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To: All Interested Parties

Our Ref: TR010022

Date: 27 May 2020

Dear Sir/ Madam,

The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 14

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

Agendas and detailed arrangements for Hearings

In our letter of 5 May 2020, we wrote to you to notify of the date, time, place of Hearings to be held in June 2020, as noted below.

| Date | Event(s) |
|------------------------|--|
| Tuesday 9 June 2020 | <ul style="list-style-type: none">Compulsory Acquisition Hearing 4Issue Specific Hearings 6 and 7 |
| Wednesday 10 June 2020 | <ul style="list-style-type: none">Issue Specific Hearings 8 and 9 |

We noted our intention to cover all matters in Compulsory Acquisition Hearing 4 and in Issue Specific Hearings 6-9. However, notification was also made of further Hearings in case we consider that they are required, for example due to more time being needed or if a Hearing is disrupted by technical or other issues:

| Date | Event(s) |
|------------------------|--|
| Thursday 11 June 2020 | <ul style="list-style-type: none">Issue Specific Hearings 10 and 11Compulsory Acquisition Hearing 5 |
| Tuesday 16 June 2020 | <ul style="list-style-type: none">Compulsory Acquisition Hearing 6Issue Specific Hearings 12 and 13 |
| Wednesday 17 June 2020 | <ul style="list-style-type: none">Issue Specific Hearings 14 and 15 |
| Thursday 18 June 2020 | <ul style="list-style-type: none">Issue Specific Hearings 16 and 17Compulsory Acquisition Hearing 7 |

Our letter also requested notification of any wishes to speak at Hearings and specified outline arrangements for the Hearings. The outline arrangements for the Hearings were identified in light of the practical constraints arising from Coronavirus (COVID-19) and following our consideration of representations made to us. We decided to enable access to the Hearings by computer or tablet connected to the internet, or by telephone. Instead of travelling to the Hearing, we anticipate that people will typically participate from their own home or office.

In accordance with Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010, this letter provides:

- Agendas for Hearings to be held on 9, 10, 11, 16, 17 and 18 June 2020; and
- The detailed arrangements for those Hearings.

AGENDAS FOR HEARINGS

The Hearing Agendas are set out in the Annexes to this letter:

- **Annex A – Agendas for Compulsory Acquisition Hearings 4-7**
- **Annex B – Agenda for Issue Specific Hearing 6**
- **Annex C – Agenda for Issue Specific Hearing 7**
- **Annex D – Agenda for Issue Specific Hearing 8**
- **Annex E – Agenda for Issue Specific Hearing 9**
- **Annex F – Agendas for Specific Hearings 10-17**

The Agendas provide a framework for the Hearings and are not exclusive or exhaustive. We reserve the right to rearrange an Agenda on the day; may omit or add other issues; may alter the order in which issues are considered; or may ask for some matters to be addressed in writing in post-Hearing submissions.

DETAILED ARRANGEMENTS FOR HEARINGS

Participation in the Hearings

In our letter of Tuesday 5 May 2020, we requested advanced notice of a wish to speak at any Hearing. We also identified parties that have raised issues on specific topics that we would like to consider in a Hearing.

We have considered the notifications that we have received of a wish to speak and we have considered who we would like to receive oral submissions from. Further to that consideration we have identified the parties that are invited to speak at each Hearing, and these are now listed in the relevant Annex.

If any of the following parties object to Compulsory Acquisition or Temporary Possession and would like to speak at a **Compulsory Acquisition Hearing**, then please contact the Case Team by **4.00pm on Monday 1 June 2020**:

- Any Affected Person
- Statutory Undertakers, Crown bodies and other bodies with special statutory protections under the Planning Act 2008 (as amended)

Similarly, if you have not been invited to speak at an **Issue Specific Hearing** but would like to do so, please contact the Case Team by **4.00pm on Monday 1 June 2020**.

Participation is at the discretion of the Examining Authority (ExA). Any parties not invited to speak at a Hearing are invited to access the recordings of the Hearings and to make a written submission on the specific matters either included in the Hearing Agendas or arising at the Hearings.

We will be using Microsoft Teams to enable access to the Hearings.

Arrangements for using Microsoft Teams

The arrangements for using Microsoft Teams are set out in a separate letter, which is available at:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-001330>

Please read that letter carefully as it contains important instructions, including information on:

- how to use Microsoft Teams;
- a **Privacy Notice Amendment** and recommendations to avoid the disclosure of your telephone number or private email address when participating in a Test Event or Hearing;
- a **Test Event** to be held on Wednesday 3 June 2020 and for which Joining Instructions will be provided on Tuesday 2 June 2020;
- the issue of Joining Instructions for Hearings by email between 1 hour and 24 hours before the start of each Hearing;
- the **Arrangements Conference** that will start 30 minutes before each Hearing at which your attendance will be registered; when reminders will be given about how to participate in the Hearing; and from which Speakers will be transferred into the Hearing; and
- what to do if things go wrong.

Further information will be provided in the Joining Instructions and is available in the Frequently Asked Questions document at:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-001269>.

Before the Hearings

Please prepare for the Hearings and give the Hearings and other participants the same respect as you have previously:

- check that you know how to join the Hearing;
- decide where you'll sit for the Hearings, it should be quiet and private;
- let anybody close by know that you will be in a Hearing, so that you are less likely to be interrupted;

- make sure the computer, tablet or mobile telephone you'll use is fully charged or plugged in, so you do not get cut off;
- have any documents you'll need for the Hearing ready beforehand, including this letter, the [Examination Library](#) and documents referred to in the Agenda
- set your mobile phone to silent if you are not using it to access the Hearing;
- be ready at least 15 minutes before the Arrangements Conference.

If you are joining by video, please dress as if you were coming into a building for a Hearing; and if possible, have something plain behind you like a blank wall.

Conduct and management of the Hearings

The Hearings are being held at the discretion of the ExA to consider matters that they consider to be important and relevant to the effective and robust examination of the application. Consequently, the business of a Hearing will be limited to the matters identified in the Agenda. Other matters that the ExA wishes to examine through oral submissions have already been considered at previous Hearings.

Oral participation is at the invitation and discretion of the ExA. Oral submissions must address the matters, issues and questions identified in this Agenda. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance or time efficiency.

Guidance under the Planning Act 2008 and the Examination Procedure Rules provides that at Hearings it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by the ExA. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will start a Hearing by making introductory comments, introductions and running through housekeeping matters and how the Hearing will be conducted. The ExA will then raise and invite responses to the questions set out in the Agenda, take further contributions, ask further questions and allow the Applicant to reply.

The ExA will invite any parties that it has accepted advanced notice of a request to speak, to make a brief oral submission, which are anticipated to take no more than 5 minutes each and are not to repeat matters set out in written submissions. Time allowing, and at its' discretion, the ExA will then allow other participants to raise a matter on the topic. The ExA may question those parties and will allow the Applicant to reply.

The ExA's expectation is that each Hearing will typically last for 20-90 minutes. However, the actual duration will depend on the progress made on the day and will subject to the ExA's powers of control over the conduct of the Hearings on the day.

Audio and/or video recordings will be made of the Hearings.

Viewing documents in Hearings

The ExA will share a small number of documents during the Hearings. These include the Agendas and documents identified in and linked from the Agendas. All documents are available in the Examination Library. The ExA will say when a document is being referred to during a Hearing, providing its Examination Library reference number where appropriate. The Examination Library is at:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-000671>.

Accessing the Hearing from a computer or tablet using the web address should allow you to see any documents that are shared during the Hearing. The relatively small screen on a smart phone may make that impractical.

Everybody with access to a web browser, including those who access a Hearing by telephone, should be able to access the documents at the appropriate time by clicking on the link in the Agenda or in the Examination Library.

After the Hearings

The audio and/or video recordings of Hearings will be the formal record of the Hearings. The recordings will be published to the project website as soon as is practicable after the Hearings. The project website is at:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

Technical limitations of the technology that we will be using for the Hearings mean that we will not be able to provide streaming broadcasts of the Hearings.

Parties who do not speak at the Hearings, but who wish to access the recordings, are invited to make a written submission on the specific matters included in the Hearing Agendas or arising at the Hearings. These submissions are to be made at the deadline for post-Hearing submissions identified in the Examination Timetable.

Award of costs

We remind you of the possibility of the award of costs against parties who behave unreasonably. You should be aware of the relevant guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects, such as this one. This guidance is available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Further advice

Please contact the Case Team using the details at the top of this letter if you have any technical issues. Contact details for support during a Trial Event or Hearing will be included in the Joining Instructions. Please do not send any hard copies to the above address; use email or telephone instead.

A Frequently Asked Questions document, which will be updated from time to time, is at: <http://infrastructure.planninginspectorate.gov.uk/document/TR010022-001269>.

The arrangements set out in this letter reflect the Government's advice in relation to Coronavirus (COVID-19) at the time of writing. We will keep the arrangements for the Hearings under constant review in the light of any changing circumstances.

If the arrangements need to change then we will notify of any new arrangements by a banner on the project website at:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>.

If any of the Hearings are no longer required, reasonable notice will be provided of our decision to cancel them by the posting of a banner on the project website. The ExA may decide to cover issues through written submissions rather than in a Hearing. Please check the project website regularly, and shortly before each Hearing, for updates.

We look forward to continuing to work with all parties.

Yours faithfully

Stuart Cowperthwaite

Stuart Cowperthwaite, Lead Member of the Panel

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

AGENDAS FOR COMPULSORY ACQUISITION HEARINGS 4-7

| Agendas for Compulsory Acquisition Hearings 4-7 (CAH4-7) CAH4: 10.00am on Tuesday 9 June 2020. Arrangements Conference from 9.30am The ExA intends to cover all matters in Compulsory Acquisition Hearing 4. Further Compulsory Acquisition Hearings will be held as required, for example if more time is needed or if a Hearing is disrupted by technical or other issues: CAH5: 5.00pm on Thursday 11 June 2020. Arrangements Conference from 4.30pm CAH6: 10.00am on Tuesday 16 June 2020. Arrangements Conference from 9.30am CAH7: 5.00pm on Thursday 18 June 2020. Arrangements Conference from 4.30pm | |
|---|---|
| Item 1 | Welcome, opening remarks, introductions and housekeeping |
| Item 2 | The purpose of the Hearing and how it will be conducted |
| Item 3 | <p>Alternatives to Compulsory Acquisition (CA) or Temporary Possession (TP)</p> <p><u>The case for CA of the gardens of 1 Sutton Close</u></p> <p>It is understood that the Applicant's case for CA of the gardens at 1 Sutton Close is that an access road needs to be moved further from the proposed Markeaton junction. The reasoning provided [REP9-029, item 10.5d] for the proposed access is:</p> <p><i>"Vehicles turning right into the proposed access will not block the Toucan Crossing. So that right-in and right-out manoeuvres can be executed with minimal impact to traffic, the anticipated average queue length from the A52 westbound traffic signals has been considered. This minimises the queuing back across the access and blocking vehicles waiting to turn right into the access and potentially obstructing the eastbound traffic."</i></p> <p>a) Please could the Applicant identify the number of vehicle movements anticipated to turn right into the proposed access road from the A52 and the potential for queueing on the A52?</p> <p>b) Please could the Applicant identify the number of vehicle movements anticipated to turn right out of the proposed access road onto the A52 and the potential for queueing on the access road?</p> <p>c) Does the Applicant consider that more detailed modelling is required to provide a robust quantitative response to a) and b)? If so, is that modelling required for the Applicant to justify its case for the CA of the gardens at 1 Sutton Close?</p> |

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| <p>Item 4</p> | <p>Individual objections and issues</p> <p><u>Resolution of issues through voluntary agreements</u></p> <p>a) Please could the Applicant provide an update on progress in finalising voluntary agreements, potential acquisition due to blight and relevant SoCG before the close of the Examination?</p> <p>b) Is the Applicant aware of any matters on which it appears that agreement is unlikely to be reached before the close of the Examination?</p> <p><u>Requests to speak accepted by the Examining Authority</u></p> <p>Brief oral submissions, which we anticipate will take no more than 5 minutes each and are not to repeat matters previously set out in written submissions.</p> <p>c) Friends of Markeaton Park: opposition to Compulsory Acquisition in Markeaton Park and the 'Mundy' covenant.</p> <p><u>Other objections or issues</u></p> <p>d) Any other objections or issues?</p> |
| <p>Item 5</p> | <p>Crown interests and consent</p> <p>Please could the Applicant provide an update on progress in securing written agreement and s135 consent?</p> |
| <p>Item 6</p> | <p>Statutory Undertakers and any other parties benefiting from statutory protections that may be affected</p> <p>Noting the comments from Network Rail Limited [REP12-016, item 9.9], please could the Applicant provide an update on progress in securing an alternative to the acquisition of rights from Network Rail of a Framework Agreement, a Deed of Easement, and a Basic Asset Protection Agreement?</p> |
| <p>Item 7</p> | <p>Special Category Land, including open space and replacement land</p> <p>Please could the Applicant 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>Item 8</p> | <p>Potential impediments to the proposed development</p> <p>Please could the Applicant provide an update to the Consents and Agreements Position Statement by Deadline 14?</p> |

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| Item 9 | Human rights and the compelling case in the public interest |
| Item 10 | Any other CA or TP matters Any other CA or TP matters? |
| Item 11 | The recording of the Hearing and the next steps in the Examination |
| Item 12 | Any other business and close of Hearing |

Participation in Compulsory Acquisition Hearings 4-7

The following parties are invited to participate as Speakers:

- The Applicant
- Derby City Council
- Friends of Markeaton Park

AGENDA FOR ISSUE SPECIFIC HEARING 6

| Agenda for Issue Specific Hearing 6 | |
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| 1.30pm on Tuesday 9 June 2020. Arrangements Conference from 1.00pm | |
| Item 1 | Welcome, opening remarks, introductions and housekeeping |
| Item 2 | The purpose of the Hearing and how it will be conducted |
| Item 3 | Specific issues by topic |
| | <p>Transport networks and traffic</p> <p><u>Traffic Management Plan (TMP) update</u></p> <p>a) Please could the Applicant provide an update to the TMP submitted at Deadline 7 [REP7-003]?</p> <p>b) Please could the Applicant update the TMP with a correction to the final sentence of paragraph 6.3.2 to read "<i>the DCC Permit Scheme</i>"?</p> <p><u>Access to Royal Derby Hospital during construction</u></p> <p>Paragraph 7.4.1 of the TMP [REP7-003] notes that "<i>special attention</i>" would be given to access arrangements for "<i>Derby Royal Hospital</i>" (should this be corrected to Royal Derby Hospital?) and that these would need to be considered with emergency services.</p> <p>Paragraph 5.19.1 states that proposed diversion routes would be shared with Royal Derby Hospital for their information and comment. Table 3.1 says that processes and procedures will be put into place for allowing blue-light travel through the works/haul road.</p> <p>Derby City Council (DCiC) [REP12-019, item 2.4] have noted that "<i>if there are problems that fundamentally have an impact on the operation of the hospital, the Contractor will have to deal the issues and adjust their traffic management during construction</i>".</p> <p>c) Please could Royal Derby Hospital advise of the delays to emergency vehicle and other traffic accessing the Hospital that it would consider acceptable? Does the Applicant consider that those delays are achievable as a maximum and, if so, please could it demonstrate how that would be achieved in practice?</p> <p>d) Are Royal Derby Hospital content with the TMP, access strategy and their communication with the Applicant? What is their opinion on the need for a dedicated passage for emergency vehicles?</p> <p>e) The Applicant's commitment to consultation and to giving special attention to these matters is noted. However, the TMP does not secure a commitment to ensure that suitable access will be maintained.</p> |

Please could the **Applicant** advise on the level of commitment that can be made for emergency vehicle and other traffic and please could it suggest how that can be secured?

- f) Do **Royal Derby Hospital** or **DCiC** have any further comments?

Non-motorised users (NMU)

- g) Please could the **Applicant** set out the TMP provisions for a Fleet Operator Recognition Scheme to be operated to a minimum of silver standard, with identified exceptions?

- h) Please could the **Applicant** set out the TMP provisions for reasonable endeavours to be made to including the measures in sections A1, A2 and A3 of Derby Cycling Group's Deadline 6 submission [[REP6-031](#)]?

- i) Please could **Derby Cycling Group** comment on the TMP provisions?

Ford Lane bridge

- j) Please could the **Applicant** provide an update on the verification surveys and subsequent assessment?

- k) Please could the **Applicant** clarify the mitigation measures now proposed for Ford Lane bridge? Have those measures been agreed with Derbyshire County Council, Network Rail and Derby Cycling Group? How are they secured?

- l) Do **Derbyshire County Council** consider that the Outline Environmental Management Plan (OEMP) [[REP12-002](#), page 97, item MW-TRA12] should require the bridge to be made capable of carrying a 40T vehicle? If not, what are the potential impacts on Network Rail and how should those impacts be mitigated?

- m) Consideration by the **Applicant** and **Derbyshire County Council** of Network Rail's suggestion [[REP12-016](#), item 2.6] that "*a clearer Requirement is included in the Order that requires the suitability of the Ford Lane Bridge for the carrying of 40T vehicles to have been approved by DCiC before the relevant part of the authorised development is allowed to be used.*"

Other requests to speak accepted by the Examining Authority

Brief oral submissions, which we anticipate will take no more than 5 minutes each and are not to repeat matters previously set out in written submissions.

- n) **Intu Derby**: maintenance of access/egress to/from Derby Centre for the business continuity.

Other matters

- o) Any other matters on the topic?

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| | <p>Land use, social and economic impact</p> <p><u>Effects on the McDonald's and Euro Garages sites</u></p> <p>Applicant, Euro Garages, McDonald's, Derby City Council. [REP12-007 paragraph 8.1, REP12-014]</p> <p>a) Update on discussions regarding the capacity and geometry of the A52 access. Are there any matters relating to this access which could not be dealt with at the detailed submissions stage?</p> <p>b) Update on discussions regarding advance signage. Are there any matters relating to this signage which could not be dealt with at the detailed submissions stage?</p> <p>c) Are there any matters relating to existing use rights which need to be addressed in the DCO rather than through compensation?</p> <p><u>Justification of the need for a road-based solution</u></p> <p>d) In response to the concerns of Derby Climate Coalition, the Applicant's submission [REP12-007, paragraph 8.2] sets out its approach to the problems at the A38 Derby junctions and gives consideration to rail and bus-based solutions. What consideration has the Applicant given to other measures, such as improvements to cycling and walking facilities, as potential alternative solutions?</p> <p><u>Other matters</u></p> <p>e) Any other matters on the topic?</p> |
| Item 4 | The recording of the Hearing and the next steps in the Examination |
| Item 5 | Any other business and close of Hearing |

Participation in Issue Specific Hearing 6

The following parties are invited to participate as Speakers:

- The Applicant
- Derby City Council
- Derby Cycling Group
- Derbyshire County Council
- Euro Garages
- Friends of Markeaton Park
- Intu Derby
- McDonald's
- Royal Derby Hospital

AGENDA FOR ISSUE SPECIFIC HEARING 7

| Agenda for Issue Specific Hearing 7 4.00pm on Tuesday 9 June 2020. Arrangements Conference from 3.30pm | |
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| Item 1 | Welcome, opening remarks, introductions and housekeeping |
| Item 2 | The purpose of the Hearing and how it will be conducted |
| Item 3 | <p>Specific issues by topic</p> <p>Biodiversity and ecological conservation</p> <p><u>Alfreton Road Rough Grassland Local Wildlife Site</u></p> <p>a) Does Erewash Borough Council or Derbyshire Wildlife Trust have any comments on the inputs or methodology used in the Biodiversity Metric Assessment, Alfreton Road Rough Grassland Local Wildlife Site (LWS) [REP12-010]?</p> <p>b) The Applicant considers that the core biodiversity importance of the LWS falls outside the scheme boundary and will be unaffected by the proposal [REP13-006 paragraph 6.1]. How has Erewash Borough Council defined the 'core habitat' of the LWS and concluded that it would be reduced in extent by some 28% [REP12-009]?. Does the reference to a net loss mean that the loss takes into account the habitat created by the scheme? Does Erewash Borough Council or Derbyshire Wildlife Trust agree that the percentage loss of area and biodiversity units cannot be directly compared?</p> <p>c) Would Erewash Borough Council and Derbyshire Wildlife Trust comment on the Applicant's contention that the actual loss of biodiversity value of the LWS would be less than 17% (measured in bio-diversity units) since the Metric Assessment does not take into account the woodland habitat created by the scheme or the control of non-native invasive species.</p> <p>d) Do the Applicant, Erewash Borough Council or Derbyshire Wildlife Trust consider that there is any potential for further on-site mitigation or enhancement either as part of the proposed development or through the Environment Designated Fund project?</p> <p><u>Other matters</u></p> <p>e) Any other matters on the topic?</p> |
| | <p>Landscape and visual impact</p> <p><u>The effect of the proposed development on veteran tree T358</u></p> |

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| | <p>The Applicant's submission [REP7-007 paragraph 7.1] sets out its approach to the retention of the veteran tree. This includes the possibility of retaining the tree with a reduced canopy. The OEMP [REP12-002, page 25, item PW-LAN] has also been amended.</p> <p>a) Are Derby City Council content with the OEMP provisions?</p> <p>b) Do the Friends of Markeaton Park have any comments?</p> <p><u>Other requests to speak accepted by the Examining Authority</u></p> <p>Brief oral submissions, which we anticipate will take no more than 5 minutes each and are not to repeat matters set out in written submissions.</p> <p>c) Friends of Markeaton Park: Markeaton Park proposals for tree removal and replacement; and the creation of the utility corridor.</p> <p><u>Other matters</u></p> <p>d) Any other matters on the topic?</p> |
| | <p>Noise and vibration</p> <p>The water environment</p> <p>The historic environment</p> <p>The ExA does not intend to raise any matters on these topics.</p> <p><u>Other matters</u></p> <p>a) Any other matters on these topics?</p> |
| Item 4 | The recording of the Hearing and the next steps in the Examination |
| Item 5 | Any other business and close of Hearing |

Participation in Issue Specific Hearing 7

The following parties are invited to participate as Speakers:

- The Applicant
- Derby City Council
- Derby Climate Coalition
- Derby Cycling Group
- Derbyshire Wildlife Trust
- Erewash Borough Council
- Friends of Markeaton Park

AGENDA FOR ISSUE SPECIFIC HEARING 8

| Agenda for Issue Specific Hearing 8 | |
|--|--|
| 10.00am on Wednesday 10 June 2020. Arrangements Conference from 9.30am | |
| Item 1 | Welcome, opening remarks, introductions and housekeeping |
| Item 2 | The purpose of the Hearing and how it will be conducted |
| Item 3 | Specific issues by topic |
| | <p>Air quality</p> <p><u>Footpaths adjacent to the A38 south of Markeaton Junction</u></p> <p>The Applicant has advised [REP12-007, item 4.3] that <i>“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”</i>.</p> <p>Increases in NO₂ concentrations are predicted [REP12-007, item 4.3] during Construction Scenario 0.</p> <p>The OEMP [REP12-002, page 61, item MW-AIR4] includes a provision that <i>“During the Scheme detailed design stage, Highways England will investigate air quality at footpaths adjacent to the Scheme during the various construction phases. If air quality is expected to be poor during the Scheme construction phase and made worse by construction of the Scheme, alternative routes for those footpaths will be identified where appropriate.”</i></p> <p>a) Please could the Applicant confirm whether the predicted exceedances are considered significant?</p> <p>b) Please could the Applicant improve the precision of the OEMP text to clarify the trigger level for an alternative route to be identified and the criteria for an alternative route to be considered acceptable?</p> <p>c) Please could the Applicant demonstrate that acceptable alternative path alignments are likely to be available for the footpaths adjacent to the A38 south of Markeaton Junction? If they are, why are they not adopted now?</p> <p>d) Please could the Applicant advise how the SoS can rely on a <i>“judgement on the risk as to whether the project would affect the UK’s ability to comply with the Air Quality Directive”</i> when the alternative routes have not yet been identified or assessed?</p> <p><u>Other matters</u></p> |

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| | e) Any other matters on the topic? |
| | <p>Climate change</p> <p><u>Net zero carbon by 2050</u></p> <p>a) The ExA is seeking to understand the Applicant’s assessment methodology with respect to the account taken of the updated target and how the assessment allows for revised carbon budgets not being available until 2020. Following this clarification, please could the Applicant review its previous response [REP12-007, item 3.3] and update accordingly?</p> <p>b) In its response to Further Written Question 3.2(a) [REP12-007], the Applicant stated that the Department for Transport has confirmed that the programme of schemes described in the RIS1 have been cumulatively assessed and included in the UK Government’s carbon budgets. In response to Question 3.3 (a and b) the Applicant states that RIS2 has been subject to impact assessments and complies with the Paris agreement obligations. Please would the Applicant provide details of Department for Transport’s confirmation and the impact assessments?</p> <p><u>Updated National Policy</u></p> <p>c) Please would the Applicant comment on any implications for the proposed development of the Government’s increased emphasis on, and funding for, cycling and walking in response to COVID 19?</p> <p><u>Carbon footprint targets</u></p> <p>The Applicant has stated [REP12-007, item 3.5] that <i>“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.”</i></p> <p>Derby City Council has stated [REP12-019, item 3.5] that <i>“It would be useful to set carbon footprint targets in the OEMP to guide the detailed design and construction phase which needs to be challenging to ensure that best practice is followed to drive down the GHG burden.”</i></p> <p>The ExA is considering the merits of the proposed development and the measures proposed for it. As such it is not clear to the ExA that carbon targets should only be applied to the proposed development as part of a network wide initiative.</p> <p>d) Is the Applicant or Derby City Council aware of a suitable method for setting and implementing carbon footprint targets for road schemes that could be used for the proposed development? If such a method exists, how should its adoption and the setting of appropriate target levels be secured?</p> |

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| | <p><u>Other requests to speak accepted by the Examining Authority</u></p> <p>Brief oral submissions, which we anticipate will take no more than 5 minutes each and are not to repeat matters previously set out in written submissions.</p> <p>e) Derby Climate Coalition: climate change.</p> <p><u>Other matters</u></p> <p>f) Any other matters on the topic?</p> |
| | <p>Other policy and factual issues</p> <p>The ExA does not intend to raise any matters on the following topics:</p> <ul style="list-style-type: none"> • dust, odour, artificial light, smoke and steam emissions; • common law nuisance and statutory nuisance; • utility infrastructure; • waste management; • civil and military aviation and defence ; • safety, security and major accidents and disasters; • decommissioning; • combined effects; or • other important and relevant considerations. <p><u>Other matters</u></p> <p>a) Any other matters on these topics?</p> |
| Item 4 | The recording of the Hearing and the next steps in the Examination |
| Item 5 | Any other business and close of Hearing |

Participation in Issue Specific Hearing 8

The following parties are invited to participate as Speakers:

- The Applicant
- Derby City Council
- Derby Climate Coalition
- Derbyshire County Council
- Friends of Markeaton Park

AGENDA FOR ISSUE SPECIFIC HEARING 9

| Agenda for Issue Specific Hearing 9 | |
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| 2.00pm on Wednesday 10 June 2020. Arrangements Conference from 1.30pm | |
| Item 1 | Welcome, opening remarks, introductions and housekeeping |
| Item 2 | The purpose of the Hearing and how it will be conducted |
| Item 3 | The Draft Development Consent Order |
| | <p>Part 2 – Principal Powers</p> <p><u>Article 6 – Maintenance of authorised development</u></p> <p>a) Is Derby City Council content with the addition of the text “<i>Highways England will ensure that the flood storage areas at Kingsway junction (including those installed within the Kingsway hospital site) are appropriately maintained and fulfil their flood risk mitigation function</i>” to the OEMP [REP12-002, page 112, item D-RD3].</p> <p>b) Are Derby City Council and Derbyshire County Council content with item D-M1 to the OEMP [REP12-002, page 113] which provides that “<i>During the detailed design stage Highways England will prepare a Maintenance and Repair Strategy Statement (MRSS) in consultation with the applicable local authorities regarding maintenance and repair responsibilities as associated with the Scheme</i>”?</p> <p>c) Have Derby City Council’s concerns [REP9-030, item 1.4c] [REP12-019, item 1.2] and Derbyshire County Council’s concerns [REP12-008, item 1.2] now been addressed?</p> |
| | <p>Part 6 - Operations</p> <p><u>Article 40 – Trees subject to tree preservation orders</u></p> <p>a) Is Derby City Council content with the addition of the text “<i>noting that the tree canopy may need to be reduced. DCiC will be consulted during the detailed design stage regarding options to retain the veteran tree, minimise Scheme impacts upon the tree’s RPA and tree canopy reduction treatments</i>” to the OEMP [REP12-002, page 25, item PW-LAN4]?</p> <p>b) Have Derby City Council’s concerns [REP9-030, items 1.6 and 1.9] now been addressed?</p> |
| | <p>Schedule 9 – Protective Provisions</p> <p><u>Cadent Gas Limited</u></p> |

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| | <p>a) Please could the Applicant provide an update on discussions regarding the protective provisions and any implications of the Secretary of State’s decision on the M42 Junction 6 Improvement project that was taken on 21 May 2020?</p> <p><u>Network Rail Limited</u></p> <p>b) Please could the Applicant provide an update on discussions regarding the additional paragraph 42 [REP10-013], which provides that “Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work or protective work must, provided that 56 Days’ previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail”?</p> <p><u>Matters not agreed before the close of the Examination</u></p> <p>c) Before the close of the Examination, please could the Applicant and any relevant Statutory Undertaker 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>Schedule 10 – Documents to be Certified</p> <p><u>Material embedded in responses to the ExA’s questions</u></p> <p>a) Please could the Applicant confirm that clarifications provided during the Examination to Environmental Statement paragraphs, tables, figures or plans that have been embedded in its responses to the ExA’s questions and in its comments on submissions made by others will be included in Schedule 10? How will that be done?</p> <p>b) Please could the Applicant confirm that all items previously identified by the ExA [PD-015, item 33a] will be included in Schedule 10?</p> <p>c) Please could the Applicant ensure that every Schedule 10 document has a unique date and reference number and that updated documents are clearly differentiated from those provided with the application?</p> |
| <p>Item 4</p> | <p>The recording of the Hearing and the next steps in the Examination</p> |
| <p>Item 5</p> | <p>Any other business and close of Hearing</p> |

Participation in Issue Specific Hearing 9

The following parties are invited to participate as Speakers:

- The Applicant, Derby City Council and Derbyshire County Council

AGENDAS FOR ISSUE SPECIFIC HEARINGS 10-17

The ExA intends to cover all matters in Issue Specific Hearings 6-9.

Issue Specific Hearings 10-17 will be held as required, for example if more time is needed or if a Hearing is disrupted by technical or other issues.

| Agendas for Issue Specific Hearings 10-17 (ISH10-17) | |
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| ISH10: 10.00am on Thursday 11 June 2020. Arrangements Conference from 9.30am | |
| ISH11: 2.00pm on Thursday 11 June 2020. Arrangements Conference from 1.30pm | |
| ISH12: 1.30pm on Tuesday 16 June 2020. Arrangements Conference from 1.00pm | |
| ISH13: 4.00pm on Tuesday 16 June 2020. Arrangements Conference from 3.30pm | |
| ISH14: 10.00am on Wednesday 17 June 2020. Arrangements Conference from 9.30am | |
| ISH15: 2.00pm on Wednesday 17 June 2020. Arrangements Conference from 1.30pm | |
| ISH16: 10.00am on Thursday 18 June 2020. Arrangements Conference from 9.30am | |
| ISH17: 2.00pm on Thursday 18 June 2020. Arrangements Conference from 1.30pm | |
| Item 1 | Welcome, opening remarks, introductions and housekeeping |
| Item 2 | The purpose of the Hearing and how it will be conducted |
| Item 3 | <p>Specific issues by topic</p> <p>Issue Specific Hearing 10</p> <ul style="list-style-type: none"> • Transport networks and traffic (as Annex B) • Land use, social and economic impact (as Annex B) • Noise and vibration (as Annex C) • The water environment (as Annex C) • Biodiversity and ecological conservation (as Annex C) • Landscape and visual impact (as Annex C) • The historic environment (as Annex C) <p>Issue Specific Hearing 11</p> <ul style="list-style-type: none"> • Air quality (as Annex D) • Climate change (as Annex D) • Other policy and factual issues (as Annex D) • Draft Development Consent Order (as Annex E) <p>Issue Specific Hearing 12</p> <ul style="list-style-type: none"> • Transport networks and traffic (as Annex B) • Land use, social and economic impact (as Annex B) <p>Issue Specific Hearing 13</p> <ul style="list-style-type: none"> • Noise and vibration (as Annex C) |

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| | <ul style="list-style-type: none"> • The water environment (as Annex C) • Biodiversity and ecological conservation (as Annex C) • Landscape and visual impact (as Annex C) • The historic environment (as Annex C) <p>Issue Specific Hearing 14</p> <ul style="list-style-type: none"> • Air quality (as Annex D) • Climate change (as Annex D) • Other policy and factual issues (as Annex D) <p>Issue Specific Hearing 15</p> <ul style="list-style-type: none"> • Draft Development Consent Order (as Annex E) <p>Issue Specific Hearing 16</p> <ul style="list-style-type: none"> • Transport networks and traffic (as Annex B) • Land use, social and economic impact (as Annex B) • Noise and vibration (as Annex C) • The water environment (as Annex C) • Biodiversity and ecological conservation (as Annex C) • Landscape and visual impact (as Annex C) • The historic environment (as Annex C) <p>Issue Specific Hearing 17</p> <ul style="list-style-type: none"> • Air quality (as Annex D) • Climate change (as Annex D) • Other policy and factual issues (as Annex D) • Draft Development Consent Order (as Annex E) |
| Item 4 | The recording of the Hearing and the next steps in the Examination |
| Item 5 | Any other business and close of Hearing |

Participation in Issue Specific Hearings 10-17

- Issue Specific Hearing 10 – as Annexes B and C
- Issue Specific Hearing 11 – as Annexes D and E
- Issue Specific Hearing 12 – as Annex B
- Issue Specific Hearing 13 – as Annex C
- Issue Specific Hearing 14 – as Annex D
- Issue Specific Hearing 15 – as Annex E
- Issue Specific Hearing 16 – as Annexes B and C
- Issue Specific Hearing 17 – as Annexes D and E