

Appendix A – DCO Schedule 5 annotated with landowners and consultation undertaken on permanent rights

SCHEDULE 1

Article 26

**LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE
ACQUIRED**

<i>(1) Plot reference number shown on land plans</i>	<i>(2) Purpose for which rights over land may be acquired</i>	<i>(3) Relevant part of the authorised development</i>	Owner/Interest	Consultation
Land Plans – Sheet 1				
1/3a	Required for the establishment and maintenance of environmental mitigation and enhancement areas	Work No. 8	Kier Partnership Homes Limited	Supplementary S42 consultation undertaken in March 2019 (refer to Annex N of the Consultation Report [App-037]) – this included updated Land Plans showing land which is required permanently and temporarily as well as any permanent rights sought over that land.
1/3b	Required for the establishment and maintenance of environmental mitigation and enhancement areas and the diversion and maintenance of and access to utilities and the establishment and maintenance of flood storage areas	Work No. 1, 8 and 9	Kier Partnership Homes Limited	
1/4b	Required for the establishment of environmental mitigation and enhancement and the diversion and maintenance of and access to utilities	Work No. 8 and 9	Derby City Council	Derby City Council is the host authority and has land within the DCO. The Council has been fully engaged with the Applicant throughout the scheme development and consultation process and was a key participant in the DCO Examination.
Land Plans – Sheet 2				
2/1b	Required for the diversion and maintenance of and access to utilities and the establishment and maintenance of	Work No. 8 and 9	Derby City Council	

	environmental mitigation and enhancement			
2/1c	Required for the construction of a diverge slip road and for the establishment of environmental mitigation and enhancement areas and the construction of highway drainage attenuation	Work No. 2 and 8	Derby City Council	The City Council is fully aware of the current version of the Land Plans and Book of Reference and the effects on the Council's land interests in terms of permanent acquisition, temporary possession and permanent rights as confirmed in Annex 1 : email dated 13 November 2020 from Paul Clarke, Derby City Council's Chief Planning Officer and the Council's lead during the DCO examination.
2/1f	Required for the construction of a cycle track and the diversion and maintenance of and access to utilities	Work No. 3 and 9	Derby City Council	
2/1o	Required for the construction and reconfiguration of the junction between Lyttelton Street and Kingsway Park Close and the diversion and maintenance and access to utilities	Work No. 7 and 9	Derby City Council	
2/1p	Required for the construction and reconfiguration of the junction between Lyttelton Street and Kingsway Park Close and the diversion and maintenance and access to utilities	Work No. 7 and 9	Derby City Council	
2/7a and 2/8	Required for the diversion construction and maintenance of a cycle track	Work No. 3	Datum Engineering Services Limited Unregistered /Unknown (occupied by DCiC)	Negotiations to acquire the land by agreement are ongoing – on 11th November 2019 (during the Examination) current Land Plans and Book of Reference were sent to landowner (and subsequently to his Agent (see Annex 2 : email dated 11 November 2019 to Mr Bharuchi

2/9	Required for the construction and maintenance of a cycle track and the diversion and maintenance of and access to utilities	Work No. 3 and 9
2/13a	Required to construct a link road and the diversion and maintenance and access to utilities	Work No. 7 and 9
2/19a	Required to construct a link road and the diversion and maintenance of and access to utilities and the construction of footways	Work No. 7 and 9
2/19b	Required to construct a link road and the diversion and maintenance of and access to utilities and the reconfiguration of Lyttelton junction	Work No. 7 and 9
Land Plans – Sheet 3		
3/1p and 3/1q	Required for the construction of a northbound diverge slip road and the diversion and	Work No. 11 and 22

	and attachments) – these show the land which is required permanently and temporarily as well any permanent rights sought over that land.
Unregistered /Unknown (occupied by DCiC)	As above for plot 1/4b, Derby City Council
Sainsbury's	Supplementary S42 consultation undertaken in April 2019 – (see Annex 3 : additional Section 42 consultation letter and attachments) this included updated land interest plans which show land which is required permanently and temporarily as well any permanent rights sought over that land.
Kang Kingsway Limited	Supplementary S42 consultation undertaken in April 2019 – (see Annex 4 : additional Section 42 consultation letter and attachments) this included updated Land Plans which show land which is required permanently and temporarily as well any permanent rights sought over that land.
Kang Kingsway Limited	As above for plot 1/4b, Derby City Council
Derby City Council	As above for plot 1/4b, Derby City Council

	maintenance of and access to utilities and the stopping up of the Enfield Road entry and exit roads	
3/1w and 3/1x	Required for the diversion and maintenance of and access to a utility corridor and construction of a new emergency access	Work No. 16 and 21
3/5a	Required for the alteration, realignment and grading of highway; the construction, improvement and realignment of cycle track and the diversion and maintenance of and access to utilities	Work No. 10, 15 and 22
3/9b	Required for alterations to the access to and egress from the filling station and fast-food site and the diversion and maintenance of utilities	Work No. 16 and 22
3/16a, 3/17 and 3/19	Required for the construction and alteration of a private means of access	Work No. 16

Derby City Council	
The East Midlands Reserve Forces and Cadets Association	Supplementary S42 consultation undertaken in April 2019 – this included updated Land Plans which show land which is required permanently and temporarily as well any permanent rights sought over that land. Highways England understands EMRFCA has accepted all permanent and temporary acquisition and acquisition of permanent rights in relation to these plots that are being sought under the DCO
Euro Garages Limited (EGL)	The permanent rights originally sought over plot 3/9b are no longer required. Schedule 5 and 7 of the DCO have been amended accordingly. Temporary possession of this land was consulted on with EGL in the original S42 consultation in September 2018.
3/16a - Metropolitan Housing Trust Limited	Supplementary S42 consultation undertaken in March 2019 – (refer to Annex N of the Consultation Report [App-037])

3/22b	Required for the construction of a southbound diverge slip and alteration realignment and grading of highway and the construction and maintenance of a noise barrier and alterations to the access to and egress from the A52 to the Royal School for the Deaf	Work No. 13 and 16
Land Plans - Sheet 4		
4/1b	Required for the diversion and maintenance of and access to a utility corridor and for the demolition of a footbridge and replacement of a footbridge	Work No. 10 and 21
4/1d	Required for the alteration, realignment and grading of a highway	Work No. 10, 21 and 22
4/7b	Required for the construction and maintenance of a noise barrier	Work No. 13
Land Plans – Sheet 6		
6/2	Required for the construction and maintenance of a flood plain compensation area and the diversion and maintenance of and access to utilities	Work No. 31
Land Plans – Sheet 7		

3/17, 3/19 - Unregistered /Unknown (occupied by Sutton Turner Houses)	at that time compulsory acquisition of all interests were being sought; however, this was reduced to ‘temporary acquisition with permanent rights’ during the DCO Examination process.
Royal School for the Deaf Derby (RSDD)	Supplementary S42 consultation undertaken in April 2019 – (see Annex 5 : additional Section 42 consultation letter and attachments) this included updated Land Plans which show land which is required permanently and temporarily as well any permanent rights sought over that land.
Derby City Council	As above for plot 1/4b, Derby City Council
Derby City Council	
RSDD	As above for plot 3/22b, RSDD
Anthony John Lomas	Subject to supplementary S42 consultation in March 2019 (refer to Annex N of the Consultation Report [App-037]) – this included updated Land Plans which show land which is

7/5	Required for the construction and maintenance of a flood plain compensation area and the diversion and maintenance of and access to utilities	Work No. 31	Anthony John Lomas	required permanently and temporarily as well any permanent rights sought over that land.
Land Plans – Sheet 8				
8/6	Required for the access construction and maintenance of a rail bridge	Work No. 23	Unregistered /Unknown (Network Rail)	The compulsory permanent and temporary acquisition and permanent rights being sought in relation to Network Rail’s interests were clarified in response to question 10.15 of the Examining Authority’s second written questions (responded to at Deadline 4, 3 February 2020)
8/23b, 8/25c and 8/21	Required for the diversion and maintenance of and access to utilities	Work No. 35	Matlock Garden Waterlife and Pet Centre	8/21 – Identified as a new interest following design development - subject to S42 consultation in March 2019 – (see Annex 6 : additional Section 42 consultation letter and attachments) this included Land Plans showing temporary land acquisition requirements and where permanent rights are being sought
			Marion Reid Morris	8/23b - Subject to supplementary S42 consultation in April 2019 – (see Annex 7 : additional Section 42 consultation letter and attachments) this included updated Land Plans which show land which is required permanently and temporarily as

Land Plans – Sheet 9		
9/6b	Required for the alteration, realignment and grading of northbound and southbound carriageways, the construction of a southbound diverge slip road and the diversion and maintenance of and access to utilities	Work No. 23, 26 and 35

	well any permanent rights sought over that land.
Godber family	8/25c - Discussions with this landowner regarding acquiring land (temporary and permanent) and any permanent rights by agreement are ongoing.
Godber family	As above for plot 8/25c, Godber family.

Appendix A – Annex 1, DCiC email confirming consultation

Wilson, Andy

From: Paul Clarke <Paul.Clarke@derby.gov.uk>
Sent: 13 November 2020 09:02
To: Betts, Simon
Subject: [EXTERNAL] RE: A38 Derby Junctions - SOS Letter

Morning Simon

As you will recall Derby City Council is a technical interested party and Statutory Consultee in the A38 Derby Junctions scheme. The Council has been fully engaged with the Applicant throughout the scheme development and consultation process and was a key participant in the DCO Examination.

The City Council is fully aware of the current version of the Land Plans and Book of Reference and what the implications are on the Council's land interests in terms of permanent acquisition, temporary possession and permanent rights. Throughout our engagement sufficient dialogue has taken place in relation to both the specific land take and the overall nature and objectives of the Scheme.

Regards,

Paul

Paul Clarke MRTPI | Chief Planning Officer | Communities and Place | Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS | Telephone 01332 641642 | [REDACTED] | Minicom 01332 340666 | www.derby.gov.uk

From: Betts, Simon <simon.betts@aecom.com>
Sent: 12 November 2020 12:46

From: Betts, Simon
Sent: 12 November 2020 12:01
To: Paul Clarke <Paul.Clarke@derby.gov.uk>
Subject: A38 Derby Junctions - SOS Letter

Hi Paul,

I hope that you are well.

Highways England have recently had a letter from the SOS (DFT) in relation to the Scheme with a few queries/clarifications.

One of the questions relation to plots where permanent acquisition of rights are needed and consultation undertaken. As far as HE are concerned there has been lots of engagement about the scheme, the DCO etc. and therefore we feel the issue of permanent rights sought in the DCO is understood.

As an extra check though, it would be helpful to get confirmation of this view from yourself. To this end I attach a schedule from the DCO which specifies the areas where permanent rights are being sought on DCiC land, essentially for maintenance purposes.

In the usual way, there is a deadline to this response, so any confirmatory response you could provide this week would be gratefully received.

Let me know if you have any queries.

Regards

Simon

PLEASE NOTE NEW LANDLINE TELEPHONE NUMBER

Simon Betts BA (Hons) Dip TP MRTPI
Technical Director, Environment
Direct: +44 (0)115 8278017

simon.betts@aecom.com

AECOM
12 Regan Way, Chetwynd Business Park, Chilwell, Nottingham, NG9 6RZ, United Kingdom
Tel: +44 (0)115 907 7000
Fax : +44 (0)115 907 7001

www.aecom.com
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CORONAVIRUS UPDATE

WE'RE OPEN AND WORKING REMOTELY

Our primary focus is on the well-being of our people whilst continuing to support our clients during these unprecedented times.

We have a number of ways that we can help along the path to recovery.

[DISCOVER MORE](#)

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Appendix A – Annex 2, Datum Engineering further consultation

Wilson, Andy

From: simon.w.peart@voa.gov.uk
Sent: 11 November 2019 11:23
To: bharuchiilyas@yahoo.com
Subject: FW: A38 Derby Junctions Scheme - Datum Engineering Services Limited - Plot 2/10 & 2/14
Attachments: TR010022-000425-TR010022_A38_4.3_Book_of_Reference.pdf; TR010022-000408-TR010022_A38_2.2_Land_Plansa.pdf

Dear Mr Bharuchi,

Further to our earlier exchanges and our telephone conversation this morning you will be aware that Highways England have submitted their Development Consent Order, which is currently progressing through its examination stage.

I have outlined below the slightly revised land requirements (taking less land) as included in the attached book of reference and land plan.

Plot 2/7a	482m2 (0.11905 acre)	Temporary possession
Plot 2/7b	837m2 (0.20674 acre)	Permanent Acquisition

I understand that you have now instructed an agent to deal with the matter on your behalf and I would be grateful if you could pass on my details in order that we can seek to reach agreement in respect of the market value of this land.

Regards

Simon.

Simon Peart BSc (Hons) MRICS | Principal Surveyor | RICS Registered Valuer | DVS | Valuation Office Agency.

Nottingham Valuation Office | Ferrers House | Castle Meadow Road | Nottingham | NG2 1AB |
Tel: 03000 504871 | [REDACTED] | simon.w.peart@voa.gsi.gov.uk

From: Peart, Simon W
Sent: 01 April 2019 19:35
To: 'Ilyas Bharuchi' [REDACTED] >
Subject: RE: A38 Derby Junctions Scheme - Datum Engineering Services Limited - Plot 2/10 & 2/14

Dear Mr Bharuchi,

Thank you for your e-mail, I would of course be happy to share my thoughts regarding the market value of the land. I am familiar with the land and I recall the sale when it sold at auction in 2009 as I was based in Derby at that time.

The land comprises a Former Closed Branch Line at Greenwich Drive South, Mickleover and was sold by BRB (Residuary) Ltd. My notes indicate that the land was offered with nil reserve and the sale comprised 8.59 acres with a sale price of £9,000 (03/12/2009).

I note your comments regarding potential for advertising hoarding but I think it is very unlikely that planning permission would be granted for such a use and notwithstanding that there would be no demand in my view for such a use. It

appears that there was no latent potential reflected in the original purchase price and my on-site observations would support this.

The land sits some way below the existing level of the A38 in this location, there is a material difference in height and the site is also shielded by an established band of mature trees and planting, which screens the A38 from the adjoining estate. The orientation of the A38 is such that only northbound flows pass the land, it is not visible to southbound traffic and the alignment of the A38 is such that this land is not visible to passing traffic and even with elevated hoarding this would still be an issue. I would be happy to meet on site to demonstrate this.

In terms of my valuation of the land I would be prepared to offer amenity land value at £10,000 per acre, based on 0.257 acres this would equate to £2,570, having regard to the small area of land to be used on a temporary basis during the works and in an attempt to promote an agreement I would be willing to round this figure to £3,000.

I would point out that you will still be left with 8.33 acres of your 8.59 acres purchased.

I would welcome your thoughts and would be happy to discuss further or to have a meeting at your convenience.

Regards

Simon.

Simon Peart MRICS | Principal Surveyor | DVS - Property Services arm of the VOA | Valuation Office Agency (VOA)
Ground Floor, Ferrers House | Castle Meadow Road | Nottingham | NG2 1AB | 03000 504871
| simon.w.peart@voa.gsi.gov.uk

From: Ilyas Bharuchi [REDACTED]
Sent: 26 March 2019 21:25
To: Peart, Simon W <simon.w.peart@voa.gsi.gov.uk>
Subject: Re: A38 Derby Junctions Scheme

Good afternoon Simon

What would be your valuation offer for this, considering the potential for advertising hording in the future for part of the site that covers the area of permanent acquisition

I am in the opinion that an agent would incur unnecessary cost to public funds hence would like to avoid employing an agent if a reasonable offer is made

Await to hear from you soon

Many thanks

Ilyas Bharuchi

Datum Engineering Services Limited
[REDACTED]

On Tuesday, March 19, 2019, 1:32:36 PM GMT, Peart, Simon W <simon.w.peart@voa.gsi.gov.uk> wrote:

Dear Mr Bharuchi,

Thank you for your time this morning, as discussed I am dealing with the land acquisitions for the above scheme and I am contacting landowners and inviting meetings where there have been requests to open initial discussions for acquisition of land by agreement.

I have attached a plan outlining the specific land requirements. The scheme will require the permanent acquisition of 1040m² (0.257acres) of land and temporary use of 232m² (0.057 acre).

I note that you wanted to consider the plan and the land requirements in the first instance before coming back to me to discuss how you would like to progress matters.

As outlined I would be happy to have a meeting with you or any appointed agent to discuss the matter in more detail.

In the interim if you have any questions or queries please do not hesitate to contact me.

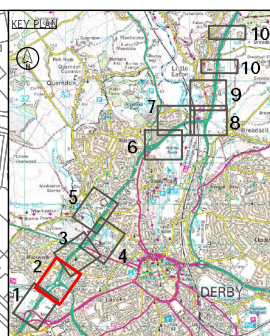
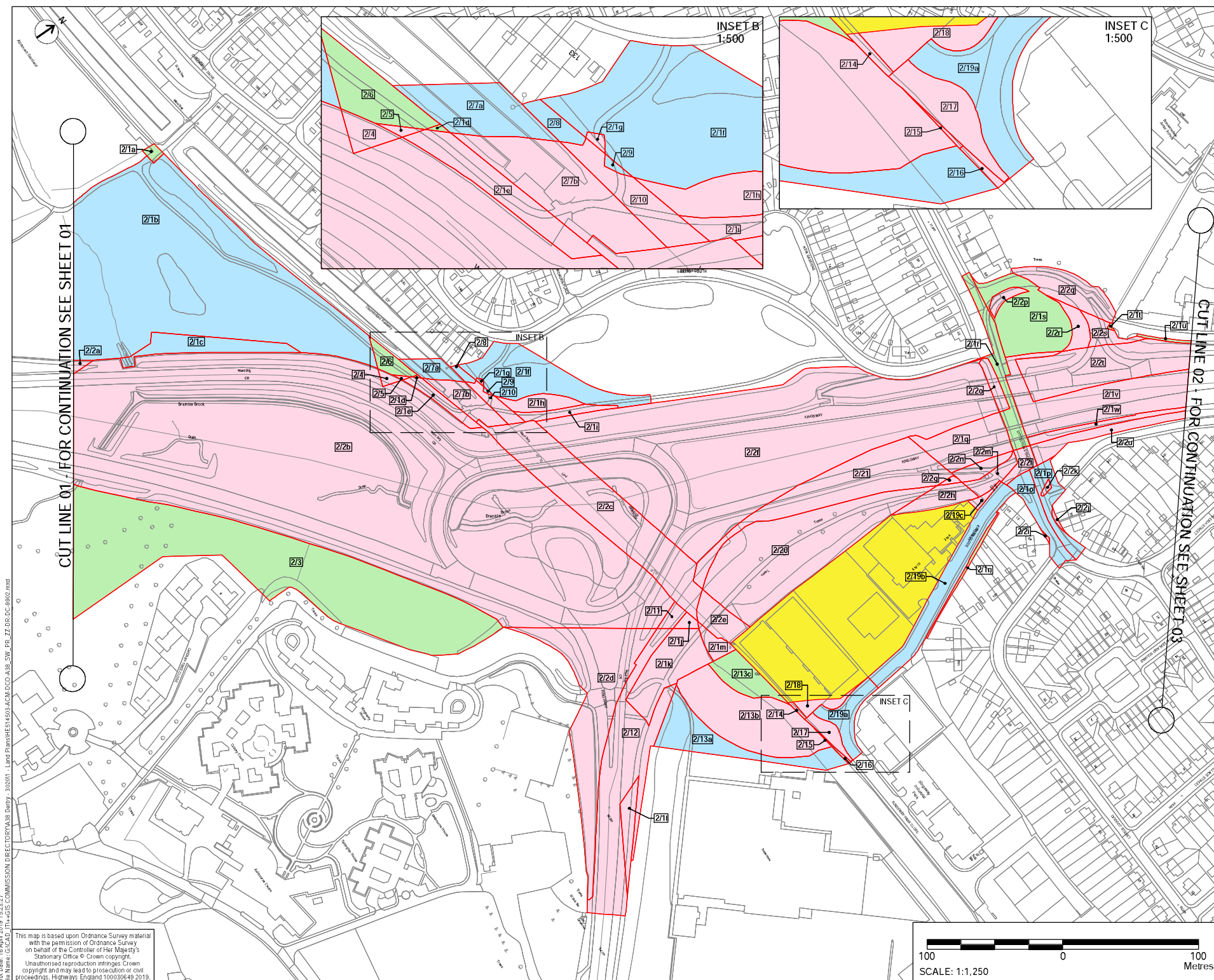
Regards

Simon.

Simon Peart MRICS | Principal Surveyor | DVS - Property Services arm of the VOA | Valuation Office Agency (VOA)
Ground Floor, Ferrers House | Castle Meadow Road | Nottingham | NG2 1AB | 03000 504871
| simon.w.peart@voa.gsi.gov.uk

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- NOTES**
- 1 ALL DIMENSIONS IN METRES UNLESS STATED OTHERWISE
 - 2 DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS
 - 3 ALL EASEMENTS, SERVITUDES AND PRIVATE RIGHTS ARE PROPOSED TO BE EXTINGUISHED ON LAND THAT IS TO BE ACQUIRED UNLESS STATED OTHERWISE IN THE BOOK OF REFERENCE
 - 4 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS AND DOCUMENTATION, IN PARTICULAR THE WORK PLANS AND THE BOOK OF REFERENCE

- LEGEND**
- LIMITS OF LAND TO BE ACQUIRED OR USED PERMANENTLY OR TEMPORARILY (THE ORDER LIMITS)
 - PLOT REFERENCE NUMBER (REFER TO BOOK OF REFERENCE FOR FURTHER INFORMATION)
 - LAND NOT INCLUDED WITHIN THE ORDER LIMITS
 - LAND TO BE ACQUIRED PERMANENTLY
 - AIR-SPACE AND RIGHTS TO BE ACQUIRED PERMANENTLY
 - LAND TO BE USED TEMPORARILY
 - LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY
 - NO POWERS SOUGHT IN DCO

Revision	SM	CH	15/04/19	001
Revision Details	SM	CH	Date	Subj

Purpose of Issue
DCO APPLICATION

Client
 Highways England
 Plot 5
 Two Colons Square
 Birmingham
 B3 7BB



Development Consent Order Number
TR010022

**A38
 DERBY JUNCTIONS**

Drawing Title
**LAND PLANS
 REGULATION 5(2)(i)
 SHEET 2 OF 10**

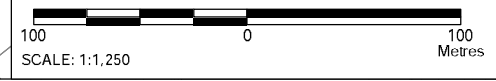
Designed SM	Drawn LD	Checked CH	Approved SM	Date 15/04/19
Drawn Project No: 6023452	Zone	Stability	EST	
Drawn At 1:1250	Zone	Whole Scheme		

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Drawing Number HE514503	Issue No ACM	Revision DCO	Rev -DR-DC-9902
Location A38 SW_PR_ZZ	Zone -DR-DC-9902	Issue No -DR-DC-9902	Rev -DR-DC-9902

Plot Date: 16 April 2019 15:23:27
 File Name: S:\CDU\171455 COMMISSION DIRECTOR\A38 Derby - 31011 - Land Plans\HE514503\ACM\DCO_A38_SW_PR_ZZ-DR-DC-9902.mxd

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Appendix A – Annex 3, Additional S42 consultation, Sainsbury's

Our ref: **TR010022/S42(1)(d)Cat1&2/April 2019**

The Company Secretary
Sainsbury Propco A Limited
33 Holborn
London
EC1N 2HT

A38 Derby Junctions Project
Highways England, Floor 5
Two Colmore Square
38 Colmore Circus
Birmingham
B4 6BN

16 April 2019

Dear Sir/Madam

A38 DERBY JUNCTIONS IMPROVEMENT SCHEME

RE: 180 ASHBOURNE ROAD, DERBY, DE22 3BH AND LAND ON THE SOUTH-WEST SIDE OF 30 QUEENSWAY, DERBY, DE22 2BE AND LAND LYING TO THE NORTH-WEST OF MARKEATON STREET, DERBY.

I am writing to you regarding Highways England's proposed **A38 Derby Junctions Project** and its imminent submission of its Development Consent Order application to the Planning Inspectorate (PINS).

Highways England formally consulted with you as part of its statutory consultation (Friday 7th September 2018 to Thursday 14th October 2018).

I am now writing to let you know that at following a final review of the application documents:

- Revisions have been made to the design of the scheme; and
- Corresponding changes are required to the land that is needed for the scheme.

In some cases, this has resulted in additional land being required either on a temporary or permanent basis, or additional permanent rights being needed either for maintenance of the project or realigned utility apparatus.

The enclosed Land Interest Plans detail the nature of the change. At this stage we are not seeking a response from you to this letter. Highways England will notify you if the application is accepted for examination and during the 'pre-examination' period you will have the opportunity to register with the Planning Inspectorate to participate in the process. Registering as an 'interested party' will provide you with the opportunity to submit to the Examining Authority (appointed to examine the application) written details of your views on the Project and to make submissions as public hearings during the Examination.

The consultation brochure remains available on the project website at www.highwaysengland.co.uk/A38-Derby-Junctions.

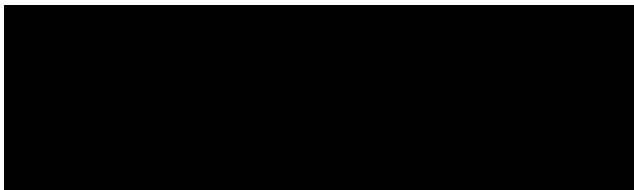
In addition, hard copies of the documents listed as enclosures below are also provided to help you understand the proposals.

The Project Team will still be available to speak with you about the scheme and answer any questions you may have, please use the contact details provided:

- **By email:** A38derbyjunctions@highwaysengland.co.uk

Further information about the Planning Act 2008 Act process and Development Consent Orders can be found on the Inspectorate's National Infrastructure Planning website: <http://infrastructure.planninginspectorate.gov.uk/>

Yours faithfully



Paul Nagra

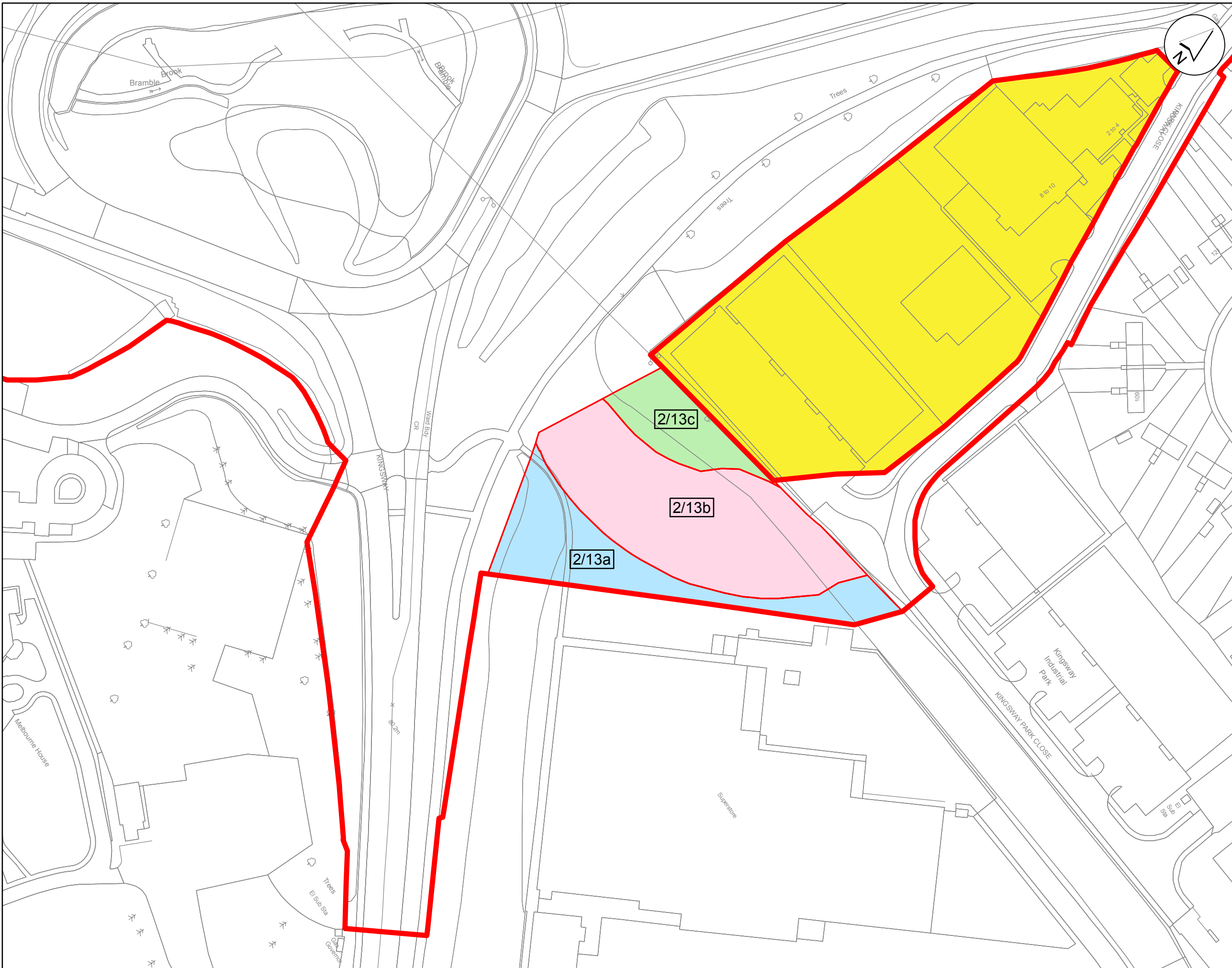
Project Manager for A38 Derby Junctions Scheme

Email: A38derbyjunctions@highwaysengland.co.uk

Tel: 0300 123 5000

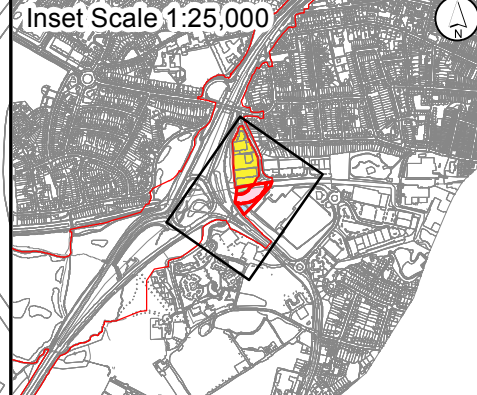
Enc

- Hard copy of Land Interest Plan (as per April 2019 Submission version)
- Hard copy of updated Land Interest Plan (as per September 2018 Statutory Consultation)
- Hard copy of Land Interest Schedule



Notes:

- Key:**
- PARCEL OF INTEREST
 - LAND TO BE ACQUIRED PERMANENTLY
 - LAND TO BE USED TEMPORARILY
 - LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY
 - LAND NOT INCLUDED WITHIN THE ORDER LIMITS
 - SCHEME BOUNDARY



1	12/04/19
Revision	Date

Client:

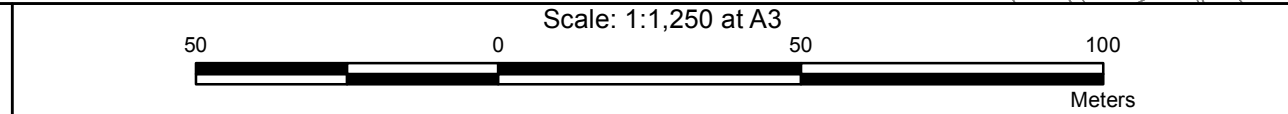


Project:
Highways England: A38 Derby Junctions

Title:
Planning Act 2008 Section 42(1)(d) and 44 consultation

Party:
Sainsbury's Propco A Limited

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Date: 12/04/19 Scale: 1:1,250 @ A3
Drawn: PA Drwg No: PA-3020-LOP-SPAL

Appendix A – Annex 4, Additional S42 consultation, Kang Kingsway

Our ref: **TR010022/S42(1)(d)Cat1&2/April 2019**

The Company Secretary
Kang Kingsway Limited
84/86 St Thomas Road
Derby
DE3 8SW

A38 Derby Junctions Project
Highways England, Floor 5
Two Colmore Square
38 Colmore Circus
Birmingham
B4 6BN

16 April 2019

Dear Sir/Madam

A38 DERBY JUNCTIONS IMPROVEMENT SCHEME

RE: LAND AT KINGSWAY PARK CLOSE, DERBY

I am writing to you regarding Highways England's proposed **A38 Derby Junctions Project** and its imminent submission of its Development Consent Order application to the Planning Inspectorate (PINS).

Highways England formally consulted with you as part of its statutory consultation (Friday 7th September 2018 to Thursday 14th October 2018).

I am now writing to let you know that at following a final review of the application documents:

- Revisions have been made to the design of the scheme; and
- Corresponding changes are required to the land that is needed for the scheme.

In some cases, this has resulted in additional land being required either on a temporary or permanent basis, or additional permanent rights being needed either for maintenance of the project or realigned utility apparatus.

The enclosed Land Interest Plans detail the nature of the change. At this stage we are not seeking a response from you to this letter. Highways England will notify you if the application is accepted for examination and during the 'pre-examination' period you will have the opportunity to register with the Planning Inspectorate to participate in the process. Registering as an 'interested party' will provide you with the opportunity to submit to the Examining Authority (appointed to examine the application) written details of your views on the Project and to make submissions as public hearings during the Examination.

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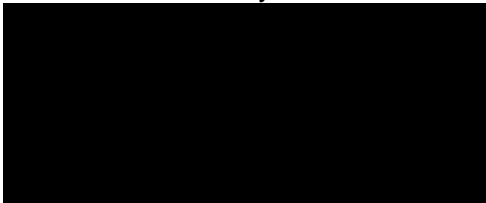
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- **By email:** A38derbyjunctions@highwaysengland.co.uk

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Yours faithfully



Paul Nagra

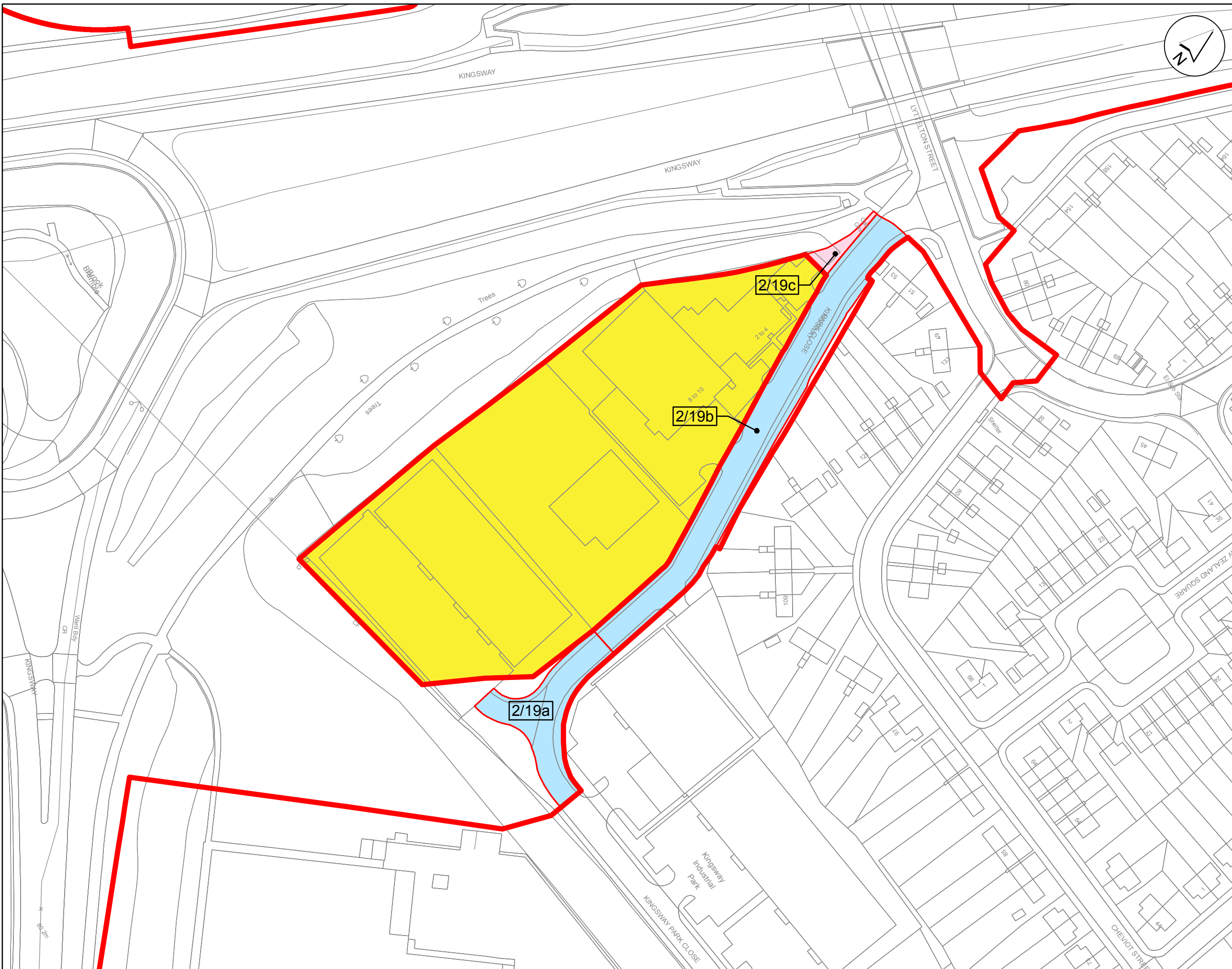
Project Manager for A38 Derby Junctions Scheme

Email: A38derbyjunctions@highwaysengland.co.uk

Tel: 0300 123 5000

Enc

- Hard copy of Land Interest Plan (as per April 2019 Submission version)
- Hard copy of updated Land Interest Plan (as per September 2018 Statutory Consultation)
- Hard copy of Land Interest Schedule



Notes:

Key:

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- LAND TO BE USED TEMPORARILY
- LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY
- LAND NOT INCLUDED WITHIN THE ORDER LIMITS
- SCHEME BOUNDARY

Inset Scale 1:25,000

2	12/04/19
1	12/03/19
Revision	Date

Client:

Project:

Highways England: A38 Derby Junctions

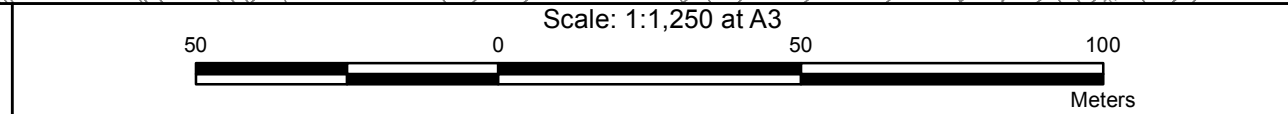
Title:

Planning Act 2008 Section 42(1)(d) and 44 consultation

Party:

Kang Kingsway Limited

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Date: 12/04/19 Scale: 1:1,250 @ A3
 Drawn: PA Drwg No: PA-3020-LOP-KKL

Appendix A – Annex 5, Additional S42 consultation, RSDD

Our ref: **TR010022/S42(1)(d)Cat1&2/April 2019**

The Trustees of
RSDD 2016 Property Trust
C/O Helen Radford
180 Ashbourne Road
Derby
DE22 3BH

A38 Derby Junctions Project
Highways England, Floor 5
Two Colmore Square
38 Colmore Circus
Birmingham
B4 6BN

16 April 2019

Dear Sir/Madam

A38 DERBY JUNCTIONS IMPROVEMENT SCHEME

RE: 180 ASHBOURNE ROAD, DERBY, DE22 3BH AND LAND ON THE SOUTH-WEST SIDE OF 30 QUEENSWAY, DERBY, DE22 2BE AND LAND LYING TO THE NORTH-WEST OF MARKEATON STREET, DERBY.

I am writing to you regarding Highways England's proposed **A38 Derby Junctions Project** and its imminent submission of its Development Consent Order application to the Planning Inspectorate (PINS).

Highways England formally consulted with you as part of its statutory consultation (Friday 7th September 2018 to Thursday 14th October 2018).

I am now writing to let you know that at following a final review of the application documents:

- Revisions have been made to the design of the scheme; and
- Corresponding changes are required to the land that is needed for the scheme.

In some cases, this has resulted in additional land being required either on a temporary or permanent basis, or additional permanent rights being needed either for maintenance of the project or realigned utility apparatus.

The enclosed Land Interest Plans detail the nature of the change. At this stage we are not seeking a response from you to this letter. Highways England will notify you if the application is accepted for examination and during the 'pre-examination' period you will have the opportunity to register with the Planning Inspectorate to participate in the process. Registering as an 'interested party' will provide you with the opportunity to submit to the Examining Authority (appointed to examine the application) written details of your views on the Project and to make submissions as public hearings during the Examination.

The consultation brochure remains available on the project website at www.highwaysengland.co.uk/A38-Derby-Junctions.

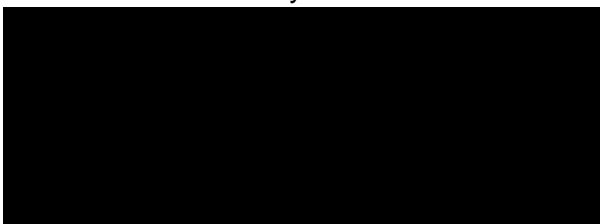
In addition, hard copies of the documents listed as enclosures below are also provided to help you understand the proposals.

The Project Team will still be available to speak with you about the scheme and answer any questions you may have, please use the contact details provided:

- **By email:** A38derbyjunctions@highwaysengland.co.uk

Further information about the Planning Act 2008 Act process and Development Consent Orders can be found on the Inspectorate's National Infrastructure Planning website: <http://infrastructure.planninginspectorate.gov.uk/>

Yours faithfully



Paul Nagra

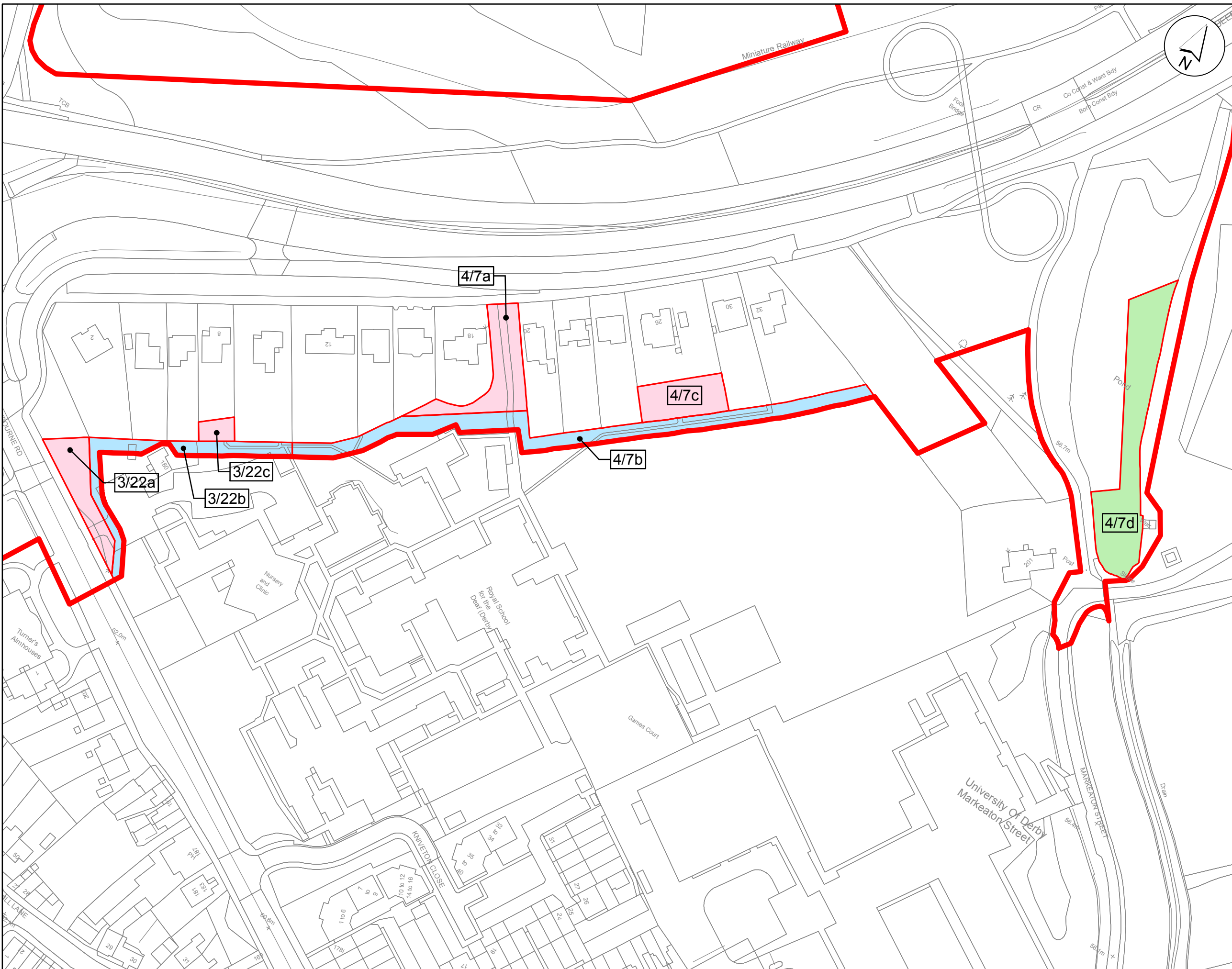
Project Manager for A38 Derby Junctions Scheme

Email: A38derbyjunctions@highwaysengland.co.uk

Tel: 0300 123 5000

Enc

- Hard copy of Land Interest Plan (as per April 2019 Submission version)
- Hard copy of updated Land Interest Plan (as per September 2018 Statutory Consultation)
- Hard copy of Land Interest Schedule



Notes:

Key:

- PARCEL OF INTEREST
- LAND TO BE ACQUIRED PERMANENTLY
- LAND TO BE USED TEMPORARILY
- LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY
- LAND NOT INCLUDED WITHIN THE ORDER LIMITS
- SCHEME BOUNDARY

Inset Scale 1:25,000

1	12/04/19
Revision	Date

Client:

Project:

Highways England: A38 Derby Junctions

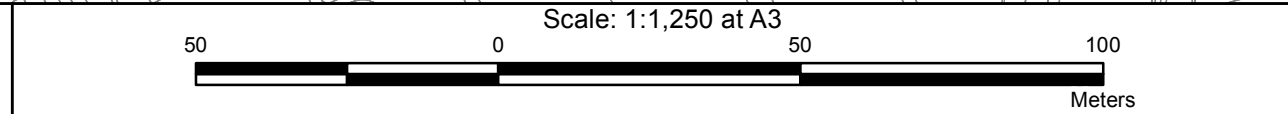
Title:

Planning Act 2008 Section 42(1)(d) and 44 consultation

Party:

RSDD 2016 Property Trust

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Date: 12/04/19 Scale: 1:1,250 @ A3
 Drawn: PA Drwg No: PA-3020-LOP-RSDD

Appendix A – Annex 6, Additional S42 consultation, Derby Garden Centre

Our ref:TR010022/S42(1)(d)Cat1&2/March 2019

Max Loeptien,
3 Meole Hall Gardens,
Shrewsbury,
SY3 9JS

A38 Derby Junctions Project
Highways England, Floor 5
Two Colmore Square
38 Colmore Circus
Birmingham
B4 6BN

7th March 2019

Dear Mr Loeptien,

A38 DERBY JUNCTIONS
STATUTORY CONSULTATION – 8th MARCH 2019 to 9th APRIL 2019.

PLANNING ACT 2008 SECTION 42(1)(d) and 44: DUTY TO CONSULT ON A
PROPOSED APPLICATION
RE: DERBY GARDEN CENTRE

I am writing to you regarding the consultation on Highways England's proposed **A38 Derby Junctions Project**. As part of this scheme we are proposing to:

- Lower the A38 to pass underneath the modified Kingsway and Markeaton junctions;
- Widen the A38 to three lanes in each direction between the Kingsway and Kedleston Road junctions;
- Build two new bridges to carry the A38 traffic over the modified roundabout at Little Eaton junction.

We are now writing to you because we believe that you are:

- An owner, lessee, tenant or occupier of land or property affected by the proposed scheme;
or
- You have an interest in the land; or have power to sell and convey the land, or to release the land.

The enclosed plan(s) detail where your land or property is situated in relation to the proposed scheme.

During the pre-application process, we must consult with a variety of persons and organisations about our proposed application in accordance with the requirements of the Planning Act 2008 (the 2008 Act). We previously wrote to identified consultees on Thursday the 6th of September 2018 to notify them of our statutory consultation on our proposals from Friday the 7th September

to Thursday 18th October 2018. **As our design has evolved, you have now been newly identified following our previous consultation period.**

To enable construction and ongoing operation of the scheme, we have identified a need to carry out some service diversion work at the southern end of your ownership (outside the existing car parking area) so we may need to temporarily access this part of your land to carry out this work during the construction of the junction improvement scheme. As part of our ongoing engagement with those affected by our scheme we have previously contacted you regarding the proposals. We will be seeking legal powers to compulsorily acquire, take rights over or take temporary possession of over land needed for the scheme.

In order to obtain powers of compulsory acquisition and to gain planning consent to build the scheme we are required to make an application for a Development Consent Order (DCO). The application will be made to the Planning Inspectorate (the Inspectorate), who will examine the application and make a recommendation to the Secretary of State for Transport, who will ultimately decide whether the application is granted permission and whether we are able to use compulsory acquisition powers. We intend to make our application in April 2019.

Before submitting our scheme we must consult people that have a legal interest in the land that will be required by the scheme. This letter is notice of Highways England's **statutory consultation from 8th MARCH 2019 to 9th APRIL 2019.**

This statutory consultation is an opportunity for you to share your views on our proposals. We strongly encourage you to provide your views to us now through this statutory consultation. This will enable us to take your views into account in developing and refining our proposals in advance of submitting to the Inspectorate. We would like to use this consultation to understand the potential impacts that the scheme may have on your land or interest. We would also like to work with you to reduce any impacts as much as possible and we can do that more effectively if we fully understand how you use the land and how our scheme will affect that use. You may also wish to consider whether your interests in any surrounding land not acquired by the scheme will be affected. Please use the contact details below to give us your comments.

Please note that whilst you will be entitled to compensation if your land or interests are acquired, or if temporary possession is taken, this is not a matter upon which you can comment in this consultation. The amount of compensation due will be a matter to be determined at the time that land/rights are taken by Highways England and any disputes will be determined by the Upper Tribunal (Lands Chamber) and not by the Inspectorate. We are also interested in understanding whether we have captured the correct information about everyone who has an interest in land. It therefore would be very helpful if you either could confirm our Land Interest Plan(s) are accurate and complete, or update us on anything we have missed. Please use the Land Interest Questionnaire to reply on this point.

We have prepared and provided a Preliminary Environmental Information (PEI) Report, in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), to help you understand the likely effects of our proposals.

To view the full suite of consultation documents listed below, please visit the project website at www.highwaysengland.co.uk/A38-Derby-Junctions:

- The consultation brochure;

- The consultation response form;
- A copy of the PEI (in the form of a PEI Report) accompanied by a Non-Technical Summary;
- Proposed layout drawings for each of the junctions;
- Copies of public consultation event exhibition stands and;
- A 3D video visualisation of the scheme.

The documents are also provided on the enclosed USB.

As you have an interest in the affected land, we are enclosing the following documents in hard copy to help you understand our proposals and share your views with us:

- Consultation brochure;
- Consultation response form;
- Land Interest Plan(s) - A plan showing what land in the area of the proposed scheme we believe you have an interest in;
- A plan showing the extents of the proposed scheme, which is called the “red line boundary plan”;
- Land Interest Schedule and;
- Land Interest Questionnaire.

Highways England has produced the following guidance in relation to compulsory acquisition and compensation:

- Your property and Highways England road proposals
- Your property and discretionary purchase
- Your property and compulsory purchase
- Your property and blight

These documents can be viewed via the project website.

We would also like to invite you to meet with our Project Team. If you have any questions or would like to arrange a meeting please contact us using the details below. Please let us know if you would like to discuss any specific issues.

Any responses to this consultation in respect of the scheme should be sent to the following:

- **Online:** by following the links to our dedicated consultation web page from our scheme page, www.highwaysengland.co.uk/A38-Derby-Junctions
- **By email:** A38derbyjunctions@highwaysengland.co.uk
- **In writing by posting responses to: FREEPOST A38 DERBY JUNCTIONS**

To allow us time to collect and assess all responses to this consultation before finalising our application, please ensure your response reaches us by 11.59pm on **9th APRIL 2019**.

Further information about the 2008 Act process and Development Consent Orders can be found on the Inspectorate’s National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/>

Should you have any queries about this correspondence, the proposals or the consultation, please do not hesitate to contact me using the details provided below.

Yours sincerely,



Paul Nagra

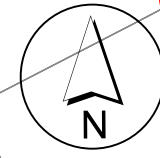
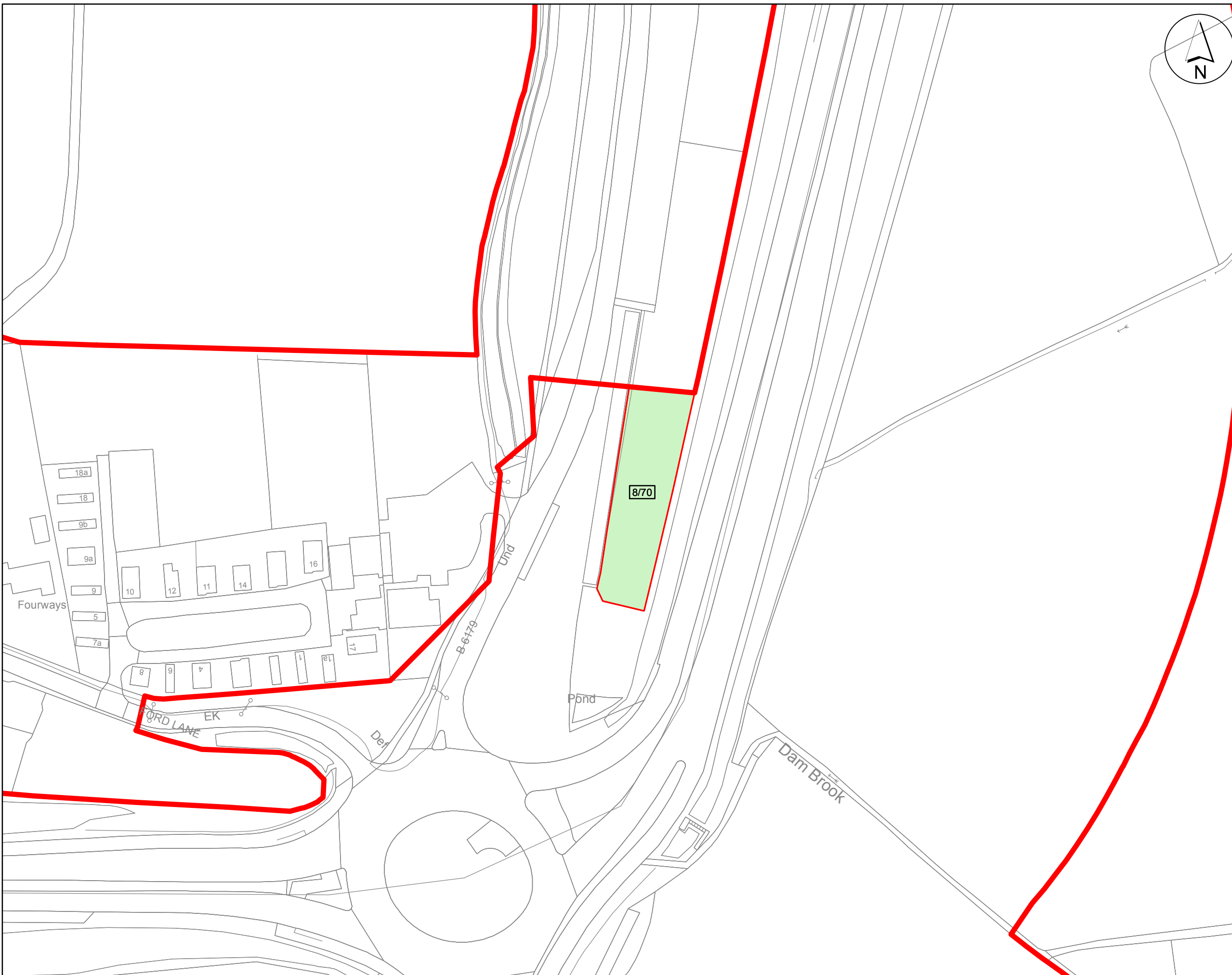
Project Manager for A38 Derby Junctions Scheme

Email: A38derbyjunctions@highwaysengland.co.uk

Tel: 0300 123 5000

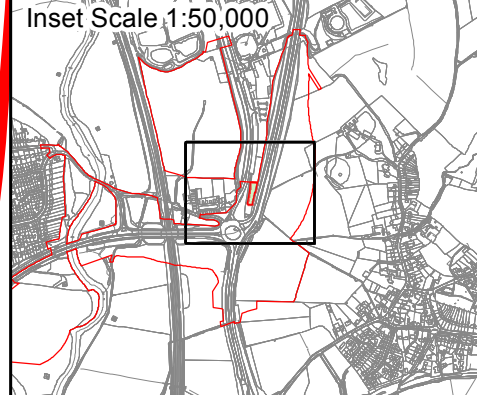
Enc.

- Consultation brochure
- Consultation response form
- Hardcopy of Land Interest Plan
- Hardcopy Red Line Boundary Plan
- Hardcopy of Land Interest Schedule
- Land Interest Questionnaire
- A USB stick with the consultation materials provided electronically



Notes:

- Key:**
- PARCEL OF INTEREST
 - LAND TO BE ACQUIRED PERMANENTLY
 - LAND TO BE USED TEMPORARILY
 - LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY
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Revision	Date

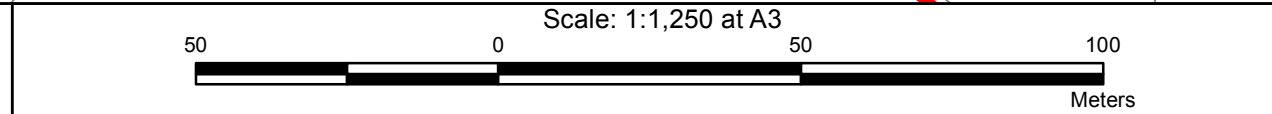
Client:

Project:
 Highways England: A38 Derby Junctions Highway Improvement Scheme

Title:
 Planning Act 2008 Section 42(1)(d) and 44 consultation

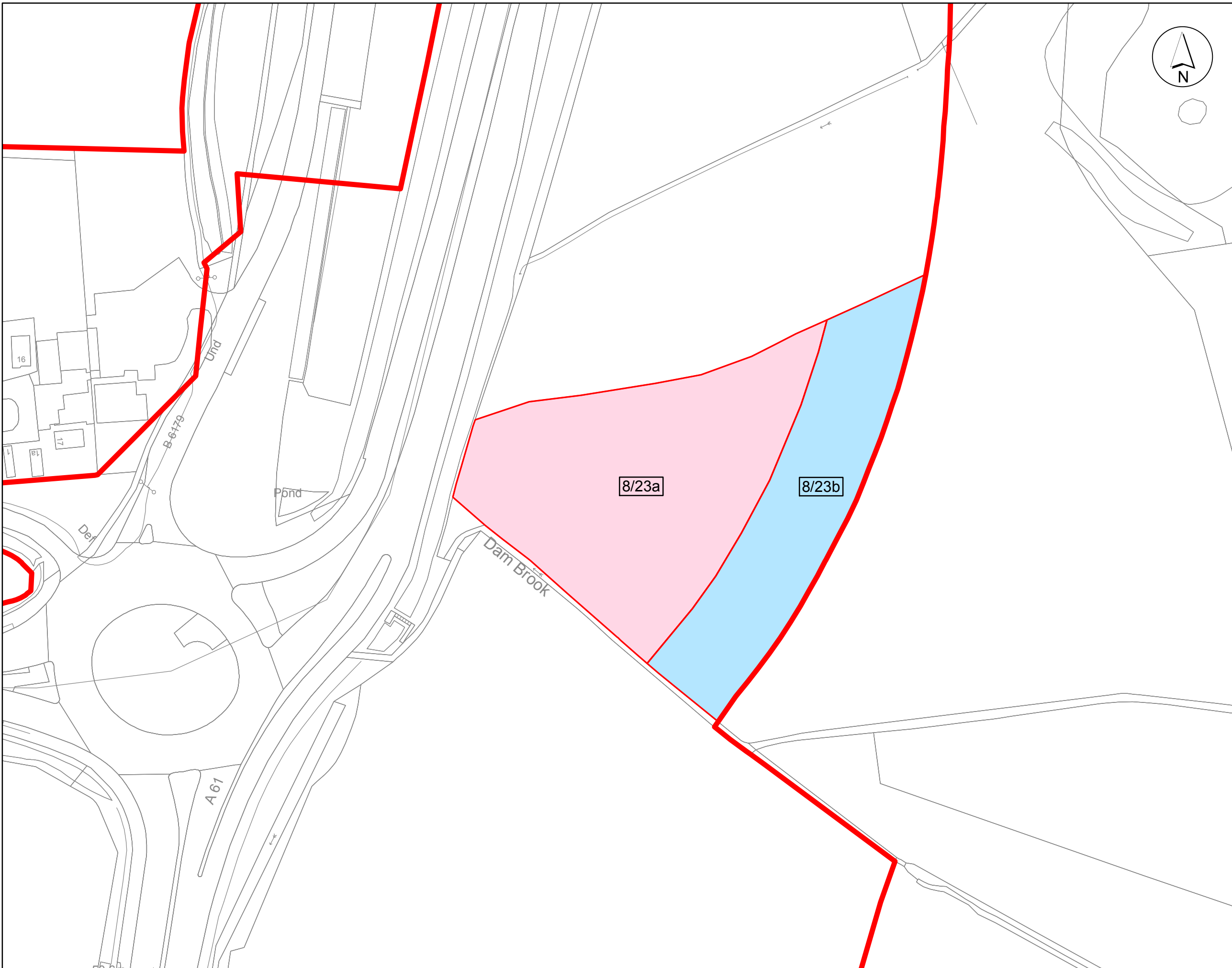
Party:
 Derby Garden Centre

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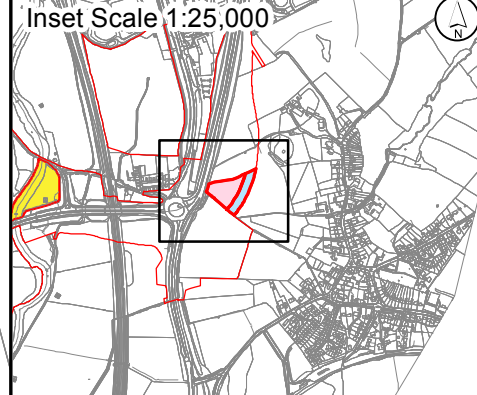
Date: 05/03/19 Scale: 1:1,250 @ A3
 Drawn: PA Drwg No: PA-3020-LOP-MGW-R1

Appendix A – Annex 7, Additional S42 consultation, Marion Reid Morris



Notes:

- Key:**
- PARCEL OF INTEREST
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2	12/04/19
1	05/03/19
Revision	Date

Client:

The logo for Highways England, featuring a stylized blue 'E' shape followed by the text 'highways england' in a sans-serif font.

Project:

Highways England: A38 Derby Junctions

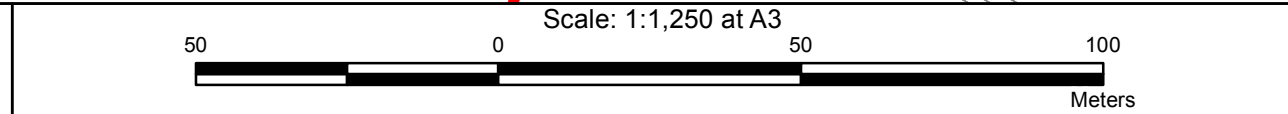
Title:

Planning Act 2008 Section 42(1)(d) and 44 consultation

Party:

Marion Reid Morris

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