



Application by Highways England for an Order Granting Development Consent for the A57 Link Roads Scheme

The Examining Authority's second written questions and requests for information

Response on Behalf of Derbyshire County Council

The draft Development Consent Order (dDCO) and other consents

Reference is made to the dDCO submitted by the Applicant for Deadline 1 [REDACTED].

No.	Reference	Question	Derbyshire County Council Response
1.2	Article 2(1) Interpretation - commence	<p>Derbyshire County Council [REP4-010] raised concerns about the need to secure pre-commencement archaeological investigations and mitigation works, the need for a Written Scheme of Investigation, and for Derbyshire County Council to be consulted accordingly. The Applicant [REP4-006 page 9] has suggested the addition of Requirement 10(8). The ExA understands that the suggestion is that this would provide the necessary mitigation when taken together with Requirement 10(1) and the addition of a definition of "preliminary works" to Requirement 1.</p> <p>a) Does Derbyshire County Council have any comments on the Applicant's updates to the dDCO [REP5-006]?</p> <p>b) Does Derbyshire County Council have any remaining concerns regarding the mitigation of pre-commencement activities?</p>	<p>A) Derbyshire County Council notes the applicant's response to this issue in REP4-006 page 9 which notes that:</p> <p><i>The Applicant acknowledges that mitigation is not currently secured. In terms of archaeology there would be scope to bring in the archaeological works and any ground works into Requirement 10 which states: 10 –(1) No part of the authorised development is to commence until for that part a written scheme for the investigation of areas of archaeological interest, reflecting the relevant mitigation measures set out in the REAC, have been set out in a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the Greater Manchester Archaeological Advisory Service (GMAAS), Derbyshire Council's county archaeologist and the Secretary of State, following consultation with the relevant planning authority on matters related to its function. Reference to "Part" would include any archaeological works or ground works.</i></p>

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			<p>Derbyshire County Council is satisfied that this matter could be secured within the scope of Requirement 10-1. The Council would suggest that this could be facilitated by amended wording to reference to 'part' and clarification that this would include any archaeological works or ground works, <u>including pre-commencement works</u>.</p> <p>b) Except for the above, Derbyshire County Council has no further concerns.</p>
1.4	Article 10 Street Works	<p>The Applicant [REP4-006 page 13] said that Derbyshire County Council's permit scheme would be disappplied. It referred to ongoing discussions and that a Traffic Management Plan would be consulted on with Derbyshire County Council.</p> <p>Derbyshire County Council [REP4-010] is concerned that there is coordination and liaison to avoid any conflicts and have suggested that 3 months-notice be provided of any works.</p> <p>Are the Applicant and Derbyshire County Council able to agree suitable provisions in the first iteration Environmental Management Plan (EMP) [REP3-010 REP5-012] to set out the measures to be included in the Traffic Management Plan?</p>	<p>Yes. Derbyshire County Council has held initial discussions with the applicant to seek to agree suitable provisions in the first iteration of EMP to set out measures for consultation regarding the disapplication of the County Council's Street Works Permitting Scheme that could be set out in the Traffic Management Plan. There is a section in the EMP (Section 2.8) on Communication where this could be addressed and / or through the associated Register of Environmental Actions and Commitments.</p>
1.5	Article 12(5) Construction and maintenance of	<p>The Applicant [REP4-006 page 13] said the principles of future maintenance had been agreed with Derbyshire County Council and that the detail would be contained in the second iteration EMP. Derbyshire</p>	<p>Since the issue of the ExA's First Written Questions and its response in REP4-010, Derbyshire County Council's Network Management Officers have</p>

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	<p>new, altered or diverted streets and other structures</p> <p>Responsibility for maintenance</p>	<p>County Council [EV-016 EV-018 REP4-010] said that responsibilities for maintenance had not been agreed and that any need for commuted sums could be developed through the emerging EMP and the Statements of Common Ground. The ExA notes the potential for measures not being agreed in the Statement of Common Ground, and that the second iteration of the EMP requires consultation rather than agreement with Derbyshire County Council.</p> <p>a) Is Derbyshire County Council content that with Article 12(5)?</p> <p>b) Should the maintenance responsibilities be set out in the first iteration EMP [REP3-010 REP5-012]?</p>	<p>subsequently held discussions with the applicant's consultants regarding maintenance liabilities for various aspects of the scheme and agreement has been reached between the two parties that Derbyshire County Council should assume maintenance responsibilities for those structures set out in Table 6.1 of the EMP i.e. the Woolley Bridge traffic signals and the street lighting. (see also comments in 11.9 regarding maintenance of drainage infrastructure). The issue of commuted sums is subject to ongoing discussions between the applicant and the County Council, and the Council considers that agreement on this matter could be secured through the EMP.</p>
1.6	<p>Articles 14(6), 18(11), 19(8), 21(6) – Deemed consent</p>	<p>Please could the Applicant and the local authorities provide an update on discussions regarding the addition of a provision for any application for consent to contain a statement drawing the street authority's attention to the guillotine? If agreement is not reached then the ExA is minded to include this provision, for the reasons set out in the first written questions [PD-009 Q1.19, Q1.21, Q1.22 and Q1.24].</p>	<p>Derbyshire County Council has engaged in further discussions with the applicant regarding the attention that should be drawn to the guillotine applicable to Articles 14 (6), 18 (11), 19 (8) or 21 (6). These discussions are ongoing at the time of writing but pending the outcome of the discussions, the County Council would support the ExA's proposal that any application for consent should contain a statement drawing the Street Authority's attention</p>

No.	Reference	Question	Derbyshire County Council Response
			to the guillotine for clarification and certainty.
1.10	Requirement 4(1) and (2) - second iteration EMP	<p>The ExA [EV-016 EV-018] has raised concerns that key principles established for the first iteration EMP should not be lost or watered down in subsequent versions. The Applicant [REP4-006 page 17] has explained the process for the development of the second iteration of the EMP and explained that the second iteration would not follow the first iteration "slavishly"</p> <p>The Applicant [REP4-006 page 17] said that the first iteration EMP [REP3-010 REP5-012] incorporates the measures for the construction stage referred to in the ES as being incorporated in the EMP. It said that the second iteration would be updated to reflect the finalised design and construction plans and would reflect the mitigation for the consented scheme. The Applicant does not appear to be comfortable for the dDCO [REP5-006] to require that the measures for the construction stage referred to in the ES are included in the second iteration EMP. The second iteration is the version that would be used during construction.</p> <p>a) The ExA is considering whether it can rely on the measures for the construction stage referred to in the ES if their inclusion in the second iteration EMP is not secured in the dDCO [REP5-006]. Please could the Applicant comment? Can a firmer undertaking be secured regarding the mitigation referred to in the ES? The Applicant [REP4-006 page 17] said that the second iteration EMP would contain a record of the</p>	<p>Derbyshire County Council provided comments on this matter in its response to the First Written Questions and contended that mitigation measures set out in the ES should be incorporated in the second iteration of the EMP for the construction phase; and that it would be beneficial to the County Council if the second iteration of the EMP included details of consents, commitments and permissions resulting from liaison with other statutory bodies and be kept up to date with any material changes during construction and for consultation to be required on those changes. Those comments are reaffirmed by the County Council to provide more certainty and clarity.</p>

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		<p>consents, commitments and permissions resulting from liaison with statutory bodies and be kept up to date with any material changes during construction and for consultation to be required on those changes. However, the Applicant does not appear to be comfortable for the dDCO [REP5-006] to include those requirements for the second iteration.</p> <p>b) Please could the local authorities comment?</p>	
1.12	Requirement 4(4) and 4(5) – third iteration EMP	<p>The ExA [EV-016 EV-018] has raised concerns that key principles established for the first iteration EMP [REP3-010 REP5-012] should not be lost or watered down in subsequent versions. The Applicant [REP4-006 pages 18 to 19] has explained the process and legislative requirements for the development of the third iteration of the EMP and said that the third iteration EMP would be developed from the second iteration EMP, which is the version that would be used for construction. The Applicant does not appear to be comfortable for the dDCO [REP5-006] to require that the measures for the construction stage referred to in the ES are included in the second iteration EMP. The third iteration is the version that would be prepared at handover.</p> <p>a) There are no requirements for approval, or consultation on the third iteration EMP. Please could the local authorities comment?</p> <p>b) Noting that the second iteration EMP is for the construction phase, please could the Applicant advise whether it would reflect measures for the</p>	<p>a) Derbyshire County Council has previously indicated that it would appear logical that there is consistency between the first, second and third iterations of the EMP to ensure that the scheme is developed largely in accordance with the first iteration. As consultation is required on the first and second iterations of the EMP, again it would appear logical for consistency reasons that consultation should also be carried out with the respective local authorities on the third iteration to provide the opportunity for the local authorities to raise any issues or concerns if it is proposed that any part of the scheme is to be delivered that is significantly different to that set out in the first and second iterations of the EMP and which may raise significant new or unforeseen environmental impacts.</p>

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		<p>management and operation stage that are included in the first iteration? Is it necessary to ensure that the third iteration reflects measures in the first iteration?</p> <p>c) The ExA is considering whether it can rely on the measures for the management and operation stage referred to in the ES if their inclusion in the third iteration EMP is not secured in the dDCO [REP5-006]. Please could the Applicant comment? Can a firmer undertaking be secured regarding the mitigation referred to in the ES?</p>	
1.17	Requirement 9(2) – Flood risk assessment	<p>Derbyshire County Council [REP4-010] said that the Lead Local Flood Authority would welcome consultation on any works that were not in accordance with an approved Flood Risk Assessment for clarity and certainty and for the opportunity to comment on or raise concerns about any works that may result in problems for flood risk in the wider area. The Environment Agency [REP3-037] recommended that they should be consulted in relation to works proposed in accordance with the flood risk assessment and otherwise in accordance with the flood risk assessment. They also stated that all works should be carried out in accordance with an approved flood risk assessment regardless of whether affected landowners accept any exceedances of flood levels. They said that the flood risk assessment must show that risks would not be increased elsewhere. The Applicant [REP4-006 pages 21 and 22] responded to the Environment Agency’s concerns and updated the dDCO [REP5- 006].</p>	b) No. Derbyshire County Council, as Lead Local Flood Authority, has no remaining concerns.

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		<p>a) Does the Environment Agency have any comments on the Applicant's updates to Requirement 9?</p> <p>b) Do the Environment Agency or the Lead Local Flood Authorities have any remaining concerns regarding dDCO [REP5-006] provisions in relation to flood risk assessment?</p>	
1.19	Requirement 12(1) Details of consultation – minimum period	Please provide an update on discussions regarding the consultation period, for which a period ranging from 14 days to 28 days have been suggested.	Derbyshire County Council has had further discussions with the applicant regarding Requirement 12 (1) and these discussions are ongoing. The County Council would reiterate its comments made on this issue in the ExA's First Written Questions that in the County Council's experience of dealing with another DCO for a highways scheme, 14 days was too onerous to respond to any consultation. A possible compromise could be 21 days and this is currently under consideration.
3.4	Modal use assumptions. CPRE Peak District and South Yorkshire Branch Deadline 5 Submission - Responses to Deadline 4	<p>There are concerns, expressed by CPRE Peak District and South Yorkshire Branch in [REP5-029 paragraphs 160 and 170] and elsewhere, that public transport and active travel modes have been under-represented in the model. a) Please provide comments on the issues raised</p> <p>b) If these modes have been under-represented, what effect would this have on the case for the scheme?</p>	c) Derbyshire County Council has no further comments to make on this issue.

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	submissions and comments on Issue Specific Hearing 2 [REP5-029]	c) Do the local highway authorities have any comments in regard to this issue?	
3.5	Screening thresholds	<p>The Design Manual for Roads and Bridges (DMRB) provides screening criteria for traffic flows which are used to decide whether a detailed assessment is required with particular reference to biodiversity, noise, air quality, and in relation to the effects on the Peak District National Park.</p> <p>a) Please provide, for each relevant environmental topic, the screening threshold set out in the DMRB, providing the relevant paragraph reference in each case.</p> <p>b) Please identify any other recognised screening criteria (Institute of Environmental Management and Assessment (IEMA), Institute of Air Quality Management (IAQM), etc) that have been used or considered, providing the relevant paragraph reference in each case.</p> <p>c) Where there is a choice of DMRB or other screening criteria, please identify the criteria selected and the reasoning for that choice.</p> <p>d) Do the local authorities, Peak District National Park Authority and Natural England have any comments that they wish to make about this matter?</p>	d) Derbyshire County Council has no further comments to make on this issue.

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3.10	Junction of A57 Brookfield / Shaw Lane / Dinting Vale North Derbyshire County Council Deadline 2 Submission - Local Impact Report from Derbyshire County Council [REP2-045]	<p>In their Local Impact Report [REP2-045], Derbyshire County Council identify concerns regarding future capacity at the junction of A57 Brookfield / Shaw Lane / Dinting Vale North and that this will result in local delays.</p> <p>a) Has any specific analysis of the operation of this junction been undertaken?</p> <p>b) Should the specific mitigation be provided to address any resultant additional?</p> <p>c) Has any potential mitigation been considered?</p> <p>d) If so, how would this be secured?</p> <p>e) Would an increase in junction capacity at this junction affect any driver-perceived attractiveness of the Shaw Lane / Dinting Road route for drivers?</p> <p>f) If so, what would be the resulting effect?</p> <p>g) Would any additional diversion of traffic require additional mitigation?</p>	<p>Although the County Council has had sight of some preliminary analysis of the junction's operation, it is not aware of any specific proposals for mitigation to the junction and would welcome further dialogue with National Highways about this.</p>
3.13	Car parking within the National Park	<p>Improving road access to the National Park may encourage people to access the National Park by private motor car. During site inspections, it was observed that much of the parking along the A57 Snake Pass took the form of informal roadside parking, particularly around locations where Public Rights of Way (PRoW) cross or join the road.</p> <p>a) What effects would increased parking demand have on: - • Highway safety, and • Visual amenity?</p> <p>b) Should formal provision be made to manage these effects?</p>	<p>Derbyshire County Council is aware that much of the parking along the A57 Snake Pass takes the form of informal roadside parking and clearly increased parking demand would be undesirable both from a highway safety and visual amenity perspective. However, whilst the County Council is aware that the proposals will result in a small incremental increase in traffic across the National Park, the Council considers that this is largely a consequence of secondary reassignment effects arising from the scheme. It does not necessarily</p>

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		c) If not, why not? d) If so, how could such provision be secured? e) Could increased demand for travel for visitors be addressed in other ways? f) If so, how would this be delivered?	follow that the scheme would make the National Park a more attractive destination in itself.
3.18	Modal Transference	There are aspirations, both at local and national level, to transfer journeys to more sustainable transport modes. a) Do you consider that sufficient consideration been given during the assessment of the effects of the scheme to Public Transport networks? b) Is the design flexible enough to provide for any future increase in public transport usage and associated infrastructure?	Derbyshire County Council is supportive in principle of widely held aspirations to transfer journeys to more sustainable transport modes. The County Council considers that the scheme will remove many of the bottlenecks and consequently congestion and long journey times currently experienced by all transport users. On this basis therefore the scheme will facilitate better commodious public transport operation.
3.23	First Written Questions [PD-009 Q3.23]	Please provide an update regarding discussions seeking to secure future maintenance of the relevant works.	See answer to Question 1.5. Since the issue of the ExA's First Written Questions and its response in REP4-010, Derbyshire County Council's Network Management Officers have subsequently held discussions with the applicant's consultants regarding maintenance liabilities for various aspects of the scheme and agreement has been reached between the two parties that Derbyshire County Council should assume maintenance responsibilities for those structures set out in Table 6.1 of the EMP i.e. the Wooley Bridge traffic signals and the

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			street lighting. (see also comments in 11.9 regarding maintenance of drainage infrastructure).
3.25	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of transport networks, traffic, alternatives, access, severance, walkers, cyclists, or horse riders?	Derbyshire County Council is not aware of any remaining concerns outside of those covered elsewhere i.e. beyond Shaw Lane and additional traffic on the Snake Pass and its implication for accident rates.
4.6	Slight effects and material considerations	Peak District National Park Authority [REP2-048, REP2-055] considers that slight effects could be material to the decisionmaking process. The Applicant [REP4-008 Item 4o] said that is not in alignment with DMRB LA104 Table 3.7, which is the methodology for the assessment. Please could Natural England, Derbyshire County Council and High Peak Borough Council comment? Has enough consideration been given to all relevant guidance, policy, and legislation, apart from the DMRB?	This is an issue which has been raised by the Peak District National Park Authority in its Local Impact Report and addressed by the applicant. Derbyshire County Council has not raised such an issue either in its Local Impact Report or through its response to the EXA's First Written Questions and so offers no further comment.
4.13	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of the Peak District National Park?	Derbyshire County Council has no remaining concerns.
5.4	Modelled levels and limits of deviation	The Applicant [REP2-021 Q5.5] said that the assessment was based on alignment overlain on existing ground levels plus 4.5m to simulate HGV and subsequently [REP4-008 Item 4h] added that the assessment acknowledged the presence of	d) and e) Section 15 is the only section falling within Derbyshire with the assessment noting that immediately to the west of

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		<p>embankments, false cutting and landform generally. The Applicant [REP4-008 Item 4h] set out the level differences from existing ground level, which included carriageways at the following approximate heights above existing ground level: • Section 3: 3-5m • Section 4: 6-10m • Section 8: 3-4m • Section 11: 3m • Section 12: 2-3m • Section 13: 5m • Section 14: 4-5m • Section 15: 2-2.5m False cutting or bunds were noted at the following approximate heights above existing ground level: • Section 4: 5m higher than proposed carriageway levels • Section 10: 1-4m • Section 11: up to 6m Sections are provided in the Engineering Drawings and Sections drawing [REP5-005]. These indicate that some embankments, including Section 4, would be topped by 2.5m high environmental barriers. The Applicant [REP4-008 Item 4h] said that vertical limits of deviation were not considered likely to result in changes in levels of significance for landscape or visual receptors. a) Please could the Applicant provide more detailed clarification about how these departures from existing ground level were considered in the assessment? Given the scale of the height differences, how did it consider the potential for the Proposed Development to be visible from locations where existing ground levels would not be visible? b) Please could the Applicant clarify whether the photomontages [APP-099 to APP-107] and the drawings of the Zone of Theoretical Visibility [APP-095 and APP-096] are consistent with the levels identified [REP4-008 Item 4h]? c) How has the Applicant considered the height of the construction plant and equipment relative to</p>	<p>Woolley Bridge Junction, the proposed Scheme carriageway is approximately 2-2.5m higher than the existing ground level where it is carried on an embankment. It is noted that the applicant considers in its response [REP4-008 Item 4h] that the assessment makes no explicit reference to the existing ground level changes but notes that they have been taken into account in the assessment. In other words, the assessment does acknowledge the presence of embankments, false cutting and landform generally. However, as highlighted by the EXA in question 5.4, more detailed clarification is required about how the departures from existing ground level were considered in the assessment and this is supported by the County Council, which would be able to provide further comment following the applicant's further response to this matter.</p>

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		<p>existing ground level, for example when plant is operating at the top of a new embankment? d) Please could Tameside Metropolitan Borough Council, Derbyshire County Council and Peak District National Park Authority comment? e) Are the authorities content that the height differences and the environmental barriers have been appropriately considered in the assessment of effects for landscape or visual receptors?</p>	
5.5	<p>Environmental Masterplan [APP074 Figure 2.4] Outline Landscape and Ecological Environmental Management and Monitoring Plan [REP5-018]</p>	<p>Derbyshire County Council [REP4-010 Item 4j] commented on the Environmental Masterplan [APP-074 Figure 2.4]. Please could the Applicant respond? Should the landscape proposals respond more to the character of the immediate and wider landscape and not just simply attempt to hide the road. Is it possible to do both? Derbyshire County Council [REP4-010 Item 4n] commented on a previous version of the outline Landscape and Ecological Environmental Management and Monitoring Plan [REP3-022]. a) Please could the Applicant and Derbyshire County Council discuss the comments in the context of the latest update, seek to agree any further updates to the outline Landscape and Ecological Environmental Management and Monitoring Plan [REP5-018], and confirm which matters have been agreed or not agreed? Should the planting mix be revisited? b) Please could the Applicant comment on whether the Register of Environmental Actions and Commitments [REP5- 012 GEM1.1] should be updated to reflect that the Landscape and Ecological Environmental Management and Monitoring Plan has been</p>	<p>Yes. Derbyshire County Council is happy to liaise with the applicant's consultants regarding the landscape proposals and to seek to agree any further updates to the outline Landscape and Ecological Environmental Management and Monitoring Plan. At the time of writing, meetings are in the process of being organised between the applicant's landscape consultant and Derbyshire County Council's Landscape Architect. These discussions will include consideration of the planting mix proposed for the scheme, in the context of the County Council's comments on the Landscape and Environmental Management Plan that the Council is not convinced that the Native Woodland Mix as proposed reflects woodland typically found in the locality of the scheme or the wider landscape and the</p>

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		submitted, and information in second iteration EMP would be based on this document?	Council would urge the applicant and their consultants to review planting and management guidance set out in appropriate landscape assessments such as the 'Landscape Character of Derbyshire' publication.
5.7	Management of new structures and the potential for vandalism	CPRE Peak District and South Yorkshire Branch [REP2-069] raised concerns about the management of new structures and the potential for vandalism. a) Please could the Applicant respond? b) Please could the local authorities comment?	b) Derbyshire County Council has raised no concerns about the management of new structures and the potential for vandalism.
5.9	Mitigation	<p>The ExA is considering whether mitigation is firmly secured and therefore the extent to which it can be relied on. It is considering if it is necessary to add a Requirement to the dDCO [REP5-006].</p> <p>The Applicant [REP4-008 Item 4v] said that the aesthetic appearance of the Proposed Development is extremely important in the context of its visibility. Tameside Metropolitan Borough Council [REP5-031 Item 4v] said that aesthetics are very important for the landscape and it is particularly important that mitigations are fully discussed with and agreed with Tameside Metropolitan Borough Council during detailed design. The Applicant [REP4-008 Item 4y] said that:</p> <ul style="list-style-type: none"> • It agreed to prepare a Design Approach Document, and provided a contents list for that [REP5-001 Annex 1]. • A Design Champion could be appointed to take on the responsibility of achieving sustainable design across the project in 	a) Derbyshire County Council has reviewed the proposed contents of the Design Approach Document [REP5-001 Annex 1] and considers that it sets out an appropriate structure and basis for a sound approach to the design of the scheme.

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		<p>an integrated manner, to take on the lead author responsibility of a design approach document that would identify approaches for all engineering and environmental design and ensure that delivery and objectives identified in the design approach document during the Detailed Design and Construction stages. • It agreed to a further Design Review by the Design Council to receive constructive comments on the Scheme design as it evolves into the Detailed Design stage prior to construction. • Close collaboration would proceed with external parties, in the Detailed Design and construction phases, working closely with Tameside Metropolitan Borough Council and Derbyshire County Council, for example, to agree Scheme proposals on the single carriageway section and junctions, and also with Transport for Greater Manchester in terms of the new junction design. • The mitigation measures would be secured through the LEMP, EMP and REAC, through Requirement 4 of the draft DCO Schedule of Requirements.</p> <p>A) Please could the local authorities comment on the contents of the Design Approach Document [REP5-001 Annex 1]?</p> <p>b) Please could the Applicant discuss the Design Approach Document with the local authorities and submit an Outline Design Approach Document to the Examination?</p> <p>c) Please could the Applicant clarify whether the Outline Design Approach Document will be</p>	

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		<p>appended to the first iteration EMP [REP3-010 REP5-012]? If not, how will it be certified by the dDCO?</p> <p>d) Please could the Applicant suggest how the secured mitigation could be made firmer and more precise, and suggest wording for the dDCO?</p>	
5.10	Lighting	<p>a) Please could the Applicant set out the consideration given to design options for street lighting, including the height and spacing, whether it can be omitted, and how light pollution and glare could be mitigated.</p> <p>b) Please could the local authorities and Peak District National Park Authority comment?</p>	<p>b) Derbyshire County Council's officers have been liaising with the applicant's consultants regarding the detailed design, specifications and locations of street lighting for that part of the scheme within Derbyshire. Discussions regarding the detail are ongoing although the principle of the design, specifications and locations of street lighting for the scheme has been agreed by the County Council (see Derbyshire County Council and High Peak Borough Council Local Impact Report paragraph 7.37).</p> <p>There are two aspects to consideration of the lighting of the scheme – firstly, there are important operational and safety requirements (as above) and secondly, there is a desire to minimise the visual impacts of lighting. The lighting solution, therefore, requires an appropriate balance.</p>
5.13	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire	Derbyshire County Council has no remaining concerns.

No.	Reference	Question	Derbyshire County Council Response
		County Council summarise any remaining concerns that it has about the Applicant's consideration of landscape, visual, design, or the Green Belt?	
6.12	Remaining Concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of noise, vibration, common law nuisance or statutory nuisance?	Derbyshire County Council has no remaining concerns.
8.2	Cumulative effects	In Issue Specific Hearing 2 [EV-015 Item 6c] the ExA requested that the Applicant provide its assessment of the cumulative effects of Greenhouse Gas emissions from the Proposed Development 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). The Applicant [REP5-026] responded at Deadline 5. Please could the local authorities comment on the Applicant's response? Has appropriate consideration been given to local policies and local or regional carbon budgets?	Derbyshire County Council is comfortable with the response provided by the Applicant and confirms that appropriate consideration and explanation has been given to local policies and local and regional carbon budgets.
8.4	Significant effects - benchmarking	Derbyshire County Council [REP4-010 Item 6f] suggested that benchmarking should be undertaken in accordance with DMRB LA 114 to help establish level of significance. The Applicant [REP4-008 Item 6f] referred to the benchmarking of the operational stage provided in paragraph 14.3.14 of ES Chapter 14 Climate [REP1-019].	Derbyshire County Council is satisfied that paragraph 3.21 of DMRB LA 114 has been followed for the operational phase. However, benchmarking of emissions from the construction phase is missing. Benchmarking these emissions would allow for carbon reduction needs and opportunities to be identified.

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		<p>a) Does Derbyshire County Council have any comments on the Applicant's response? Is it satisfied that paragraph 3.21 of DMRB LA 114 has been followed?</p> <p>b) Please could the Applicant set out whether it has carried out any benchmarking of carbon emissions for the construction phase, including from materials. If it has, how was the data normalised? Did the projects benchmarked against include any use of carbon reduction methods, such as the use of any low carbon construction methods or materials?</p>	
8.5	Significant effects - de minimis	The Applicant [REP2-021 Q8.1d and REP4-008 Item 6g] refers to the case of R (Transport Action Network Limited) v Secretary of State for Transport and Highways England Company Limited (2021) EWHC 2095 (Admin). The Applicant suggests that the carbon emissions from the Proposed Development should not be considered significant if the assessment is to be consistent with that judgement. Please could the local authorities and Interested Parties comment?	Derbyshire County Council is satisfied with the Applicant's response, but would like to seek further evidence to back-up the final statement made under Item 6g that "increases in GHG emissions are anticipated to be substantially outweighed by the benefits of electrifying the national fleet which is the focus of government policy in this area".
8.6	Mitigation measures	The ExA is considering whether mitigation is firmly secured and therefore the extent to which it can be relied on. It is considering if it is necessary to add a Requirement to the dDCO [REP5-006]. The Applicant has updated the Register of Environmental Actions and Commitments [REP5-012 C1.8] and provided an Outline Carbon Management Plan [REP5-023] which sets out the proposed use of Carbon Management in Infrastructure, published by BSI (PAS 2080). Derbyshire County Council [REP4-010 Items 6l and	<p>a) Derbyshire County Council is pleased to see an Outline Carbon Management Plan included, which aligns with the requirements set out in PAS 2080, and would be keen for it to be included in the first iteration of the Environmental Management Plan.</p> <p>d) Derbyshire County Council's view is that firm mitigation measures, such as the use of specific low carbon construction</p>

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		<p>6m] said that PAS 2080 should be included as a mitigation measure and independent verification of its use assured. It noted that PAS 2080 helps to guide mitigation measures but does not specifically identify them and so a detailed assessment of the impacts and measures to mitigate them is still needed, with PAS 2080 used as the overarching framework. It suggested that an outline strategy for the use of PAS 2080 should be developed and agreed during the Examination, in order to ensure the appropriate approach, language and framework is being applied.</p> <p>a) Please could the local authorities comment on the updated Register of Environmental Actions and Commitments [REP5- 012 C1.8] and on the Outline Carbon Management Plan [REP5-023]?</p> <p>b) Please could the Applicant respond to Derbyshire County Council's comments?</p> <p>c) Please could the Applicant clarify whether the Outline Carbon Management Plan will be appended to the first iteration EMP [REP3-010 REP5-012]? If not, how will it be certified for the dDCO? d) Should firm mitigation measures, such as the use of specific low carbon construction methods or materials, be identified? Should targets for reduction be set against the emissions which assume the use of conventional construction methods and materials in the ES Chapter 14 Climate [REP1-019]? Should measures be added to require independent review of the use of the process and the mitigation that is identified? Should there be independent verification that the mitigation</p>	<p>methods or materials, should be identified at this stage, as well as provisional targets for emissions reduction (compared to the use of conventional construction methods and materials). Derbyshire County Council would not be able to verify that the mitigation is delivered but would be able to broadly review measures and their implementation if necessary.</p>

No.	Reference	Question	Derbyshire County Council Response
		is delivered? What role should the local authorities have?	
8.8	Mitigation measures	Derbyshire County Council [REP2-051 Q8.14 and REP4-010 Item 6o] has suggested carbon-reduction measures for the operational phase. The Applicant [REP3-021 page 16] responded to the initial suggestions. Please could the Applicant and Derbyshire County Council discuss the measures, seek to agree the mitigation, and confirm which matters have been agreed or not agreed?	The Applicant's response to this question is limited so it is difficult for Derbyshire County Council to comment. The Council would, however, welcome dialogue with the Applicant to explore and confirm the relevant matters and measures.
8.10	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of climate change?	Derbyshire County Council has no remaining concerns.
9.1	Non-designated heritage assets for which the Applicant is unable to identify the significance of effect	The Applicant [REP2-021 Q6.3] said that it was confident that the assets would be characterised at a future stage and that the residual effects would be unlikely to exceed slight adverse and would therefore not be significant. a) Is the Applicant able to secure a firm undertaking that the assets would be characterised at a future stage? b) Do the local authorities have any comments on the Applicant's approach or on the Applicant's advice that the significant effects would be unlikely to be significant?	b) Derbyshire County Council is satisfied with the applicant's approach to this issue as set out in REP2-021 Q6.3 and agrees with the applicant that, given that there is a phased programme of archaeological investigation in progress comprising archaeological trench trialling and test pitting, the five non-designated heritage assets in question will be characterised with a value and significance of effect assigned to them in due course, which will in turn enable the development of an agreed approach to mitigation which will be secured

No.	Reference	Question	Derbyshire County Council Response
			through Requirement 10 (see further comments by Derbyshire County Council on requirement 10 at question 1.2 above).
9.3	Magnitude of adverse effects equivalence to level of harm and the NPPF tests	<p>The Applicant [REP2-021 Q6.5] said that "major adverse magnitude of impact" [REP1-015 Table 6-3] equates to substantial harm, while lesser magnitudes of impact equate to less than substantial harm.</p> <p>a) Do the local authorities or Peak District National Park Authority have any concerns about the equivalence of magnitude of adverse effect to level of harm or whether the NPPF tests have been addressed correctly?</p> <p>b) Please could the Applicant update the ES to include the explanation and clarify how the NPPF tests have been addressed?</p>	a) Derbyshire County Council is satisfied with the applicant's approach to this issue as set out in its response REP2-021 Q6.5 and refers to the County Council's response to Q6.4 in its response to the ExA's First Written Questions when the Council noted that the NPPF sets out only two degrees of harm – Substantial and Less Than Substantial – and its view that there will be degrees of harm within that range such as 'limited harm', which could be interpreted as being at the lower end of the scale of Less Than Substantial Harm.
9.4	Melandra Castle Roman Fort	<p>The Applicant [REP3-018 pages 26 and 27] responded to concerns raised by Derbyshire County Council [REP2-045 Paragraphs 9.19 to 9.22] about the consideration given to the setting of Melandra Castle Roman Fort, how much harm would be done to it, and the mitigation of long term impacts.</p> <p>a) Does Derbyshire County Council have any remaining concerns about the assessment, the level of harm, or about the secured mitigation measures?</p> <p>b) Have the local authorities identified other mitigation measures that they consider should be</p>	a) No. Derbyshire County Council has reviewed the applicant's assessment and approach to this issue in REP3-018, which appropriately reflects the County Council's concerns set out in its Local Impact Report and provides a satisfactory response to address those concerns, including a proposed range of measures to mitigate the visual impacts of the scheme of the setting of the castle (see also Derbyshire County

No.	Reference	Question	Derbyshire County Council Response
		provided and, if so, what is the justification them to be secured?	Council's response to Q5.5, Q5.9 and Q5.10) b) See above regarding mitigation measures.
9.9	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of the historic environment?	Derbyshire County Council has no remaining concerns.
10.3	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of soils, ground conditions, material assets or waste?	Derbyshire County Council has no remaining concerns.
11.3	Environment Agency's representation at Deadline 4 [REP4-019] National Highways Response to Representations made at Deadline 4 [REP5-022] River Etherow modelling	<p>As above, it is noted that the modelling of the River Etherow has not yet been agreed with the Environment Agency. The Applicant has responded to the concerns of the Environment Agency [REP5-022] stating the intention to address this matter at Detailed Design Stage.</p> <p>a) Do the Environment Agency or the Lead Local Flood Authorities have any comments on the Applicant's response?</p> <p>b) What issues remain outstanding?</p> <p>c) Is this approach acceptable to the Environment Agency and the Lead Local Flood Authorities?</p>	a) and c) From Derbyshire County Council's point of view, the Council is satisfied with the applicant's position that this matter can be dealt with at the detailed design stage. This view is made without prejudice to the views that will be submitted by the Environment Agency on this matter.

No.	Reference	Question	Derbyshire County Council Response
11.6	Environment Agency's Representation at Deadline 4 [REP4-019] National Highways Response to Representations made at Deadline 4 [REP5-022]	<p>As above, there are concerns that the Flood Risk assessment has not been updated to reflect the latest fluvial climate change allowances that were introduced in 2021. The Applicant has responded to the concerns of the Environment Agency [REP5- 022] stating the intention to address this matter at Detailed Design Stage.</p> <p>a) Does the Environment Agency or the Lead Local Flood Authorities have any comments on the Applicant's response?</p> <p>b) What issues remain outstanding?</p> <p>c) Is this approach acceptable to the Environment Agency and the Lead Local Flood Authorities?</p>	a) and c) From Derbyshire County Council's point of view, the Council is satisfied with the applicant's position that this matter can be dealt with at the detailed design stage. This view is made without prejudice to the views that will be submitted by the Environment Agency on this matter.
11.7	Environment Agency's Representation at Deadline 4 [REP4-019]	The Environment Agency is concerned that it has not yet seen a proposed surface water drainage strategy. The Applicant has provided a Drainage Design Strategy Report [APP-188]. a) Is this sufficient for the Environment Agency to comment on? b) If not, what further information is needed? c) Are the Lead Local Flood Authorities satisfied with the information supplied? d) If not do they have any comments?	c) This will require further consideration by the Lead Local Flood Authority. At the time of writing the County Council is unable to provide comment.
11.9	First Written Questions [PD-009 Q11.13]	Please provide an update regarding discussions seeking to secure future maintenance of the relevant works.	No further discussions have taken place between the applicant and Derbyshire County Council, as Lead Local Flood Authority, regarding maintenance responsibilities for the drainage infrastructure of the scheme. The County Council would welcome

No.	Reference	Question	Derbyshire County Council Response
			engagement with the applicant or their consultants at the earliest opportunity.
11.1 2	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of the water environment, drainage, flood risk assessment, or the Water Frameworks Directive?	Derbyshire County Council has no remaining concerns.
12.1 6	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of biodiversity, ecological and geological conservation, or the Habitat Regulation Assessment?	Derbyshire County council has no remaining concerns.
13.4	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of land use, social and economic, or human health?	Derbyshire County council has no remaining concerns.
14.1	Maintenance of A57 Snake Pass and A628 Woodhead Pass	<p>There are concerns that the increase in traffic on these roads identified in the "Do-Something" scenario will increase the amount of time that these roads are closed for maintenance works.</p> <p>a) Is there evidence to demonstrate that the structural failures of the road are resultant from the total number of axle loads, or are they primarily associated with geology / climatic issues associated with the route?</p>	Derbyshire County Council's Network Management Officers have been consulted on this matter and have indicated that the structural failures of the A628 and A57 are primarily the result of the associated geology of the routes through which they pass and also climatic issues, particularly the increased occurrences of prolonged and heavy rainfall in more recent years

No.	Reference	Question	Derbyshire County Council Response
			which have both resulted in increased occurrences of landslides and land slippage along both routes.
14.3	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could Derbyshire County Council summarise any remaining concerns that it has about the Applicant's consideration of the utility infrastructure, transboundary effects, security, major accidents and disasters, civil and military aviation and defence, decommissioning, cumulative and combined effects, or other important and relevant considerations?	Derbyshire County council has no remaining concerns.