question	Applicant's Response
				<p>exceed, then alternative routes for those footpaths will be implemented as mitigation and the existing footpath closed (in accordance with the requirements as detailed in the OEMP [REP10-002]).</p> <p>b) Paragraph 5.9 of the National Policy Statement for National Networks (NPS NN) states:</p> <p><i>“In addition to information on the likely significant effects of a project in relation to EIA, the Secretary of State must be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive”.</i></p> <p>Paragraph 5.13 states:</p> <p><i>“The Secretary of State should refuse consent where, after taking into account mitigation, the air quality impacts of the Scheme will:</i></p> <ul style="list-style-type: none"> <i>• result in a zone/ agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or</i> <i>• affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the</i>

No	Question to	Reference	Question	Applicant's Response
				<p><i>European Commission at the time of the decision.”</i></p> <p>It is predicted that some sections of the footpath adjacent to the A38 to the south of Markeaton junction will have NO₂ concentrations above the EU limit value in 2021 without the Scheme. Scheme Construction Scenario 0 is expected to increase NO₂ concentrations at these footpaths. Air quality during Scheme construction will be reassessed at the detailed design stage once the Scheme construction methods, programmes and traffic management proposals are developed in more detail. If construction of the Scheme is expected to make air quality worse at the footpaths that are predicted to exceed the limit values, then alternative routes for these footpaths (during the construction phase only (or parts thereof)) will be identified and implemented as set out in the OEMP [REP10-002]. Therefore, the Scheme will not affect the UK's ability to comply with the Air Quality Directive.</p>
5.	The water environment			

No	Question to	Reference	Question	Applicant's Response
5.1.	Applicant	Groundwater levels and trees	<p>In response to [AS-058], the Applicant has stated [REP9-028] that <i>"It is considered that the removal of trees within Markeaton park will not have a significant effect on groundwater levels or groundwater movements, or result in any ground destabilisation."</i></p> <p>Please provide details of the assessment which led to this finding.</p>	<p>As indicated in the Markeaton junction Flood Risk Assessment (FRA) [REP9-018], the topographic survey for Markeaton junction shows that the junction is at a level of approximately 65m AOD (above ordnance datum). The land and connecting roads to the north and east fall away from Markeaton junction with the A38 to the north falling to a level of approximately 57.2m AOD in the area where it crosses Markeaton Lake. Thus the land elevation falls from the junction towards Markeaton Lake by approximately 8m.</p> <p>Groundwater levels at the junction have been subject to investigation and are reported in the Groundwater Monitoring Report (ES Appendix 10.2 [APP-223]). Monitoring data indicates that groundwater at the junction (at monitoring location BM09) is approximately 4.18 ± 0.52m below ground level (bgl) (thus approximately at a level of 60.18m AOD). Groundwater levels towards Markeaton Lake (at monitoring location BM16) are approximately 1.11 ± 0.27 bgl (thus at a level of approximately 56.57m AOD). Thus groundwater levels fall by approximately 3.6m from the junction towards Markeaton Lake, noting that as</p>

No	Question to	Reference	Question	Applicant's Response
				<p>expected, groundwater is shallower towards the lake.</p> <p>As indicated in the FRA [REP9-018], ground conditions comprise topsoil, overlying Made Ground, both underlain by rocks of the Mercia Mudstone Group and the Tarporley Siltstone Formation (Siltstone, Mudstone and Sandstone).</p> <p>The groundwater at the location of the proposed Markeaton cutting is encountered within the bedrock geology of the Gunthorpe Member and Tarporley Siltstone Formation. The groundwater in parts of the area of Markeaton Park is also encountered within the superficial deposits of the Allenton Terrace deposits (sand and gravel) and Alluvium (clay, silt, sand and gravel). These are two separate groundwater bodies.</p> <p>The information above indicates that groundwater in the vicinity of Markeaton junction is not static or confined, but flows from the south-west to the north-east, parallel to the A38 towards Markeaton Lake and the associated brooks.</p> <p>In its response to [AS-058], Highways England stated in [REP9-028] that <i>"It is considered that the removal of trees within Markeaton park will not have a significant</i></p>

No	Question to	Reference	Question	Applicant's Response
				<p><i>effect on groundwater levels or groundwater movements, or result in any ground destabilisation". This was in response to the comment in [AS-058] that:</i></p> <p><i>"The amount of ground water is also certain to rise if the trees and other vegetation is removed as proposed. Those mature trees abstract water from the ground during their transpiration, carrying as they do millions of leaves. At least 35 trees much larger than the one measured for this research will be removed from the A38 at Markeaton Park.</i></p> <p><i>TPO loss Markeaton junction map HE514503 35 x 18325 = 641,375kg of water, which normally has been dispersed throughout the embankment, which has been stabilised by the tree roots, could destabilise the ground. The embankment will be destabilised by</i></p> <ul style="list-style-type: none"> <i>a) felling of trees and removing roots as necessary for</i> <i>b) digging a trench to divert utilities</i> <i>c) planting mitigation saplings</i> <i>d) periodic inspection of utilities</i> <p><i>Will Highways England have to bear the costs if the wet embankment suffered a mud slide or saucering in the years it took the</i></p>

No	Question to	Reference	Question	Applicant's Response
				<p><i>new trees to develop root systems comparable to the ones stabilising it at present?"</i></p> <p>Whilst trees clearly take up water via transpiration, the loss of some trees from the edge of Markeaton Park does not mean that groundwater levels will rise. This is the case given that:</p> <ul style="list-style-type: none"> • If groundwater in the area of tree loss was static and wholly confined, tree loss could theoretically result in additional water percolating into the ground, with some reaching the groundwater. However, as indicated above, the groundwater in this location is neither confined nor static given that groundwater levels are driven by topography, namely the fall in ground levels between the junction and Markeaton Lake, with groundwater moving towards the lake. Thus any additional water percolating into the ground and reaching groundwater due to tree removal will dissipate meaning that groundwater levels do not significantly rise. <p>It is also noted that with regard to replacement tree planting in Markeaton</p>

No	Question to	Reference	Question	Applicant's Response
				<p>Park, Highways England will deliver a landscape design that results in a net gain in the tree numbers within Markeaton Park. As such, when planted trees mature, tree water usage will be similar to current conditions.</p> <p>As detailed above, groundwater flows in this location are driven by topography, with groundwater flowing from the south-west to the north-east, parallel to the A38 towards Markeaton Lake and the associated brooks. Tree removal in Markeaton Park will thus not significantly affect groundwater flow paths, as the overriding topographic influences will remain.</p> <p>[AS-058] also makes mention that tree removal may result in ground destabilisation, making reference to an embankment and potential risks of an embankment mud slide prior to the ground stabilisation by replacement trees. Tree removal at the park, and the construction works associated with the Scheme, will not result in ground destabilisation leading to mud slide risks due to the following:</p> <ul style="list-style-type: none"> • The construction works will be undertaken in accordance with the Outline Environmental Management Plan (OEMP) [REP10-002] which includes a

No	Question to	Reference	Question	Applicant's Response
				<p>wide range of surface water and ground works good practice mitigation measures.</p> <ul style="list-style-type: none"> • The new Markeaton junction cutting will not be formed by using an embankment – it will comprise a cutting formed with vertical concrete retaining walls to a maximum depth of approximately 7.6m below existing ground levels, combined with a water excluding reinforced concrete base slab. As such, adjacent tree removal will have no effect on the stability of the cutting, whilst the cutting will not be at risk of mud slides. • A new area of cutting (embankment) and associated retaining wall will be formed along the edge of the northbound onslip road (refer to ES Figure 2.6 [APP-062]). This area will be formed with a slope no steeper than 1:2.5 such that it is geotechnically stable, noting that a top of cutting drain will be installed. This new cutting (embankment) and associated retaining wall will be located in an area that is currently occupied by the existing A38 and does not require any tree removal. Other smaller areas of cutting to the west of the new A38 carriageway will be similarly geotechnically stable.

No	Question to	Reference	Question	Applicant's Response
				<ul style="list-style-type: none"> Areas to be subject to landscaping (including areas of new tree cover and areas of cutting/ embankment) will be seeded with a suitable grassland mix (refer landscape design ES Figure 7.8B [APP-094]), and thus no surfaces will be left exposed.
5.2.	EBC	Little Eaton construction compound	Does the revised wording of paragraph MW-G28 of the OEMP [REP10-002] satisfy EBC's concern regarding the condition of the compound when the main works have been completed? If, not, please suggest alternative wording.	EBC to respond. However, Highways England communications with EBC on the 17 th April 2020 indicate that Highways England's revised wording included in the OEMP [REP10-002] (refer to MW-G28 in Table 3.2b) satisfy the concerns of EBC in respect to the restoration of the main construction compound at Little Eaton junction.
6.	Biodiversity and ecological conservation			
6.1.	EBC	Alfreton Road Rough Grassland Local Wildlife Site	a) Please would EBC set out its reasons for considering that the impact of the proposal on the Local Wildlife Site remains unacceptable in the light of the Applicant's revised assessment? b) Does the Applicant's Technical Note dated 13 March 2020 (referred to in	EBC to respond

No	Question to	Reference	Question	Applicant's Response
			REP9-029 paragraph 5.1) and potential provision of bio-diversity enhancements through the Designated Funds project affect EBC's position?	
6.2.	Derby Climate Coalition	Otters	Please provide a copy of the work undertaken by Sheffield University [cited in REP9-039] on the effect of the scheme on otters.	Derby Climate Coalition to respond
7. Landscape and visual impact				
7.1.	Applicant	The effect of the proposed development on veteran tree T358	<p>a) DCiC has suggested that it may be possible to retain the veteran tree with a reduced canopy and root protection area. Please comment on whether this can be achieved by:</p> <ul style="list-style-type: none"> • moving the carriageway further west within the existing limits of deviation; • introducing protection measures for the root protection area, including working methods and avoiding impacts from utility services; and 	<p>a) and b) As detailed in the Highways England document Veteran Tree Loss T358 [REP7-008], it has been assumed that the Scheme as submitted to the Examination would, as a result of the combined impacts on the veteran tree (reference T358) and its associated root protection area (RPA), result in the unavoidable loss of the veteran tree at Markeaton junction due to the proposed construction works and construction traffic within the vicinity of the tree. However, as indicated in [REP7-008], during the detailed design stage Highways England will investigate whether the veteran tree can be retained and the Scheme's impacts upon the tree's RPA reduced. This will include</p>

No	Question to	Reference	Question	Applicant's Response
			<ul style="list-style-type: none"> • undertaking necessary works to the tree canopy. <p>b) Please identify how any of these specific measures can be secured in the OEMP [REP10-002], as appropriate.</p>	<p>investigating options to move the carriageway within the defined limits of deviation, repositioning of the replacement footbridge, repositioning of proposed utilities diversions, as well as construction plant access restrictions. Such commitments are confirmed in the OEMP [REP10-002] – refer to PW-LAN4 in Table 3.2a. Regardless of these measures, [REP7-008] indicates that the Scheme works would inevitably have a significant effect on the tree's RPA. It thus remains the most likely scenario that the veteran tree will be unavoidably lost due to the Scheme. Nevertheless, Highways England notes DCiC's concerns detailed in [REP9-030] namely that "<i>there would still be a significant impact on the RPA and that the tree could not be retained as a full canopy tree</i>" and that "<i>It must be considered that if retaining T358 as a full canopy tree cannot be achieved then retaining it as a heavily reduced tree must be explored</i>". In response to these concerns, Highways England agrees that should during the detailed design stage it becomes apparent that the tree can be retained but there remain impacts upon the tree's RPA, options to reduce the tree's canopy will be investigated. As such, the OEMP has been</p>

No	Question to	Reference	Question	Applicant's Response
				<p>amended to include consultation with DCiC during the investigation of options to retain the veteran tree, minimise Scheme impacts upon the tree's RPA as well as tree canopy reduction treatments and the implementation of any agreed measures. The next version of the OEMP being submitted at Deadline 12 includes this additional commitment (at PW-LAN4), noting that the suggested OEMP wording has been sent to DCiC for their consideration.</p>
8. Land use, social and economic impact				
8.1.	Applicant Euro Garages McDonalds Restaurants	The effect of the proposed development on the McDonald's and Euro Garages sites.	<p>a) There appears to be some narrowing of the differences between the parties regarding the capacity and geometry of the A52 access into the Euro Garages/McDonalds site. Could any further adjustment to the proposal which is necessary be dealt with at the detailed submissions stage?</p> <p>b) Regarding the outstanding concerns over rights access and the strengthening of the McDonald car park, are these matters which should</p>	<p>a) Highways England is currently in discussions with Derby City Council regarding the layout of the A52 access. It is envisaged that these discussions will continue through the detailed design stage and will include Euro Garages and McDonald's. Highways England remains willing to investigate options to revise the design (within the constraints of the site) to optimise the layout.</p> <p>b) As these issues will not impact the operation of the scheme Highways England considers, as suggested by the ExA, that</p>

No	Question to	Reference	Question	Applicant's Response
			<p>be addressed through the DCO or are they matters for compensation?</p> <p>c) Please provide an update on the question of providing advance signage.</p>	<p>they are matters for compensation discussions outside the DCO examination.</p> <p>c) Highways England continues to discuss the potential provision of advanced signage internally with the Highways England Legal team and relevant technical specialists and will update the Examination when a decision has been made.</p>
8.2.	Applicant	Justification of the need for the proposed development.	<p>In its response to Derby Climate Coalition [REP10-009, paragraph 5.17] the Applicant refers to its role as the highway authority for the Strategic Road Network and the Road Investment Scheme as part of the explanation of why it's options appraisal focussed on a road-based solution for A38 Derby junctions. It also refers to long delays to journeys on the network. However, solutions which may shift journeys from cars to other modes could address such problems. The TAG guidance cited by Derby Climate Coalition [REP9-040] advises that studies should not assume a preferred modal solution. Please explain how non-road-based options were considered when the A38 Derby Junctions was appraised using the TAG guidance.</p>	<p>In respect of TAG guidance on "The Transport Appraisal Process", which was updated in May 2018, the first stage is "Option Development" and <i>this involves identifying the need for intervention and developing options to address a clear set of locally developed objectives which express desired outcomes</i>. Other transport options, which might be an alternative to a road-based intervention and deliver the same level of objectives, were considered at stage 2 in the appraisal process but were identified as not being affordable.</p> <p>Whilst it is correct that the wider TAG guidance does not assume a preferred modal solution, as referred to in the Transport Assessment [REP3-005], the Scheme is being delivered on the basis of a road based study, that focussed on the</p>

No	Question to	Reference	Question	Applicant's Response
				<p>options available to Highways England as the Strategic Highway Authority responsible for maintaining and improving the strategic road network. As such, it sought to bring forward a solution that directly addressed existing problems of traffic congestion and built more capacity into the network. This was set within the context of the Scheme objectives, which in turn was agreed with DfT as being the most appropriate transport intervention, with the greatest benefits, for the investment cost.</p> <p>Highways England is aware of some of the wider studies that have been undertaken and possible complimentary transport initiatives that have been considered and these are outlined below.</p> <p>A rail-based option that would compete for intermediate-length journeys along the line of the A38 would be prohibitively expensive. Such an option might take the form of a rail improvement between Sheffield and Burton-on-Trent and might require improvements to the existing railway, which passes through Derby station. An alternative alignment for HS2 was also considered between Birmingham and Leeds that passed through Derby station, but this option was dropped in</p>

No	Question to	Reference	Question	Applicant's Response
				<p>favour of the preferred alignment via Toton station near Long Eaton.</p> <p>Other modes, such as bus-based park and ride interventions, might serve commuting and leisure trips on Derby's radial corridors but these would not replace trips on the A38 which is an orbital route of the city and is serving inter-urban journeys of intermediate and long-distance lengths made by private transport.</p> <p>Improvements to existing rail services might be considered for their effectiveness in attracting intermediate-length journeys away from the A38; but it is noted that in 2017 the Secretary of State for Transport postponed a proposal to electrify the Midland Mainline railway on the grounds that it was unaffordable. The Derby Resignalling project, however, was implemented in October 2018 at a cost of £200 million. Rail options are proving to be relatively expensive.</p> <p>Embedded within TAG transport appraisal is the requirement for the intervention to address the identified transport needs and for the intervention to be affordable. The Scheme, as a road-based option was considered to be the most viable transport</p>

No	Question to	Reference	Question	Applicant's Response
				solution in this case, noting that it seeks to improve an existing infrastructure corridor. This was an important consideration in respect of affordability. In this regard, the Scheme will deliver its objectives and will be high value for money.
9.	Compulsory Acquisition, Temporary Possession and funding			
	The accuracy of the Book of Reference, Land Plans, updates and points of clarification			
9.1.	Applicant	Updates	Please could the Applicant provide any further updates before the close of the Examination.	If required, an update to the Book of Reference will be provided at Deadline 13 in advance of the scheduled CA hearing on Tuesday 9 June.
	Need for Compulsory Acquisition and Temporary Possession and minimisation of need			
9.2.	Applicant	CA of unknown interests	<p>a) Please could the Applicant provide an update on establishing ownership of the remaining unregistered plots in the Book of Reference.</p> <p>b) What further steps are anticipated during the remainder of the Examination, and later?</p>	<p>There are currently no further changes to the Book of Reference from the version last submitted at Deadline 9, published on 27 March 2020, a further land registry refresh will be carried out in advance of the CA hearing on 9 June.</p> <p>It was stated in the Applicant's Response to Q10.2 of the ExA's Further Written Questions [REP9-029] that work was ongoing to establish the ownership of this land, continuing the due diligence described</p>

No	Question to	Reference	Question	Applicant's Response
				<p>in the Statement of Reasons [REP9-005] as far as possible given current COVID-19 government advice.</p> <p>In summary, the Applicant has done all that could be expected of it to identify the 'unknown' parties. Investigations will not cease post Examination until the vesting declaration is made. In the event that landowners were to come forward at a later date, they would not be prejudiced as the Examination has considered the impact on the acquisition of their land and they would be entitled to make a claim for compensation for six years after the vesting of the land in Highways England.</p>
9.3.	Applicant	Reduction of CA during detailed design	The ExA has questioned [PD-018] the consideration that would be given to human rights during detailed design in relation to any opportunities to reduce CA identified at that stage and how human rights would be balanced against other factors. In its response [REP9-029] the Applicant referred to decisions being based on several considerations but did not list human rights among them. There is a suggestion that other practical considerations would dominate	<p>Compulsory acquisition powers can only be granted if the Secretary of State is satisfied that the land is required for the development and there is a compelling case in the public interest for the land to be acquired compulsorily (s122 Planning Act 2008).</p> <p>The first limb of the test is for the Secretary of State to consider whether the land is required for the development. Paragraph 11 of the Planning Act 2008 guidance related to procedures for the compulsory acquisition of land states that "<i>the Secretary of State will need to be satisfied that the land to be</i></p>

No	Question to	Reference	Question	Applicant's Response
			<p>the decision making about whether or not CA could be reduced.</p> <p>a) Please could the Applicant clarify?</p> <p>b) Please could the Applicant suggest an outline process for the consideration of human rights during detailed design and construction planning to ensure that they are given proper consideration? How should such a process be secured? How can its implementation be made transparent?</p>	<p><i>acquired is no more than is reasonably required for the purposes of the development</i>".</p> <p>In considering the second limb of whether the CA of land and rights is in the public interest the decision maker must consider whether there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired (paragraph 13 of the Planning Act 2008 guidance related to procedures for the compulsory acquisition of land). The consideration of private loss includes the consideration of the human rights of those affected. However, it is not necessary to show that the interference required is the least intrusive interference with Convention rights (Smith v Secretary of State for Trade and Industry [2007] EWHC 1013 (Admin) per Wyn Williams at [42])</p> <p>All the land included in the CA provisions is reasonably required for the Scheme and the impact of compulsory acquisition on the private loss of those affected versus the public benefits of the Scheme has been considered in the Statement of Reasons</p>

No	Question to	Reference	Question	Applicant's Response
				<p>[REP9-005]. The Statement of Reasons sets out the justification for the granting of CA powers and considers why the public interest test is met.</p> <p>In authorising the use of the CA powers sought the Secretary of State is considering a worst-case scenario through the maximum land take required to deliver the proposed scheme and accepting that any interference with human rights is overridden by the public interest in the Scheme proceeding.</p> <p>The time to consider whether the land is required for the development and whether the public interest test is met is at the point that the CA powers are authorised/granted by the decision maker. Once CA powers have been granted there is no on-going legal requirement for the Applicant to continue to assess the balance between the interference with private rights and the land required for the development of the Scheme.</p> <p>Notwithstanding the above the CA powers sought in Articles 23 and 26 of the dDCO provide that the Applicant can only acquire the land and rights which are necessary for the development of the Scheme. As the Scheme is not a detailed design should land</p>

No	Question to	Reference	Question	Applicant's Response
				<p>requirements reduce during the detailed design stage (it is not possible for them to increase and it is not expected that they will) less land will be acquired because the Applicant will not have to power to acquire more land than it needs i.e. if the land is not needed then it is not "<i>required to carry out or to facilitate, or is incidental to, the authorised development</i>" – see article 23. In addition, the Applicant has a vested interest in not acquiring more land than is necessary to deliver and maintain the Scheme because it would:</p> <ul style="list-style-type: none"> • Increase the impact on affected landowners. • Increase Scheme costs because any interference with people's private property interests will need to be compensated in accordance with the Compulsory Purchase Compensation Code. • Burden the Applicant with additional maintenance liability for land not required for the Scheme. <p>When implementing the DCO all the land required for the Scheme will be identified and acquired temporarily at the start of the construction phase. Only the land or rights</p>

No	Question to	Reference	Question	Applicant's Response
				<p>required permanently would be purchased once the construction works had been completed. This ensures that the minimum amount of land and rights required for the Scheme is purchased from landowners and land interests thereby minimising the interference with their human rights.</p>
	Alternatives			
9.4.	DCiC	Alternatives to the CA of the Queensway properties	<p>a) Do DCiC consider that there is potentially an alternative A38 alignment, based on the current position of the Markeaton roundabout, that would avoid the need for CA of the Queensway properties or any other residential properties other than those currently identified in Ashbourne Road and Sutton Close?</p> <p>b) It appears that any alternative identified in (a) above would result in the loss of a strip of land to the A38 edge of Markeaton Park and the loss of trees. Do DCiC consider that the loss of land and impacts on trees could be mitigated? If so, how?</p>	<p>DCiC to respond, however, Highways England notes that DCiC responded to a similar question at deadline 9 and stated: <i>"No. Changing the alignment is likely to open up more detrimentally significant environmental impacts such as unacceptable loss of public open space and further significant tree loss which is unsustainable. It would also result in retaining houses in a worse environment for housing overlooking and detrimentally affected by a significant highway and infrastructure."</i> Highways England considers that this point has been resolved. As Highways England has previously stated, there is no alternative alignment proposed and none of the owners of the Queensway properties are objecting to the inclusion of the compulsory purchase powers.</p>

No	Question to	Reference	Question	Applicant's Response
9.5.	Applicant DCiC	The case for CA of Ashbourne Road and Sutton Close gardens	<p>a) Please could DCiC comment on the technical content of the Independent Safety Review Technical Note [Appendix A of REP6-014]?</p> <p>b) Does the Applicant consider that the stated purpose of the Independent Safety Review Technical Note [Appendix A of REP6-014] to "maximise the safety of resident's movements" (emphasis added) is appropriate for the question being asked about the case for CA? Would consideration of an adequate, rather than maximum, level of safety be appropriate? If so, would that lead to a different conclusion?</p> <p>c) The Applicant has stated [REP9-029] that a turning head is not required at 255 Ashbourne Road, but that TP is still required. Please could the Applicant provide detailed justification of the case for TP at 255 Ashbourne Road and the extent?</p> <p>d) The Applicant's explanation [REP9-029] of the case for CA of the gardens at 1 Sutton Close appears to be based on minimising impact on</p>	<p>a) DCiC to respond</p> <p>b) In this particular situation, maximising the safety of resident's movements and consideration of an adequate level of safety would result in the same solution. To provide a left-in left-out solution would not result in an adequate level of safety and would be likely raised as an issue in a safety audit as indicated in the Independent Safety Review Technical Note (refer to Appendix A of [REP6-014]) due to the risk that road users would make unsafe manoeuvres. To remove this inadequacy, a solution that permits all movements in and out of the Ashbourne Road residences would be required as proposed by the current Scheme proposals.</p> <p>c) TP is still required to provide working space and to allow works on the frontage of 255 Ashbourne Road to ensure access can be provided (i.e. removing vegetation and ensuring there are no level differences etc.).</p> <p>d) CA of land at Sutton Turner Houses cannot be avoided as it is required to provide the shared access to nos. 253 and 255 Ashbourne Road. Whether the land required is outside no.1 or no. 14 Sutton Close, it still impacts the same landowner</p>

No	Question to	Reference	Question	Applicant's Response
			<p>traffic. Is that the case? If so, is that sufficient for CA?</p>	<p>(Sutton Turner Houses). Minimising the impact on traffic determines the extent of the CA; (traffic includes traffic on the A52, pedestrians and users of the shared access) this must also include ensuring an adequate level of safety is provided (which cannot be achieved without the CA of some of the land from Sutton Turner Houses).</p> <p>Whilst all the land identified is required to deliver the proposed scheme, during the Detailed Design stage, all efforts will be made, in consultation with DCiC, to minimise the amount of land required for CA (as detailed in the Applicant's response to Q9.3 above) whilst maintaining an adequate level of safety for all users.</p>
Individual objections and issues				
9.6.	Applicant	Voluntary agreement and blight updates	<p>Please provide an update on progress in finalising voluntary agreements, potential acquisition due to blight and SoCG, including with respect to:</p> <ul style="list-style-type: none"> • the CA schedule; • residents of 12 Queensway; • 253 and 255 Ashbourne Road; • Millennium Isle of Man Limited; and 	<p>An updated Negotiations Schedule (Annex B of the Statement of Reasons) is included as part of Highways England's response.</p> <p>Final SoCG's with Royal School for Deaf Derby and Sutton Turner Houses were submitted at Deadline 8. When further information is available as detailed design is progressed, remaining matters under discussion can be resolved.</p>

No	Question to	Reference	Question	Applicant's Response
			<ul style="list-style-type: none"> Royal School for the Deaf Derby. 	<p>To date 9 blight notices have been served of which 8 have been deemed to be valid claims and are due to be settled by Highways England. The cost of meeting these claims has been met by Highways England. Of these 8 claims deemed valid, 4 claims have been completed and 4 are in progress. The one outstanding blight claim is currently being considered by Highways England.</p> <p>A provisional agreement for the acquisition of 12 Queensway has been reached and the agreement is currently being formalised.</p> <p>The owners of 253 Ashbourne Road have instructed an agent and are considering the submission of a blight notice. Discussions between the owners and Highways England are ongoing.</p> <p>The owners of the leasehold interest in 255 Ashbourne Road (Haven Care Group) have submitted a blight notice and this has been accepted by Highways England.</p> <p>There are ongoing discussions with the owner of No 255 Ashbourne Road regarding acquisition by agreement and loss of car parking.</p>

No	Question to	Reference	Question	Applicant's Response
				There are no updates in respect of Millennium Isle of man Limited at this time. Discussions continue with Royal School for the Deaf Derby regarding acquisition of land by agreement.
9.7.	Applicant	Loss of car parking	The Applicant has suggested [REP9-029] that up to 4 car parking spaces would be lost at 255 Ashbourne Road. Why is that when only TP is now proposed?	<p>As recorded in the Applicant's response to question 10.5(c) of the ExA's Further Written Questions submitted at Deadline 9 [REP9-029], there are 2 land plots associated with 255 Ashbourne Road; these are:</p> <ul style="list-style-type: none"> – Plot 3/15b (51m²) required as CA to facilitate the new Markeaton Junction and associated widening of the A52. – Plot 3/15a (84m²) now changed from CA to TP, this would facilitate the construction of the new means of access to the property and the area returned to the owner for car parking. 253 Ashbourne Road. <p>The loss of parking is due to the CA of plot 3/15b.</p>
Crown interests				
9.8.	Applicant	Crown consent	Please provide an update on securing written agreement and s135 consent.	Negotiations with the relevant Crown authority are continuing and progress is being made. There is no reason to think that the necessary agreements and Crown

No	Question to	Reference	Question	Applicant's Response
				consent will not be completed and issued before the close of the Examination.
	Statutory Undertakers			
9.9.	Applicant Statutory Undertakers	Progress updates	<p>Please provide an update on progress in:</p> <ul style="list-style-type: none"> • finalising protective provisions and SoCG; and • consideration of the alternative to the acquisition of rights from Network Rail of a framework agreement, a deed of easement, a bridge agreement and Relevant Asset Protection Agreement(s) suggested by Network Rail Limited. 	<p>Environment Agency - Protective Provisions are agreed. SoCG signed on 10 February 2020 [REP5-008].</p> <p>WPD - Protective provisions are agreed. There is no SoCG with WPD.</p> <p>STW – Protective provisions are agreed, but awaiting formal approval following STWs change of legal team albeit that they were agreed with the previous legal advisors. Again, there is no SoCG with STW.</p> <p>Cadent Gas – Protective provisions are currently agreed as far as possible. Please see responses given at 1.10 and 1.12 above for more detail. There is no SoCG with Cadent.</p> <p>Network Rail - Protective Provisions are substantively agreed. One point is remaining (see response given at 1.11 above). SoCG [REP2-014] relates to an earlier stage of the Examination and has not been pursued.</p> <p>The Applicant is continuing discussions with Network Rail in respect of its proposed suite</p>

No	Question to	Reference	Question	Applicant's Response
				<p>of documents (framework agreement, bridge agreement, BAPA, deed of easement). Once the framework agreement and protective provisions are agreed Highways England understands that this will be sufficient for Network Rail to withdraw its objection.</p>
9.10.	Applicant Statutory Undertakers	Whether there is serious detriment	Please provide an update on whether there is evidence of any serious detriment. Have the Planning Act 2008 s127 and s138 tests been satisfied?	<p>The Applicant has not received any new evidence of serious detriment either in discussion with the legal representatives of the various statutory undertakers, or in written submissions to the Examination.</p> <p>On the basis of agreed protective provisions and satisfactory agreements with the Environment Agency, Western Power Distribution and Severn Trent Water, the Applicant concludes that the relevant s127 and s138 tests with these statutory undertakers have been satisfied.</p> <p>With regard to Network Rail and Cadent Gas, the position is as follows:</p> <p>Network Rail</p> <p>The issue of serious detriment was raised by Network Rail in its written representation at Deadline 1 [REP-024] which registered an objection to the scheme on the basis that serious detriment to its undertaking could</p>

No	Question to	Reference	Question	Applicant's Response
				<p>not be withdrawn '[w]ithout [private] agreements and satisfactory protective provisions being in place'. The agreements in question are those currently being finalised with Network Rail (see responses at 1.11 and 1.12 above). The Applicant is therefore confident that the relevant tests will be met.</p> <p>Cadent Gas</p> <p>In its written representation at Deadline 1 [REP1-024], Cadent stated that it would 'not be satisfied that the tests under section 127 and 138 will be met until such time as appropriate protective provisions are put in place.' Highways England considers that such provisions are now in place despite several points of dispute outstanding in relation to both the A38 scheme and the M42 Junction 6 scheme. See responses to 1.10 and 1.12(b) above.</p> <p>The Applicant considers that the relevant test for the inclusion of statutory provisions in this DCO is whether these are <i>necessary</i> to protect the statutory undertaking (i.e. to prevent 'serious detriment' to it). The Applicant maintains in its submissions to the Examination that the necessary protection has been given.</p>

No	Question to	Reference	Question	Applicant's Response
				<p>Cadent's view is that serious detriment is avoided by securing protection that it considers <i>appropriate</i> (i.e. in line with its standard easements). To the extent that the wording of the DCO does not follow Cadent's standard easements exactly, it is not accepted by Cadent.</p> <p>Determination as to which approach satisfies the s127 and s138 tests will be a matter for the ExA and the Secretary of State.</p>
Special Category Land				
9.11.	Applicant	The Markeaton Park 'Mundy covenant'	<p>a) Please provide an update on identification and engagement with the successor to the title and progress in pursuing a voluntary agreement rather than CA.</p> <p>b) Please clarify the consideration 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, for this specific matter.</p> <p>c) Please update the Book of References and Statement of Reasons, as required.</p>	<p>a) The applicant has been in correspondence with the supposed successor, in the most recent (an email dated 1 May 2020) '<i>unfortunately I have not been able to gain access to our trunk which contains our legal papers in our solicitors. We are a very old family in derby and have a large trunk which contains our information and because of Coronavirus the solicitors is shut up</i> [redacted] [redacted]</p> <p><i>I honestly have no intention of causing any issue or trying to stop the work going ahead on the a38.</i></p>

No	Question to	Reference	Question	Applicant's Response
				<p>b) The parties to the 'Mundy covenant' are the Mundy family and the Council. The public who use the land for its amenity value have no formal Interest in the right. Formally, the beneficiary of this right is the Mundy Family, rather than the public who enjoy the amenity value of the park. The removal of the right (in circumstances where CA powers were not used) would be one that could be agreed between the Council and the Family, without any involvement of the parties who enjoy the park.</p> <p>c) The Book of References and Statement of Reasons will be updated, as required, once evidence of succession of the beneficiary is obtained.</p>
Availability and adequacy of funds				
9.12.	Applicant	Updates	<p>Please provide any updates with respect to:</p> <ul style="list-style-type: none"> • Government priorities and the Road Investment Strategy; and • the funding statement and land cost estimates. 	<ul style="list-style-type: none"> • As recorded in the Applicant's response to question 10.12 of the ExA's Further Written Questions submitted at Deadline 9 [REP9-029], the Scheme has been listed as a committed scheme in the latest RIS, announced on 11 March 2020.

No	Question to	Reference	Question	Applicant's Response
				<ul style="list-style-type: none"> There is no update to the funding statement and land cost estimate submitted at D6.
Potential impediments to the proposed development				
9.13.	Applicant	Updates	<p>Please provide any updates with respect to:</p> <ul style="list-style-type: none"> the Consents and Agreements Position Statement, progress in obtaining other consents, and whether there are any known impediments; and any other changes to policy or priorities in the Applicant's programme that could affect the proposed development. 	<p>There are no substantive updates to report at this stage beyond the position as reported at Deadline 9, which in itself referred to the fact that the Consents and Agreements Position Statement was last submitted as an updated version at Deadline 5. Ongoing discussions will continue, and Highways England will report further updates (as applicable) to the ExA at future deadlines including the provision of a final version of the Consents and Agreements Position Statement at Deadline 15. This will enable the ExA to understand the final position prior to the scheduled close of the examination.</p> <p>As per the Highways England response at Deadline 9 It remains the case that are no known impediments either from the perspective of Highways England, or that Highways England have been made aware of in the discussions that have taken place to date with the relevant regulatory authorities.</p>

No	Question to	Reference	Question	Applicant's Response
				Highways England does not consider that, aside from the points raised by the ExA in previous questions, there are any other changes to policy or priorities in Highways England's programme that could affect the proposed development.
	Other matters			
9.14.	DCiC	Trigger mechanism	Have DCiC's concerns [REP4-029] regarding the need for a trigger mechanism for 28 days or 44 days been addressed by the Applicant's response [REP5-010]? Does DCiC have any outstanding concerns on this matter? If so, could a remedy be agreed with the Applicant?	DCiC to respond

APPENDIX (Annex B of the Statement of Reasons)

Schedule of progress of negotiations with affected persons

The table below shows the progress of negotiations with affected persons. Please note that the table is correct at the date of submission. It is the intention of Highways England to submit further updates post-application, either when appropriate or as directed by the Examining Authority.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
Abiola Kelvin Ogunjimi 30 Queensway	Owner	Permanent	4/10	Y	Land discussions letter sent 11 February 2019. Landowner eligible to serve a blight notice and has been in recent discussion with an agent. Blight notice now submitted and accepted by Highways England. District Valuer instructed 31/10/2019. Arrangements for inspection of the property being made, e-mail to agent 04/11/2019. Envisaged that the property will be acquired under blight provisions during the examination period. Inspection of property undertaken 18/11/2019, Market Value of property agreed 16/01/2020, currently awaiting disturbance claim, owner looking for a replacement property.
Al Rayan Bank PLC 32 Queensway	Owner	Permanent	4/12	Y	Blight notice now submitted in respect of this property and with Highways England for review. Blight claim being progressed, inspection of property undertaken, discussions ongoing with agent. Envisaged that the property will be acquired under blight provisions during the examination period. Market Value proposal sent to agent 05/11/19, awaiting a response. Last discussed with agent 28/01/2020 property owners still considering market value figure. Market value figure agreed 9 th March 2020, currently awaiting disturbance claim, owner looking for a replacement property.
Albert Edward Hibbs, Dennis Edwin Hibbs, Rose Alice Horner, Patricia Hibbs	Owner	Temporary	9/3	N	Land discussions letter sent 11 February 2019. Millennium Isle of Man entered into an option agreement in relation to this land following preferred route announcement. They are now leading discussions on behalf of the landowners with a view that the site will be brought forward for development. A meeting was held 2 September 2019 to discuss the temporary possession requirement, access to the site and various technical matters. Discussions to be progressed during examination period. Temporary possession only, no land to be acquired. A relevant

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					representation has been made. Further meeting to be held to include contractor to discuss temporary possession/compound site.
Anthony John Lomas	Owner	1) Temporary and Permanent Rights 2) Temporary and Permanent Rights 3) Temporary	1) 6/2 2) 7/5 3) 7/6	1) N 2) N 3) N	Meeting 9 November 2018 to discuss survey works and the temporary land requirements for the scheme. Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019 and subsequent correspondence about changes to land requirements. Temporary possession plots, engagement and information provided previously regarding the proposed works to the land as part of site meetings with the landowner and agent in connection with various ground investigation surveys. Agent instructed to deal with any lands matters on behalf of landowner. Further discussions to be held February 2020 as part of agreeing ground investigation works. Reached agreement regarding survey works, ongoing discussion around main scheme land requirements in the context of temporary land take, impact to be assessed post works given alterations to land.
Bovis Homes Eastern Limited	Owner	Temporary and Permanent Rights	7/10	N	Land acquisition discussions letter sent 11 February 2019. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements. Temporary possession plot, affects existing highway and verge no contact from land owner.
Brian William Mawson, Sarah Margaret Mawson 4 Queensway	Owner	Permanent	3/24	Y	Land acquisition discussions letter sent 11 February 2019. Statutory blight claim submitted, negotiations ongoing, market value of property agreed. Disturbance claim now provisionally agreed. Acquisition of property forecast May 2019. Property acquired under blight 27 September 2019 and now within Highways England ownership.
Datum Engineering Services Limited	Owner	1) Temporary 2) Permanent	1) 2/7a 2) 2/7b	1) N 2) Y	Land acquisition discussions letter sent 11 February 2019. Telephone and email correspondence 19 March 2018, 26 March 2019, negotiations ongoing for acquisition by agreement. Offer made in respect of land 1 April 2019. Negotiations will be progressed prior to and during examination. Current position,

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					landowner to respond to offer in respect of the market value of the land and HOT's to follow any agreement. Telephone and e-mail exchanges with landowner 11/11/19, has now instructed an agent to progress matters on his behalf. Discussions to be held in parallel with ground investigations works matters. Envisaged agreement within examination period. Meeting held 12 th March 2020, close to agreement, revised proposal to agree land value to be made following completion of survey works.
David James Gartside, Marion Anne Gartside 12 Queensway	Owner	Permanent	4/3	Y	Meetings with landowner 15 March 2018 and 4 September 2018, eligible to serve a blight notice, agent instructed to advise landowner on options, email 1 November 2018 to agent regarding acquisition by agreement. Telephone call with agent 11 April 2019, agent confirmed that he is instructed to pause ahead of the DCO submission. Negotiations will be progressed prior to and during examination. Discussions ongoing regarding relocation property to support the business, which is currently run from the existing property. Further meetings. 27 June 2019 full inspection of property, 4 July 2019 meeting with landowner and agent to discuss the case and relocation options. Meeting with agent 2 September 2019 to discuss valuation and compensation assessment. Meeting with landowner 23 October 2019 with Highways England to review the current position and way forward. Relevant Representation made. Awaiting feedback from agent in relation to a potential replacement property viewed in November 2019. Discussion with agent 29/11/2019, property had not been ruled in or ruled out. Follow up e-mail 05/12/2019 to confirm current position awaiting response. Discussion with agent 28/01/2020 currently still looking at all options for relocation. Offer to settle made, relocation options still being reviewed. Offer to settle provisionally agreed 07/05/2020 now to be formalised.
David Martin Jackson	Owner	Permanent	1) 3/13a 2) 3/13b 3) 3/13c	1) Y 2) Y 3) Y	Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019. Telephone conversation 8 April 2019 inviting meeting or further discussion with landowner to discuss the scheme, timetable, DCO process and the blight and compensation provisions.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					Contact details left with landowner to arrange a convenient time. Messages left with landowner 4 & 17 October to arrange a discussion or meeting regarding the scheme. Letter sent 28 October inviting discussion. No response to date. Highways England have since followed up with additional letter to invite discussion. No response to attempts to engage.
Dennis Hibbs	Owner	Temporary	8/1	N	Land discussions letter sent 11 February 2019. Millennium Isle of Man entered into an option agreement in relation to this land following preferred route announcement. They are now leading discussions on behalf of the landowners with a view that the site will be brought forward for development. A meeting was held 2 September 2019 to discuss the temporary possession requirement, access to the site and various technical matters. Discussions to be progressed during examination period. Temporary possession only, no land to be acquired. A relevant representation has been made. Further meeting to be held to include contractor to discuss temporary possession/compound site.
Dennis Hibbs, Rose Alice Horner, Janet Brocklehurst, Patricia Hibbs	Owner	Temporary	9/1	N	Land discussions letter sent 11 February 2019. Millennium Isle of Man entered into an option agreement in relation to this land following preferred route announcement. They are now leading discussions on behalf of the landowners with a view that the site will be brought forward for development. A meeting was held 2 September 2019 to discuss the temporary possession requirement, access to the site and various technical matters. Discussions to be progressed during examination period. Temporary possession only, no land to be acquired. A relevant representation has been made. Further meeting to be held to include contractor to discuss temporary possession/compound site.
Derby City Council	Owner	1) Temporary 2) Temporary and Permanent Rights 3) Temporary 4) Temporary and Permanent Rights 5) Temporary and Permanent Rights 6) Temporary 7) Permanent 8) Temporary and Permanent Rights	1) 1/4a 2) 1/4b 3) 2/1a 4) 2/1b 5) 2/1c 6) 2/1d 7) 2/1e 8) 2/1f	1) N 2) N 3) N 4) N 5) N 6) N 7) Y 8) N	Land acquisition discussions letter sent 11 February 2019, responded by signed form agreeing to discussions 18 February 2019. Meeting held 1 April 2019 with John Green (Estates Manager) and Tony Morton (Senior Estates Surveyor) to discuss acquisition by agreement. Negotiations will be progressed prior to and during examination.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
		9) Permanent	9) 2/1g	9) Y	<p>Discussions to be progressed during examination period. Schedule of plots being prepared to identify permanent land take area not including existing highway or verge to identify value significant plots for acquisition by agreement purposes.</p> <p>Acquisition by agreement to be discussed alongside proposals for further ground investigation works surveys on DCC land.</p> <p>Ground investigation works all agreed, ongoing discussions and liaison with DCC to be maintained regarding land requirements.</p>
		10) Permanent	10) 2/1h	10) Y	
		11) Permanent	11) 2/1i	11) Y	
		12) Permanent	12) 2/1j	12) Y	
		13) Permanent	13) 2/1k	13) Y	
		14) Permanent	14) 2/1l	14) Y	
		15) Permanent	15) 2/1m	15) Y	
		16) Temporary	16) 2/1n	16) N	
		17) Temporary and Permanent Rights	17) 2/1o	17) N	
		18) Temporary and Permanent Rights	18) 2/1p	18) N	
		19) Permanent	19) 2/1q	19) Y	
		20) Temporary	20) 2/1r	20) N	
		21) Temporary	21) 2/1s	21) N	
		22) Temporary	22) 2/1t	22) N	
		23) Temporary	23) 2/1v	23) N	
		24) Permanent	24) 2/1w	24) Y	
		25) Permanent	25) 2/5	25) Y	
		26) Temporary	26) 2/6	26) N	
		27) Temporary and Permanent Rights	27) 2/8	27) N	
		28) Temporary and Permanent Rights	28) 2/9	28) N	
		29) Permanent	29) 2/10	29) Y	
		30) Permanent	30) 2/12	30) Y	
		31) Permanent	31) 2/14	31) Y	
		32) Permanent	32) 2/15	32) Y	
		33) Permanent	33) 2/16	33) Y	
		34) Permanent	34) 3/1a	34) Y	
		35) Temporary	35) 3/1b	35) N	
		36) Temporary	36) 3/1c	36) N	
		37) Temporary	37) 3/1d	37) N	
		38) Permanent	38) 3/1e	38) Y	
		39) Permanent	39) 3/1f	39) Y	
		40) Temporary	40) 3/1g	40) N	
		41) Temporary	41) 3/1h	41) N	
		42) Temporary	42) 3/1i	42) N	
		43) Temporary	43) 3/1j	43) N	
		44) Permanent	44) 3/1k	44) Y	
		45) Permanent	45) 3/1l	45) Y	
		46) Permanent	46) 3/1m	46) Y	
		47) Temporary	47) 3/1n	47) N	
		48) Permanent	48) 3/1o	48) Y	
		49) Temporary	49) 3/1p	49) N	
		50) Temporary and Permanent Rights	50) 3/1q	50) N	
		51) Permanent	51) 3/1r	51) Y	
		52) Permanent	52) 3/1s	52) Y	
		53) Temporary	53) 3/1t	53) N	

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
		54) Permanent	54) 3/1u	54) Y	
		55) Temporary	55) 3/1v	55) N	
		56) Temporary and Permanent Rights	56) 3/1w	56) N	
		57) Temporary and Permanent Rights	57) 3/1x	57) N	
		58) Permanent	58) 3/1y	58) Y	
		59) Permanent	59) 3/1z	59) Y	
		60) Temporary	60) 3/1aa	60) N	
		61) Temporary	61) 3/4	61) N	
		62) Permanent	62) 3/6	62) Y	
		63) Permanent	63) 3/7	63) Y	
		64) Permanent	64) 3/10	64) Y	
		65) Permanent	65) 3/11	65) Y	
		66) Permanent	66) 3/20	66) Y	
		67) Permanent	67) 3/21	67) Y	
		68) Permanent	68) 4/1a	68) Y	
		69) Temporary and Permanent Rights	69) 4/1b	69) N	
		70) Temporary	70) 4/1c	70) N	
		71) Temporary and Permanent Rights	71) 4/1d	71) N	
		72) Permanent	72) 4/1e	72) Y	
		73) Temporary	73) 4/1f	73) N	
		74) Permanent	74) 4/1g	74) Y	
		75) Temporary	75) 4/1h	75) N	
		76) Permanent	76) 4/1i	76) Y	
		77) Permanent	77) 4/11	77) Y	
		78) Temporary	78) 5/2	78) N	
		79) Temporary	79) 7/1a	79) N	
		80) Temporary	80) 7/1b	80) N	
		81) Temporary	81) 7/1c	81) N	
		82) Temporary	82) 7/1d	82) N	
		83) Temporary	83) 7/1e	83) N	
		84) Temporary	84) 7/1f	84) N	
		85) Temporary	85) 7/1g	85) N	
		86) Temporary	86) 7/1h	86) N	
		87) Temporary	87) 7/1i	87) N	
		88) Temporary	88) 7/1j	88) N	
		89) Temporary	89) 7/2	89) N	
		90) Temporary	90) 7/8	90) N	
		91) Temporary	91) 7/9	91) N	
		92) Temporary	92) 7/11	92) N	
		93) Temporary	93) 7/12	93) N	
		94) Temporary	94) 7/13	94) N	
		95) Temporary	95) 8/2	95) N	
		96) Temporary	96) 8/12	96) N	
		97) Permanent	97) 8/13	97) Y	
		98) Temporary	98) 8/18	98) N	

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
		99) Temporary 100) Permanent 101) Temporary 102) Temporary	99) 8/19 100) 8/20 101) 9/2 102) 9/4	99) N 100) Y 101) N 102) N	
Edward James Godber	Owner	1) Permanent 2) Temporary 3) Temporary	1) 8/25a 2) 8/25b 3) 8/25c	1) Y 2) N 3) N	<p>Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019.</p> <p>Telephone and email exchanges 18, 19 and 25 March 2019.</p> <p>Meeting with landowner and agent to discuss acquisition by agreement held 25 March 2019.</p> <p>Negotiations will be progressed prior to and during examination.</p> <p>Meeting with land agent 3 July 2019 to inspect agricultural land, discussions regarding land value ongoing. HOT's to be issued once agreement reached. Accommodation works to be discussed as part of contractor involvement and detailed design moving forward. Agent to forward evidence of agricultural land values. Evidence forwarded 23/01/2020 and currently being reviewed, discussions ongoing to agree land value, envisaged within examination period.</p>
Euro Garages Limited	Owner	1) Temporary 2) Temporary	1) 3/9a 2) 3/9b	1) N 2) N	<p>Meeting requests issued via email from Highways England to Euro Garages 22 October 2018. Holding reply from Simon Cope (Euro Garages Limited) pending detailed discussions with McDonald's 24 October 2018.</p> <p>Land acquisition discussions letter sent 11 February 2019.</p> <p>Meeting arranged 7 May 2019 with claimant and consultants to discuss the design of the access arrangements to the property together with associated acquisition and compensation matters.</p> <p>Meetings 7 May 2019 and 20 August 2019 to discuss various technical issues regarding access, traffic flows, operation of the site, mitigation measures etc. Land requirement comprises a small area of temporary land take, no acquisition of land involved.</p>

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					<p>Email 27 September from Euro garages agent confirming that their present objective is to mitigate the adverse effects of the scheme and to that end they will continue to engage with Highways England and dependent on the outcome Euro garages may need to participate in the examination. Joint inspection of property by PFS experts 22/10/2019.</p> <p>Further meeting to discuss technical matters 15/01/2020. Ongoing discussion between parties.</p>
<p>Gail Roberts 16 Queensway</p>	<p>Owner</p>	<p>Permanent</p>	<p>4/5</p>	<p>Y</p>	<p>Blight notice served and accepted by Highways England 2 August 2018. Negotiations will be progressed prior to and during examination. Market Value of property now agreed, awaiting solicitor details from agent, draft transfer to be progressed and disturbance claim to be agreed in parallel. Acquisition completion to be guided by property owner and dependent on them finding an alternative property. Envisaged completion within examination period. Awaiting solicitor details from property owner in order to progress the draft transfer. Requested update from agent 20/01/2020, awaiting response. Highways England now progressing draft transfer ahead of any acquisition, awaiting disturbance claim in due course.</p>
<p>George Joseph Godber, Ruth Marion Godber, Roger George Godber, Edward James Godber</p>	<p>Owner</p>	<p>1) Permanent 2) Temporary</p>	<p>1) 9/6a 2) 9/6b</p>	<p>1) Y 2) N</p>	<p>Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019. Telephone and email exchanges 18, 19 and 25 March 2019.</p> <p>Meeting with landowner and agent to discuss acquisition by agreement 25 March 2019.</p> <p>Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.</p> <p>Negotiations will be progressed prior to and during examination.</p> <p>Meeting with land agent on site 3 July 2019 to inspect agricultural land, discussions regarding land value ongoing. HOT's to be issued once agreement reached. Accommodation works to be discussed as part of contractor involvement and detailed design moving forward. Agent to forward evidence of agricultural land values. Evidence forwarded 23/01/2020 and currently being reviewed, discussions</p>

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					ongoing to agree land value. Envisaged within examination period.
GG2 Limited	Owner	1) Temporary 2) Permanent 3) Temporary 4) Permanent 5) Temporary 6) Temporary 7) Permanent 8) Temporary	1) 7/14 2) 7/15 3) 7/17a 4) 7/17b 5) 7/17c 6) 8/3a 7) 8/3b 8) 8/3c	1) N 2) Y 3) N 4) Y 5) N 6) N 7) Y 8) N	<p>Land acquisition discussions letter sent 11 February 2019. Email to landowner 25 March 2019 to open acquisition by agreement discussions.</p> <p>Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.</p> <p>Agent instructed, negotiations will be progressed prior to and during examination.</p> <p>Meeting to discuss acquisition by agreement 3 May 2019. Follow up site meeting 19 June 2019 to discuss practical issues on the ground in terms of access and potential issues for the turf growing business. Agent followed up with a list of issues to be progressed. Email 4 October 2019 to progress discussions over land value and associated matters. Agent to respond in respect of the value of turf growing land. Acquisition by agreement to be progressed during examination.</p> <p>Meeting held 07/02/2020 to discuss various technical matters, acquisition by agreement and ground investigation works. Ongoing discussions over land value and operation of business and mitigation during works. Further meeting held 06/05/2020 to discuss scheme impacts, compensation, access for business, mitigation.</p>
Haris Properties (Derby) Ltd	Owner	Permanent	2/17	Y	<p>Letter issued 16 April 2019 as late identified party following acquisition of land within DCO order limits.</p> <p>Email 15 July 2019 outlining land requirements and scheme information. On site meeting held with landowner to discuss acquisition by agreement. 24 July 2019. Agent now appointed to progress acquisition by agreement. E-mail 30 October meeting to be arranged between valuers to agree land value. Discussions to be progressed during examination period. Telephone call 11/11/19 with agent to discuss acquisition of plot, agent to put forward proposal to agree the matter.</p>
Ian Hunter Thompson	Owner	Permanent	2/18	Y	Land acquisition discussions letter sent 11 February 2019.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					Telephone and email exchanges 18, 19 March 2019. Meeting with agent on site to discuss acquisition by agreement 27 March 2019. Negotiations will be progressed prior to and during examination. Meeting held 11 June 2019 on site with the freeholder and tenant to discuss acquisition by agreement and the Kingsway Link Road and access to the property. Discussions to be progressed during examination. Further meeting to be held to discuss access design and accommodation works when the detail is available.
Malcolm J Beavis	Owner	1) Permanent 2) Temporary	1) 8/14 2) 8/15	1) Y 2) N	Meeting 6 February 2019 to discuss survey works, land requirements for the scheme, and compensation. Landowner preference not to discuss acquisition by agreement ahead of any DCO confirmation. No contact from landowner, preference was not to progress acquisition by agreement previously and will await DCO decision.
Jhangiar Razzaq	Owner	1) Temporary 2) Temporary	1) 7/7a 2) 7/7b	1) N 2) N	Land discussions letter sent 11 February 2019 Temporary possession plots no contact from land owner no permanent acquisition of land involved.
John Reginald Dutton, Lynne Barrie Dutton 2 Queensway	Owner	Permanent	3/23	Y	Blight notice served and accepted by Highways England. Negotiations will be progressed prior to and during examination. The Market Value of the property has been agreed and a draft transfer is being progressed, disturbance claim to be agreed in parallel. Property to be acquired under blight, acquisition timing to be guided by property owner and finding an alternative property. Claim now agreed in full and final settlement, replacement property found, subject property to be acquired within examination period. Property acquisition legally completed 19 th March 2020. Property now in Highways England ownership.
Kang Kingsway	Owner	1) Temporary and Permanent Rights 2) Temporary and Permanent Rights 3) Permanent	1) 2/19a 2) 2/19b 3) 2/19c	1) N 2) N 3) Y	Land acquisition discussions letter sent 11 February 2019. Telephone and email exchanges 18 & 19 March 2019 to discuss acquisition by agreement. Meeting held 8 April on site.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					<p>Agent appointed to progress acquisition by agreement, negotiations will be progressed prior to and during examination.</p> <p>Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.</p> <p>E-mail to joint owners 6 August 2019 to progress acquisition by agreement seeking confirmation that agent appointed to agree values. HOTs to follow agreement. Agent now appointed to agree acquisition by agreement, telephone conversation 11/11/19, agent to inspect land and to propose settlement figure.</p>
Kier Partnership Homes Limited	Owner	1) Temporary and Permanent Rights 2) Temporary and Permanent Rights 3) Temporary 4) Temporary	1) 1/3a 2) 1/3b 3) 1/3c 4) 2/3	1) N 2) N 3) N 4) N	<p>Land acquisition discussions letter sent 11 February 2019.</p> <p>Additional non-statutory consultation letter was sent 7 March 2019. Telephone call with Highways England's land consultants and Keir (James Huckerby) 7 March 2019. Subsequent correspondence between parties 10 April 2019.</p> <p>Email from Highways England's land consultants to Keir (James Huckerby) confirming meeting on 29 April 2019. Temporary possession plots for environmental mitigation.</p>
Simon Morris Linda Morris	Owner	1) Permanent 2) Temporarily 3) Permanent	1) 8/24a 2) 8/24b 3) 8/24c	1) Y 2) N 3) N	<p>Land acquisition discussions letter sent 11 February 2019.</p> <p>Landowner confirmed 8 March 2019 content to explore acquisition by agreement and has instructed an agent but landowner unable to meet before May 2019.</p> <p>Meeting with landowners and their agent 28 May 2019. E-mail exchanges regarding acquisition by agreement and woodland grant scheme. Meeting with agent 5 August 2019, email 17 September 2019 comparable woodland sales to agree market value HOTs to be issued once agreement reached.</p> <p>Awaiting response from agent.</p>
Mansoor Ahmed Bhatti, Fehimida Mansoor Bhatti 10 Queensway	Owner	Permanent	3/27	Y	Land acquisition discussions letter sent 11 February 2019.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					<p>Meeting with landowner 15 March 2018 to discuss the scheme and blight process.</p> <p>Landowner has instructed agent and in the process of submitting a blight notice.</p> <p>Blight Notice now submitted and accepted. District Valuer instructed, arrangements for inspection of property currently being made. Property to be acquired under blight provisions during examination period. Property inspection undertaken 18/11/19, market value to be agreed with agent. Close to agreement over market value figure, currently with agent to confirm whether figure to be accepted. Market value agreed 26th February 2020, currently awaiting disturbance claim, owner looking for a replacement property.</p>
Marion Reid Morris	Owner	1) Permanent 2) Temporary and Permanent Rights	1) 8/23a 2) 8/23b	1) Y 2) N	<p>Land acquisition discussions letter sent 11 February 2019.</p> <p>Landowner confirmed 8 March 2019 content to explore acquisition by agreement and has instructed an agent but landowner unable to meet before May 2019.</p> <p>Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.</p> <p>Meeting with landowners and their agent 28 May 2019. E-mail exchanges regarding acquisition by agreement and woodland grant scheme. Meeting with agent 5 August 2019, email 17 September 2019 comparable woodland sales to agree market value HOTs to be issued once agreement reached.</p> <p>Awaiting response from agent.</p>
Mark James Smyth, Victoria May Jane Smyth	Owner	Temporary	8/11	N	<p>Land discussions letter sent 11 February 2019.</p> <p>Response received from Mark Smyth on 5 March 2019 requesting information on project in relation to property.</p> <p>No contact from landowners, small area of temporary possession, no land to be acquired.</p>
Matlock Garden Waterlife and Pet Centre Limited	Owner	1) Temporary and Permanent Rights	8/21	N	<p>Formal consultation letter issued 7 March 2019.</p> <p>Spoke to Max Loeptian 7 March 2019 and exchanged email correspondence on 8 March 2019 providing</p>

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					<p>further detail of the Scheme proposals and clarity on issues raised.</p> <p>Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.</p> <p>No contact from land owner, small temporary possession plot, no land to be acquired.</p>
McDonald's Real Estate Limited	Owner	1) Temporary 2) Temporary	1) 3/8a 2) 3/8b	1) N 2) N	<p>Meeting 25 July 2018 to discuss access proposals.</p> <p>Traffic signals analysis issued 24 August 2018 to McDonald's and consultants by Highways England. Meeting requests issued via email from Highways England to McDonald's on 28 September, 22 October, 12 November and 1 December 2018 and 10 January 2019.</p> <p>Follow up meeting proposed with the adjoining owner Euro Garages in email 27 March 2019.</p> <p>Meetings 7 May 2019 and 20 August 2019 to discuss various technical issues regarding access, traffic flows, operation of site, mitigation measures etc. Land requirement comprises a small area of temporary land take, no acquisition of land involved. Ongoing discussion with Highways England. Relevant Representation submitted.</p> <p>Meeting held 15/01/2020 to discuss technical matters, discussions ongoing.</p>
Metropolitan Housing Trust Limited	Owner	1) Permanent 2) Permanent	1) 3/16a 2) 3/16b	1) Y 2) Y	<p>Land acquisition discussions letter sent 11 February 2019.</p> <p>Additional non-statutory consultation letter was sent 7 March 2019.</p> <p>Project Team consultants spoke to Rachel Asprey (of Metropolitan Housing Trust) and discussed the rationale for the change, and the DCO process more generally.</p> <p>Meeting held on 10 April 2019 on site to discuss project and DCO process.</p> <p>Email correspondence on 12 April from Metropolitan Housing Trust regarding land acquisition.</p> <p>Correspondence between Highways England consultants and Metropolitan Housing Trust on 12 April and 16 April 2019.</p>

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					<p>Landowner has requested that Highways England acquire the residential property 253 Ashbourne Road. Meeting held with property owner 24 October 2019 to understand in more detail the specific impact of the scheme so that a decision can be taken regarding acquisition. Property owner to outline the impacts in writing following on from the meeting and Highways England to confirm position regarding acquisition. Highways England reviewing options for purchase. Telephone discussion 29/11/19, Metropolitan to instruct agent to progress blight notice or discretionary purchase. Awaiting submission of blight notice, discussed with agent 20/03/20 who is currently liaising with landowner.</p>
Network Rail (in respect of railway and bridge)	Owner Occupier Occupier	1) Temporary 2) Permanent Rights 3) Permanent 4) Temporary 5) Permanent	1) 8/5 2) 8/6 3) 8/7 4) 8/8 5) 8/9	1) N 2) N 3) Y 4) N 5) Y	<p>Extensive dialogue during preliminary bridge design and agreeing outline AIP with meetings held 7 January 2016, 5 December 2016, 23 January 2017 and 8 June 2017.</p>
Norman Hoff, Joy Taylor	Owner	1) Permanent 2) Temporary	1) 8/16a 2) 8/16b	1) Y 2) N	<p>Land discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019.</p> <p>Highways England's land consultants spoke to solicitor's secretary acting on behalf of affected party – informed solicitor on leave until 18 March 2019.</p> <p>Email received 12 March 2019 to extend 7 March 2019 letter response date.</p> <p>Telephone call and E-mail 10 September 2019 to agent setting out land requirements and inviting meeting to discuss acquisition by agreement. Email 13 September 2019 agent taking instructions as owners live abroad. Follow up e-mail 16 September awaiting landowner instruction and would revert. Next step, meeting with the agent to discuss acquisition by agreement, market value and associated matters, HOT's to follow during examination period. Telephone call to agent 21/11/19 to arrange meeting, agent will seek instruction but his view possibly still a bit early to progress, agent to revert following discussion with owners .E-mail 04/12/2019 to agent inviting meeting dates December/January to progress acquisition by agreement. Meeting held 28/01/2020 with agent,</p>

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					landowner to consider how to take forward acquisition by agreement and temporary requirements.
Peter Spencer Dawes, Keith Sutton, Patrick Burnett-Harris, Martin Doughty, David Wilcox, Roland Hosker c/o The University of Derby	Owner	Permanent	4/16	Y	Land acquisition discussions letter sent 11 February 2019. Email exchange 20 March 2019 regarding acquisition by agreement with Peter Dawes. Meeting held on 25 March 2019 with Head of Estate Development. Agent instructed to progress. E-mail 5 September to Derby university to progress acquisition by agreement. Details of agent acting provided by return. 6 September e-mail to agent with land requirements and plans. 1 October 2019 joint site inspection. Discussions regarding acquisition by agreement to be progressed during examination period and HOT's produced following provisional agreement. Discussion ongoing.
Peter Toolan, Kerry Anne Toolan 14 Queensway	Owner	Permanent	4/4	Y	Blight notice served and accepted by Highways England. Compensation agreed, acquisition of the property due to complete by end of April 2019. Property acquired under blight 12 April 2019 and now owned by Highways England.
Roger Alfred Bullivant, Elizabeth Ann Bullivant	Owner	1) Permanent 2) Temporary 3) Temporary	1) 8/10a 2) 8/10b 3) 8/10c	1) Y 2) N 3) N	Land acquisition discussions letter sent 11 February 2019 and subsequent telephone and email exchanges regarding acquisition by agreement. Meeting 20 March 2019 to discuss in more detail, value of land provisionally agreed subject to confirmation of by HE regarding enlarging acquisition. Negotiations will be progressed prior to and during examination. Market value of land agreed in principle, various practical matters for the landowner to formalise in terms of the current occupation of the land and vacant possession. Draft HOTs to be issued once resolved. Discussion to be progressed alongside requirement for ground investigation surveys. Meeting held 16 th March to agree acquisition of land by agreement to reflect recent valuation of the land. Awaiting landowner valuation of land from local agent before agreeing terms.
RSDD 2016 Property Trust	Owner	1) Permanent	1) 3/22a	1) Y	Meetings 14 April 2018 and 13 November 2018.

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		2) Temporary and Permanent Rights 3) Permanent 4) Permanent 5) Temporary and Permanent Rights 6) Permanent 7) Temporary 8) Temporary	2) 3/22b 3) 3/22c 4) 4/7a 5) 4/7b 6) 4/7c 7) 4/7d 8) 8/10c	2) N 3) Y 4) Y 5) N 6) Y 7) Y 8) Y	<p>Land acquisition discussions letter sent 11 February 2019. Email exchanges 20, 21 March 2019.</p> <p>Meeting held 9 April 2019 to discuss acquisition of land by agreement.</p> <p>Negotiations will be progressed prior to and during examination.</p> <p>Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.</p> <p>Meeting 25 June 2019 with Project Team and 18 July 2019 between valuers to progress acquisition by agreement. Agent to review land plots and any development potential. Discussions linked to and to be progressed alongside statement of common ground during examination.</p> <p>Meeting with agent 21/02/2020, currently progressing planning matters but will revert regarding values of the various plots required by the scheme so that agreement in principle can be reached.</p>
Sainsbury's Propco A Limited	Owner	1) Temporary and Permanent Rights 2) Permanent 3) Temporary	1) 2/13a 2) 2/13b 3) 2/13c	1) N 2) Y 3) N	<p>Land acquisition discussions letter sent 11 February 2019.</p> <p>Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.</p> <p>No response to by agreement letter, follow up letter required, landowner to be contacted.</p>
Shamim Eijaz Khan 18 Queensway 255 Ashbourne Road	Owner	1) Permanent 2) Permanent 3) Permanent	1) 3/15a 2) 3/15b 3) 4/6	1) Y 2) Y 3) Y	<p>Landowner attended public consultation event 8 September 2018, discussed scheme impacts and compensation provisions.</p> <p>Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019 and subsequent telephone calls and email correspondence between Highways England's land consultants and affected party (8 March, 22 March, 25 March and 11 April 2019). Meeting held on 29 March 2019 of 255 Ashbourne Road.</p> <p>Eligible for blight claim in respect of No 18 Queensway.</p>

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					<p>Telephone call 18 October 2019 to arrange meeting week commencing 21 October 2019 with landowner to discuss 255 Ashbourne Road following recent meeting with tenant Haven Care Group and also to clarify the position in respect of No 18 Queensway acquisition. Meeting held 24 October 2019 with property owner. Likely blight notice to be submitted towards the end of 2019 in respect of 18 Queensway. Discussed compensation in the event of Haven Care (tenant) relocating from 255 Ashbourne Road. Also discussed agreement in respect of frontage land to be acquired for scheme. To be progressed during examination period, HOTs to be issued following agreement over land value.</p> <p>Email to landowner 21/11/9 providing information on the blight process and seeking confirmation as to how landowner would like to progress acquisition by agreement in respect of other property. Recommended that landowner appoints an agent as two separate properties affected by the scheme and Highways England will reimburse reasonable costs of professional adviser. Currently under discussion. Blight forms requested by landowner and sent. Meeting to be held to discuss Ashbourne Road access.</p> <p>Meeting held 5th March 2020, discussion of No 255 access, landowner rejected left in left out option, ongoing discussion about mitigating car parking impacts, blight notice to be submitted imminently in respect of No 18 Queensway. Blight claim now submitted and being considered by Highways England.</p>
<p>Steven Kenneth Inglis, Susan Inglis 257 Ashbourne Road</p>	<p>Owner</p>	<p>Permanent</p>	<p>3/14</p>	<p>Y</p>	<p>Meeting 2 February 2018 to discuss scheme impacts and compensation provisions.</p> <p>Land acquisition discussions letter sent 11 February 2019.</p> <p>Additional non-statutory consultation letter was sent 7 March 2019.</p> <p>Email from Highways England's land consultants sent 7 March 2019 detailing rationale for design changes.</p> <p>Telephone conversation with property owner 4 November 2019 regarding acquisition by agreement</p>

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					<p>and basis for this this, agent to be appointed to progress during the examination period.</p> <p>Telephone and email correspondence 07/11/19 regarding acquisition by agreement of investment property. Landowner to appoint an agent to progress agreement of market value.</p> <p>Agent now appointed, discussed 28/01/2020 arrangements being made for inspection of property, and envisaged agreement regarding value during examination period. Property inspected 04/02/2020, awaiting market valuation from claimant's agent. Proposal to settle made 30/04/2020, awaiting response. Acquisition to align with student vacation end of June 2020.</p>
Sutton Turner Houses	Owner	1) Permanent 2) Permanent 3) Permanent	1) 3/17 2) 3/18 3) 3/19	1) Y 2) Y 3) Y	<p>Additional non-statutory consultation letter was sent 7 March 2019.</p> <p>Subsequent correspondence and meeting arranged for 16 May 2019.</p> <p>Meeting held 5th March 2020, discussions over access and statement of common ground.</p> <p>Discussions over compensation, Sutton Turner to appoint agent to review likely compensation claim to reflect access proposal.</p>
The East Midlands Reserve Forces and Cadets Association	Owner	1) Temporary and Permanent Rights 2) Temporary 3) Permanent 4) Temporary	1) 3/5a 2) 3/5b 3) 3/5c 4) 3/5d	1) N 2) N 3) Y 4) N	<p>Meeting 2 November 2018 to discuss acquisition of land by agreement. Negotiations will be progressed prior to and during examination.</p> <p>Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.</p> <p>Meeting 1 May 2019 to discuss acquisition and consent to acquire by agreement. Email 11 June 2019 having discussed with all relevant parties EMRFCA are content in principle to release land required by the scheme and to sign any agreement to that affect subject to agreeing appropriate compensation and accommodation works.</p> <p>A formal agreement is being drafted by Highways England solicitors to deal with this. EMRFCA require an independent valuation of the land before values can be agreed and this is currently being progressed. Accommodation works details and specification to be</p>

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					discussed with scheme consultants/contractor in due course. Formal agreement confirming consent to be produced before the end of the examination period. 06/11/19 EMRFCA confirmed now found suitable surveyor to carry out valuation of the land required for the scheme. Discussion ongoing, independent valuation of land needed by EMRFCA before values can be agreed. Form of agreement for permanent and temporary land take being agreed between solicitors.
The Estate of Terence Storey 6 Queensway	Owner	Permanent	3/25	Y	Blight notice served and accepted by Highways England. Negotiations will be progressed prior to and during examination. Blight claim now agreed in full and final settlement, acquisition completion forecast November 2019. Legal completion 12/12/2019.
The Official Custodian for the Charities the Trustees of the Royal School for the Deaf Derby Trust	Owner	Permanent	4/11	Y	Meetings 14 April 2018 and 13 November 2018. Email exchanges 20, 21 March 2019. Meeting held 9 April 2019 to discuss acquisition of land by agreement. Negotiations will be progressed prior to and during examination. Meeting 25 June 2019 with Project Team and 18 July 2019 between valuers to progress acquisition by agreement. Agent to review land plots and any development potential. Discussions linked to and to be progressed alongside statement of common ground during examination. Meeting with agent 21/02/2020, currently progressing planning matters but will revert regarding values of the various plots required by the scheme so that agreement in principle can be reached.
University of Derby	Owner	1) Permanent 2) Temporary	1) 4/13a 2) 4/13b	1) Y 2) N	Land acquisition discussions letter sent 11 February 2019. Email exchange 20 March 2019 acquisition by agreement. Meeting 25 March 2019 with Andrew Bevan (Head of Estate Development).

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					<p>Agent instructed to progress. Negotiations will be progressed prior to and during examination.</p> <p>E-mail 5 September to Derby university to progress acquisition by agreement. Details of agent acting provided by return. 6 September e-mail to agent with land requirements and plans. 1 October 2019 joint site inspection. Discussions regarding acquisition by agreement to be progressed during examination period.</p> <p>Market value to be agreed and HOT's to be issued subject to resolving a query in respect of temporary possession plot 14/13b and what work will be carried out and its impact. Currently with the project team for response.</p>
<p>Mr J & Mrs A Lewis 8 Queensway 26 Queensway</p>	<p>Owner</p>	<p>1) Permanent 2) Permanent</p>	<p>1) 3/26 2) 4/18</p>	<p>1) Y 2) Y</p>	<p>Meeting held 9 August 2018 to discuss scheme impacts and compensation provisions.</p> <p>Acquisition by agreement, investment property to be discussed further with landowner in terms of timing of acquisition and form of agreement. E-mail 18 October 2019 awaiting proposed dates for a meeting with owners to discuss acquisition by agreement, to be progressed during the examination period. E-mail outlining proposed way forward regarding acquisition by agreement and meeting confirmed for 06/01/2019 to progress.</p> <p>Meeting held 27/01/2020 with landowners and subsequent discussion with agent 28/01/2020. Inspections of No 8 and No 26 Queensway to be undertaken and values agreed in the next couple of months with a view that the properties will be acquired when vacated at the end of June.</p> <p>Property inspected 17th March 2020, agreement of value to follow, awaiting agent valuation, acquisition to align with student vacation end of June 2020.</p>
<p>Haven Care Group</p>	<p>Tenant</p>	<p>1) Permanent 2) Permanent</p>	<p>1) 3/15a 2) 3/15b</p>	<p>1) Y 2) Y</p>	<p>Meeting held with Haven Care Group 3 October 2019 to discuss the scheme impacts and the particular issues relevant to this property and its residents. Relocation is being proposed based on the perceived risk and impacts to residents during the scheme works. Agent to forward a submission outlining preferred way forward to include Highways England facilitating relocation. Highways England then to</p>

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					confirm agreed way forward. Telephone call 21/11/19 agent to submit blight notice once supporting information received from client. Currently awaiting blight notice. Blight notice submitted 4 th March 2020 and now accepted by Highways England. Discussions to commence imminently regarding compensation.