

To the Examiner Stuart Cowperthwaite

Friends of Markeaton Park submission deadline 15 25th June 2020. Response to Highways England REP14 039

Highways England

The RBS reported in 2003 and Highways England was instructed to develop options to grade separate the three junctions. This instruction led to the road-based improvement consultations that FoMP refer to as “TR0 10022 had its first consultation in 2003”.

There are four planning authorities that have a direct impact upon the future trip demands at the A38 Derby Junctions. These four planning authorities are: Derby City Council, Amber Valley Council, Erewash Borough Council, and South Derbyshire District Council.

For a DCO application, sufficient design is carried out to determine the land take requirements for the Scheme and to identify the environmental impacts the Scheme will have (and the mitigation of adverse impacts). Limits of deviation have been set and these are secured in the draft Development Consent Order to provide surety that the Scheme that is being examined is the one that will be built. This is the case for all major highway schemes including the A38 Derby Junctions.

The maximum width of the utilities corridor is as indicated in the submission drawings [REP2-006], if feasible, this will be reduced during the Scheme detailed design stage.

Friends of Markeaton Park

Several people took the trouble to write explanations and draw out plans for alternative simpler, *much less expensive* options. HE rigidly adheres to TR0 10022 proposals although it is well aware that Planning Laws have been altered during the history of their development.

As a Strategic Network the source of the through traffic is from North, South, East and West. The Motorways near Birmingham Airport lower the speed limits to 40mph to maintain the flow when they are full capacity. Highways England should be prepared to keep the three current entrances open, not move them to the A52. The NPNNS requires the Applicant to have regard for the social impact of emergency ambulances being delayed.

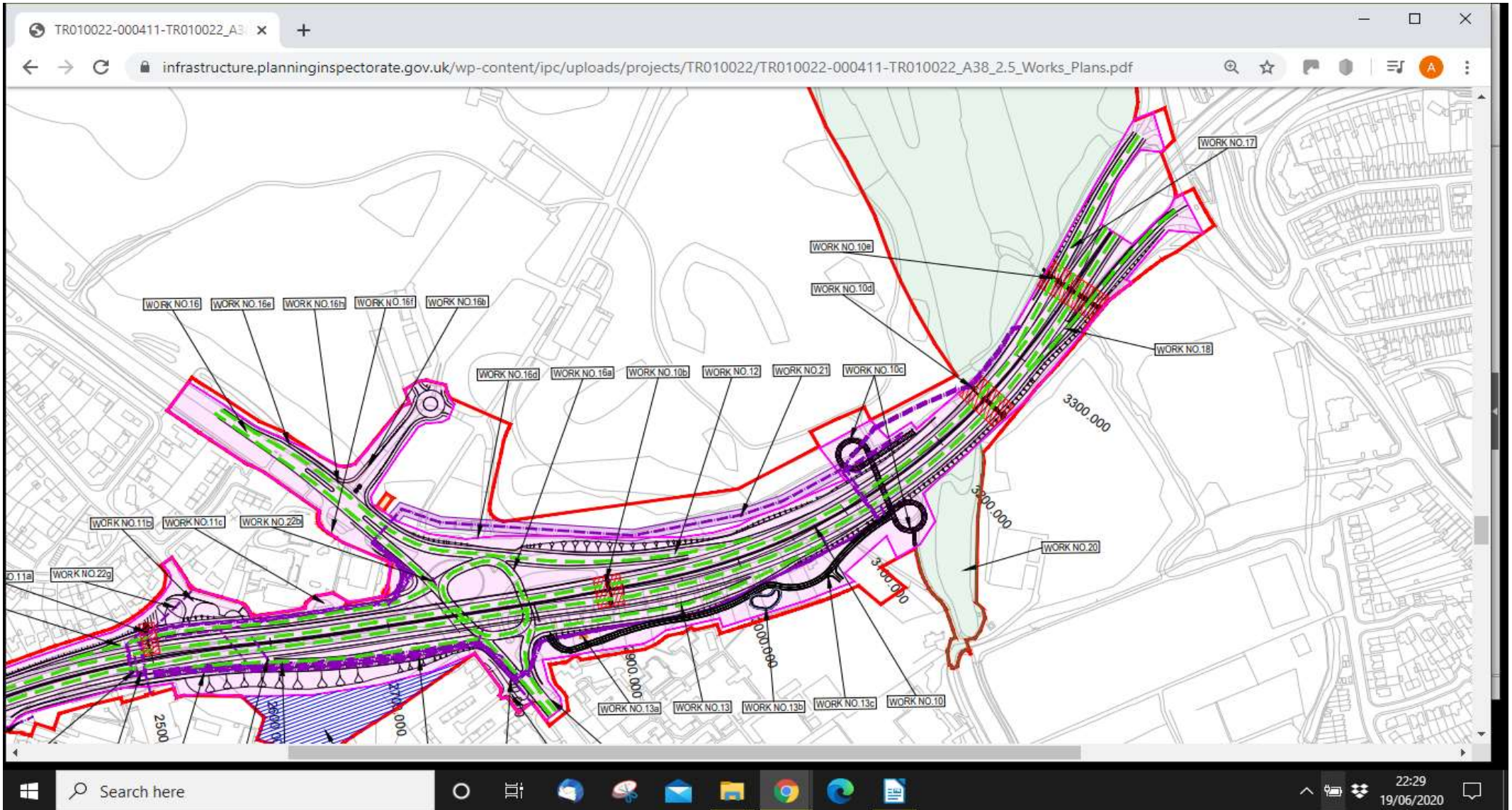
Friends of Markeaton Park observes that the national utilities and national companies with most experience of Highways England do not trust them so they resist signing Statements of Common Ground. Their initial objections suggest that they do not agree with Highways England on this matter. Highways England could have said “Here is the Works Plan, there is enough land”. Instead SoCG exempted the utilities from financial consequences.

Friends of Markeaton Park finds the maps shown in four screenshots below more informative. Please note **We add explanations above each screenshot.**

[FOMP submission continues on page six.](#)

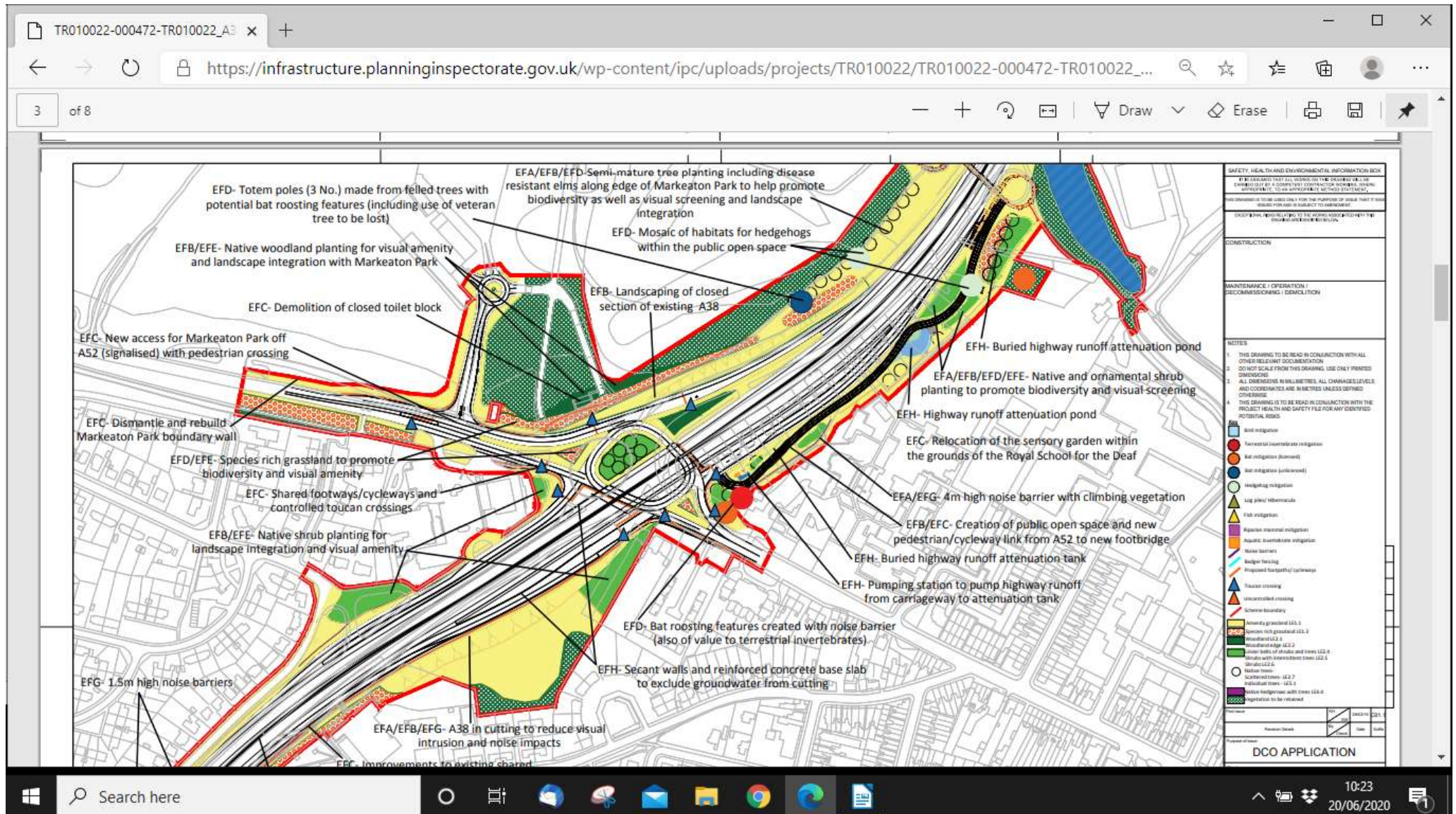
The purple dashed line with lilac surround indicates the diverted Utilities corridor adjacent to a path that goes under the curl of the footbridge.

https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010022/TR010022-000411-TR010022_A38_2.5_Works_Plans.pdf



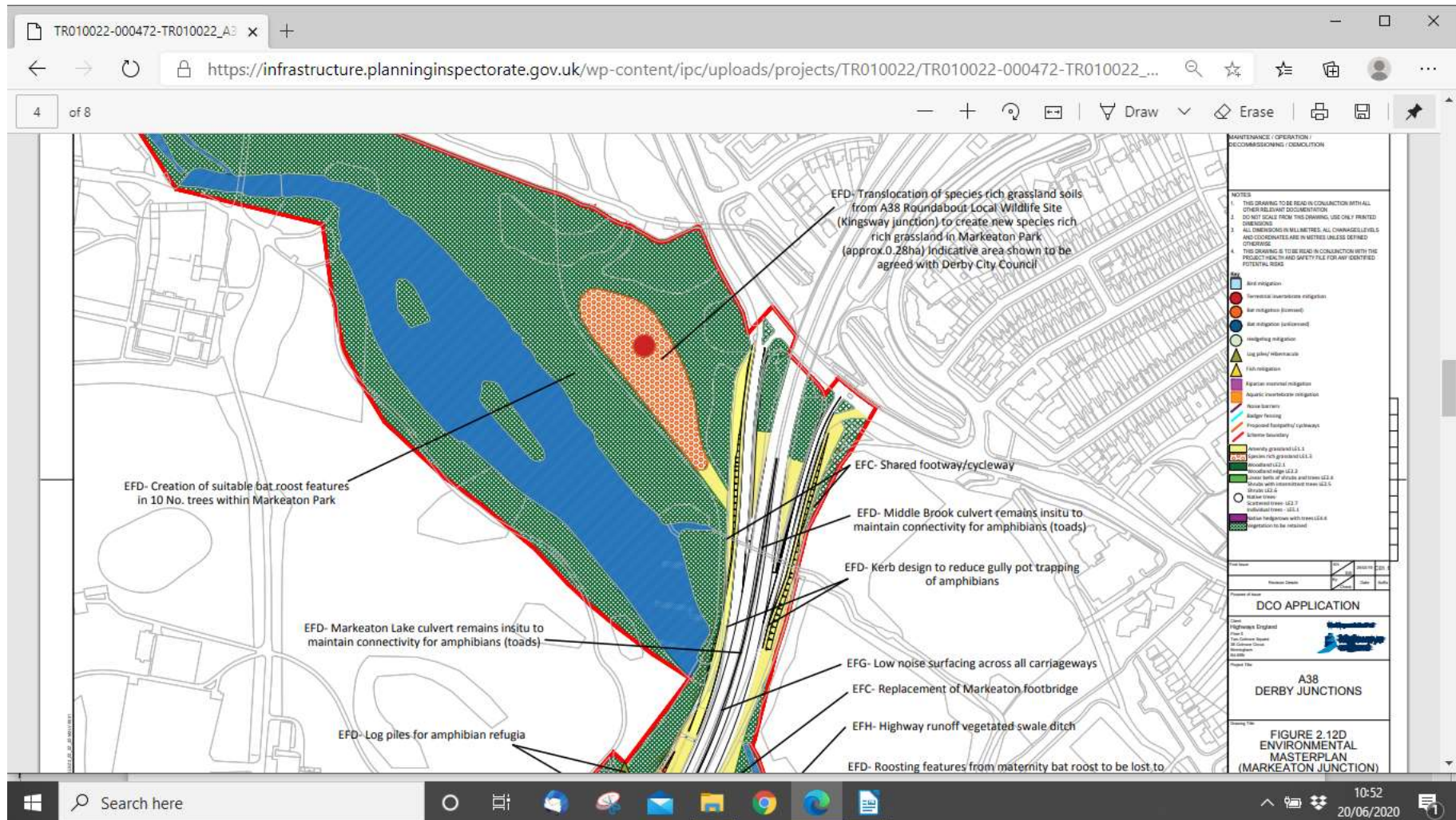
Tree planting plus Bat Totem poles in the same place.

https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010022/TR010022-000472-TR010022_A38_6.2_Environmental_Statement_Figures_Figure_2.12A-H.pdf



EPO describes the dumping of unwanted soil excavated from above a capped landfill site (possibly contaminated with gases) as “Translocation from roundabout A38 Wildlife Site” That description is not justified. There is no attempt to place wet soil adjacent to Bramble Brook next to any water, nor any attempt to bring the plants that were the reason the site was designated as A38 Kingsway roundabout DE010 Wildlife Site.

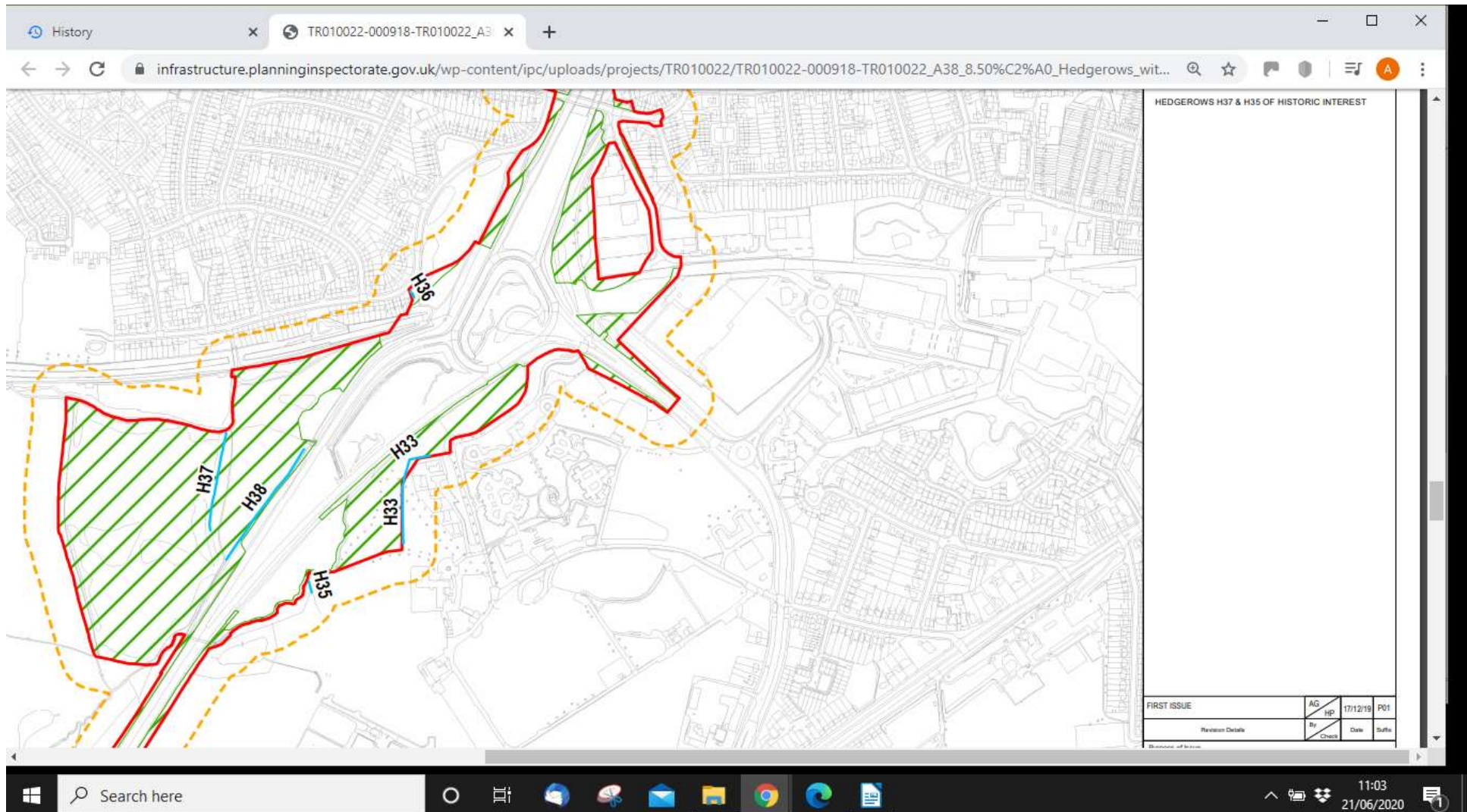
https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010022/TR010022-000472-TR010022_A38_6.2_Environmental_Statement_Figures_Figure_2.12A-H.pdf



The disused railway route left to right is protected in the City Derby Local Plan (route Ta) to be a Mickleover -Mackworth cycle route.

H35 & H37 screenshot Historic Interest hedges will have the most biodiversity. NPNS 5.24 "halt overall biodiversity loss"

https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010022/TR010022-000918-TR010022_A38_8.50%C2%A0_Hedgerows_within_the_Order_Limits%C2%A0.pdf



FOMP submission continued

Friends of Markeaton Park have no formal rights; we rely on voluntary workers and donations. We have been in a position to bring a wider range of matters outside the Red Boundary line to the attention of the Examiner Panel. We hope that our comments on the screenshots we include in this submission assist the Examining Panel in making their decision.

Highways England can't match Carbon reduction targets the government and Local Authorities have not set yet. However the provisions of the NPNNS were set in 2014; extracts are included in footnote 1. The results of Climate Change threaten mankind's food crops and the fresh water supply of Asia, as the snow no longer replenish the glaciers feeding major rivers there.

Highways England has had six years to adjust the TR0 10022 proposals to take account of the Biodiversity provisions but it has not done so. There is no evidence that it has tried to reach the earlier 80% target for reduction of Carbon. Money can't buy the biodiversity generated by hundreds of years of living growth. Highways England rigidly adheres to these TR0 10022 proposals as though the Amendment to the Climate Change Act had not set action to reduce Carbon Dioxide as the most pressing need.

Highways England say that the need for a free-flowing Strategic Network outweighs the losses of designated Wildlife Site habitats, Veteran trees, screening trees and hedges that are the best method of getting Carbon Dioxide out of the atmosphere, and Public Open Space which has been proven to improve people's physical and mental health.

Whose need for a free-flowing Strategic Network?

Local people's needs or the Road Freight lobby's needs?

Parliament has set a target to reduce Carbon. There are methods to calculate the budgets and the Local Authorities are in the midst of obeying the latest laws despite enormous pressures on their resources.

If the Examiners decide to recommend acceptance Friends of Markeaton Park repeat their request from ISH6

"Please will the Inspector allow Annie Clark-Maxwell to retain as much of her power as possible, as long as possible, and give her the opportunity to influence the final design and to get benefit for Markeaton Park as mitigation for the losses incurred from this scheme? "

whilst we contend that our submissions make a case that the proposals are unlawful under present Planning Laws; they should be refused.

Footnote 1

Extracts from National Policy Statement for National Networks December 2014

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/387223/npsnn-web.pdf

3.3 In delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance. Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes.

5.20 Biodiversity is the variety of life in all its forms and encompasses all species of plants and animals and the complex ecosystems of which they are a part. Government policy for the natural environment is set out in the Natural Environment White Paper (NEWP). The NEWP sets out a vision of moving progressively from net biodiversity loss to net gain, by supporting healthy, well-functioning ecosystems and establishing more coherent ecological networks that are more resilient to current and future pressures.

5.24 A Strategy for England's wildlife and ecosystem service Its aim is to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge of climate change: failure to address this challenge will result in significant impact on biodiversity.

5.26 .. ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for biodiversity, Irreplaceable habitats including ancient woodland and veteran trees.

5.32 Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided.