

From: [Steven Mott](#)
To: [A38 Derby Junctions](#)
Subject: PINS Reference: TR010022: Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions Scheme
Date: 12 May 2020 18:07:08
Attachments: [A38 Derby Junctions NSIP AECOM Alfreton Road LWS Technical Note 13.03.2020.pdf](#)
[A38 Derby Junctions NSIP EBC Answers to ExA Further Written Questions Issued 05 May 2020 FINAL SIGNED.pdf](#)
Importance: High

Dear Sir/Madam,

Please find attached Erewash Borough Council's response to the ExA's Further Written Questions Issued 5th May 2020, as requested.

Also, further to your letter of notification of Hearings, outline arrangements for Hearings, request for notification of a wish to speak at Hearings and further written questions, issued 5th May 2020, I can confirm the following for Erewash Borough Council:

Name and Interested Party reference number:

[Steve Birkinshaw, A38DJ-SP040](#)

Email address:

Steve.Birkinshaw@erewash.gov.uk

Telephone number:

[REDACTED]

Name of organisation being represented and role:

[Erewash Borough Council](#)

Hearings that you would like to speak at and the topics that you would like to raise at each of those Hearings:

[The ExA has requested EBC at Topic 3: Noise and vibration, Topic 4: The water environment, and Topic 5: Biodiversity and ecological conservation.](#)

[On that basis the council would need to be at Issue Specific Hearing 7, 10, 13, and 16. However, as far as EBC is aware we have no outstanding issues for Topic 3: Noise and vibration; in our answers to the ExA's Further Written Request dated 5 May 2020 clarify that we are now satisfied in connection with the outstanding matter relating to the Little Eaton construction compound, and, therefore, Topic 4: The water environment.](#)

[The only outstanding issue to EBC is that of the impact on the Alfreton Road Rough Grassland Local Wildlife Site \(LWS\).](#)

Examination Library reference number or copy of any new material that you would like to be shared visually at a Hearing:

[See attached – not sure if this is new material but this is the document referred to in REP9-029 paragraph 5.1, as per](#)

Availability for a Hearings access trial run:

Monday 1st June (AM)
Wednesday 3rd June (AM)
Thursday 4th June (AM)
Friday 5th June (AM or PM)

Regards,

Steven Mott

Senior Planning Officer

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

**EREWASH BOROUGH COUNCIL'S RESPONSE TO THE EXAMINING AUTHORITY'S FURTHER
WRITTEN QUESTIONS ISSUED 5th MAY 2020**

**PINS Reference: TR010022
Local Authority Reference: 032176**

No	Question to	Reference	Question
3	Climate change		
3.5	EBC	Carbon footprint	<p>a) Should carbon footprint targets be set in the OEMP to ensure that best practice is followed? EBC has no comments to make.</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. Not applicable to EBC.</p>
5	The water environment		
5.2	EBC	Little Eaton construction compound	<p>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 is satisfied with the revised wording.</p>

No	Question to	Reference	Question
6	Biodiversity and ecological conservation		
6.1	EBC	Alfreton Road Rough Grassland Local Wildlife Site	<p>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?</p> <p>The latest information provided by the applicant in their "Biodiversity Metric Assessment, Alfreton Road Rough Grassland Local Wildlife Site" confirms that the application boundary encompasses 40% of the LWS (1.64ha of 4.09ha). It further confirms that 37% would be destroyed by the construction works (1.51ha of 4.09ha). However, it goes on to state that 26% of the site would be restored back to habitat (1.07ha), leaving a permanent loss of only 11% (0.44ha). A professional opinion, in keeping with the original Environmental Impact Assessment, concludes that the most valuable habitat would be preserved, and that consequently the harm to biodiversity is not significant.</p> <p>It is accepted that the best quality habitats on site, the open water and the majority of the seasonally flooded neutral grassland, will not be harmed by the proposed works. Nevertheless, the destruction of 37% of the site is difficult to reconcile with an assessment that the level of harm is not significant. In earlier evidence to the Examination, the applicant has suggested that the proposed restoration of habitat after completion of the main works results in a less</p>

No	Question to	Reference	Question
			<p>significant overall impact on the LWS. However, the biodiversity metric assessment finds that even taking this restored habitat into account, the site would experience a loss of 17% of its biodiversity value due to the lower biodiversity value of the replacement habitats (e.g. amenity grassland in between the carriageways and immature woodland planting on the embankments). The impact on the designated interest of the site is even higher, as neither amenity grassland nor broadleaf woodland form part of the designated interest of the Alfreton Road Rough Grassland LWS. The core habitats, open water and semi-improved neutral grassland, will be reduced in extent by 28% (1.13ha net loss of 4.08ha current provision). It is respectfully suggested that a net loss of 28% of the designated habitat on this LWS will cause a significant impact upon it.</p> <p>b) Does the Applicant's Technical Note dated 13 March 2020 (referred to in REP9-029 paragraph 5.1) and potential provision of bio-diversity enhancements through the Designated Funds project affect EBC's position?</p> <p>The use of designated funds to create further biodiversity enhancements in the locality is welcomed. However, Derbyshire Wildlife Trust advise that the replacement habitats proposed at Ford Lane will not provide alternative habitat for the plant and bird species negatively impacted at the Alfreton Road Rough Grassland LWS. Works to enhance the biodiversity value of the Alfreton Road site, and to ensure its long term maintenance, would therefore be preferable.</p>

Signed



Date: 12th May 2020

Steve Birkinshaw
Head of Planning & Regeneration