



Department for Transport

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To: National Highways and Network
Rail

Date: 7 January 2021

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by National Highways (“the Applicant”) for an Order granting development consent to construct grade-separated interchanges to replace three junctions on the A38 in Derby known as the Kingsway, Markeaton and Little Eaton junctions (“the Proposed Development”)

REQUEST FOR COMMENTS FROM THE APPLICANT AND NETWORK RAIL

1. Request for comments from the Applicant on other responses to the Statement of Matters

The Applicant and a number of other parties have provided responses to the Secretary of State’s [Statement of Matters](#) dated 2 August 2021, many of which contained comments in response to the [Applicant’s response to the Statement of Matters](#) dated 31 August 2021.

Following this, the Secretary of State requests that **the Applicant** provides:

- a. Any comments on the responses to the Statement of Matters. The Secretary of State in particular invites the Applicant to respond to comments regarding potential deficiencies or issues which other parties may have contended exist in respect of the Applicant’s response to the Statement of Matters.
- b. In so far as not specifically addressed in the comments provided under paragraph a) above:
 - (i) in response to section 9.1 of [the Report from Dr Boswell submitted on behalf of Mair Bain and Derby Climate Coalition](#), the definition of the study areas referred to as the ‘whole traffic model study area’ referred to in Environmental Statement (‘ES’) sections 5.6.9 [[APP-043](#)] and 14.6.3 [[APP-052](#)], and the

- 'entire modelled road network' referred to in ES sections 5.10.63 to 5.10.65 [[APP-043](#)]
- (ii) clarification as to what assessments have been carried out in relation to the 'affected road network', the 'area of detailed modelling', the 'whole traffic model study area' and the 'entire modelled road network' and how they interact,
 - (iii) in light of section 3.1 of [the Report from Dr Boswell submitted on behalf of Mair Bain and Derby Climate Coalition](#), the Secretary of State notes that the figures set out in Tables 14.15 and 14.16 of ES Chapter 14 [[APP-052](#)] regarding the impact of the Proposed Development on the carbon budgets are different to the figures set out in Table 2-2 of [the Applicant's response to the Statement of Matters](#), and requests that the Applicant provides an explanation for this difference in the figures, including which set of figures the Applicant considers that the Secretary of State should rely at the point of making his decision on the scheme.

2. Request for comments from the Applicant following the Environment Agency's response to the Statement of Matters

The Secretary of State notes the Environment Agency's [response of 26 October 2021](#) to the Statement of Matters, which states that new climate change allowances for flood risk assessments were published on 20 July 2021. The Secretary of State invites **the Applicant** to consider the Proposed Development against these new allowances and to confirm whether any updates are required in light of this.

3. Request for additional information from the Applicant on the cumulative assessment of climate impacts

The Secretary of State invites **the Applicant** to update its [response of 31 August 2021](#) to the Statement of Matters to provide (or, to the extent that it has already been provided, identify) its assessment of the cumulative effects of Greenhouse Gas emissions from the scheme with other existing and/or approved projects on a local, regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Road Investment Strategy ('RIS') 1 and RIS 2 at a national level).

This should: take account of both construction and operational effects; identify the baseline used at each local, regional and national level; and identify any relevant local, regional or national targets and/or budgets where they exist (including the carbon budgets, the 2050 net zero target under the Climate Change Act 2008, and the UK's Nationally Determined Contribution under the Paris Agreement). It should be accompanied by reasoning to explain the methodology adopted, any likely significant effects identified, any difficulties encountered in compiling the information, and how the assessment complies with the Environmental Impact Assessment Regulations.

The Secretary of State would also welcome confirmation that the response to all parts of this question has been prepared by a competent expert. Please can links be provided to any documents referenced and their relevance fully explained.

4. Request for an update on the Framework Agreement between the Applicant and Network Rail

The Secretary of State notes that the Applicant, in [paragraph 8.2.7 of its response to the Statement of Matters](#), sets out that the Framework Agreement between the Applicant and Network Rail was still being progressed. The Secretary of State invites **the Applicant and Network Rail** to provide an update on this agreement.

The deadline for any response is 4 February 2022.

Responses to the matters outlined in this letter are best submitted by email to: A38DerbyJunctions@planninginspectorate.gov.uk. Postal responses should be sent to The A38 Derby Junctions Team, The Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN, however, please note that as a result of the ongoing Government guidance relating to Coronavirus (COVID-19) there are limited number of staff at Temple Quay House and therefore any submissions sent by post may be subject to delay. If you will have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please inform the Case Team.

The responses will be published on the project page for the A38 Derby Junctions DCO on the Planning Inspectorate's website as soon as possible after the above deadline at: <https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the A38 Derby Junctions, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully,

Natasha Kopala

Head of the Transport Infrastructure Planning Unit