



The Planning Inspectorate

For help contact
nienquiries@pins.gsi.gov.uk
Telephone: 0303 444 5000

Application for Development Consent for Nationally Significant Infrastructure Projects under the Planning Act 2008

* required information

Application Form

Please read guidance documents relating to the submission of applications prior to completing this form including [government guidance](#) and the Planning Inspectorate's [Advice Note Six: Preparation and submission of application documents](#).

* Do you have a reference number?

☒ Yes ☐ No

* Reference number

1. Applicant

* Organisation

Address

* Building number or name

* Street

* City or town

County or administrative
area

* Postcode

* Country

* Name of contact

* Telephone number

Fax number

* Email

2. Agent

* Are you an agent acting on behalf of the Applicant?

☐ Yes ☒ No

3. Fee

* State the arrangement for the application fee payment:

☒ BACS ☐ CHAPS ☐ Cheque

Continued from previous page...

* Please provide payment reference details

TR010022 - A38 Derby Junctions

4. Confirming why the Planning Inspectorate should receive the application



* Brief statement to explain why this application is, or is to be treated as, a development for which development consent is required under the Planning Act 2008

This application for Development Consent is submitted by Highways England in relation to the A38 Derby Junctions Scheme. The scheme is a nationally significant infrastructure project ("NSIP") within sections 14(1) (h) and 22(1) of the 2008 Act. Under Section 22 an NSIP must fall within one of the three categories specified, which are expressly stated to be alternatives. The Scheme is the "alteration" of a highway within the meaning of Section 22 (1) (b). The Scheme is wholly located in England, Highways England, a strategic highways company, will be the highway authority for the Scheme, the area of development is in excess of 12.5 hectares, with a speed limit in excess of 50 miles per hour. The Scheme therefore falls under the requirements of 22(3) and 22(4) of the act.

5. Non-technical description of the Proposed Development



* Brief non-technical description of the Proposed Development

The Proposed Scheme seeks to provide a comprehensive upgrade to the capacity of the A38 in Derby. It will comprise the creation of three new grade separated junctions at the three existing roundabout junctions at the A38/A5111 at Kingsway, the A38/A52 at Markeaton and the A38/A61 at Little Eaton, with road widening in either direction (from 2 lanes to 3 lanes) between Kingsway junction and Kedleston road junction.

6. Location or route of the Proposed Development



* Description of location of application site(s), or route of development (reference to appropriate plans)

The location of the Scheme is shown on the Location Plan [TR010022/APP/2.1]. The Proposed Scheme comprises 3 junctions of the A38 that are located to the north and the west of Derby, it falls within the administrative areas of Derby City Council, Derbyshire County Council and Erewash Borough Council. The 3 junctions comprise the A38/A5111 Kingsway Junction, the A38/A52 Markeaton Junction and the A38/A61 Little Eaton Junction. The A38 is the strategic route from Birmingham to Derby and beyond, linking through to the M1 at Junction 28.

* Is the site a single site or a linear site?

☐ Single site

☒ Linear site

Start grid reference

* Easting

432783

* Northing

336069

Middle grid reference

* Easting

433434

* Northing

336980

End grid reference

* Easting

436403

* Northing

340008

Continued from previous page...

* Document reference TR010022/APP/2.1 - Location Plan

Add another reference

7. Associated Development

?

* Associated Development is included within this application:

☐ Yes

☒ No

8. a) Consultation Report

?

* Document reference TR010022/APP/5.1

Add another reference

8. b) Copies of newspaper notices

?

* Document reference TR010022/APP/5.2 - Annex L

* Document reference TR010022/APP/5.2 - Annex K

Remove this reference

Add another reference

9. Draft Development Consent Order

?

* Document reference TR010022/APP/3.1

Add another reference

10. Explanatory Memorandum

?

* Document reference TR010022/APP/3.2

Add another reference

11. Land Plan

?

* Document reference TR010022/APP/2.2

Add another reference

12. Works Plan

?

* Document reference TR010022/APP/2.5

Add another reference

13. Compulsory Acquisition of land or an interest in land or right over land

?

Continued from previous page...

* Issues are relevant for this application:

☒ Yes

☐ No

Statement of reasons
document reference

TR010022/APP/4.1

Add another reference

Funding statement
document reference

TR010022/APP/4.2

Add another reference

Book of Reference
document reference

TR010022/APP/4.3

Add another reference

14. a) Environmental Impact Assessment (EIA)



* Environmental Statement (ES) required:

☒ Yes

☐ No

* ES Document Reference

TR010022/APP/6.1 - Environmental
Statement Main Text

* ES Document Reference

TR010022/APP/6.2 - Environmental
Statement Figures

Remove this reference

* ES Document Reference

TR010022/APP/6.3 - Environmental
Statement Appendices

Remove this reference

* ES Document Reference

TR010022/APP/6.4 - Environmental
Statement Non Technical Summary (NTS)

Remove this reference

* ES Document Reference

TR010022/APP/6.12 - Outline
Environmental Management Plan (OEMP)

Remove this reference

Add another reference

14. b) Screening Opinion/ Direction and Scoping Opinion/Direction



Continued from previous page...

* Screening Opinion sought, or direction received:

☐ Yes ☒ No

* Scoping Opinion sought:

☒ Yes ☐ No

Document reference

TR010022/APP/6.5

Add another reference

14. c) Publicity required under Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (or where the transitional provisions apply, Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009)

?

In addition to publishing the notice, a copy of the notice was sent to:

* the consultation bodies

☒ * Yes

* the persons notified to the Applicant in accordance with Regulation 11(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (or where the transitional provisions apply, Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009):

☒ Yes ☐ No, not applicable

15. European sites (to which Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and/ or Regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 applies) or a Ramsar site

?

* Report required for this application:

☒ Yes ☐ No

* Document reference

TR010022/APP/6.10 - Habitats Regulations Assessment - No significant Effects Report

Add another reference

16. A plan, with accompanying information, identifying any statutory or non statutory sites or features of nature conservation, geological or landscape importance; habitats of protected species, important habitats or other diversity features; and water bodies in a River Basin Management Plan - together with an assessment of any effects likely to be caused by the Proposed Development.

?

* Issues are relevant for this application:

☒ Yes ☐ No

* Document reference

TR010022/APP/6.2 - Figure 8.3 Statutory Nature Conservation Sites

Continued from previous page...

* Document reference

TR010022/APP/6.2 - Figures 8.4 and 8.5
Non Statutory Nature Conservation Sites

Remove this reference

* Document reference

TR010022/APP/6.2 - Figure 13.4

Remove this reference

Add another reference

17. A plan, with accompanying information, identifying any statutory or non statutory sites or features of the historic environment such as scheduled monuments, World Heritage sites, listed buildings and other historic structures, archaeological sites and registered battlefields, together with an assessment of any effects likely to be caused by the Proposed Development

?

* Issues are relevant for this application:

☒ Yes

☐ No

* Document reference

TR010022/APP/6.2 - Figures 6.1- 6.6
Statutory and Non Statutory Historic Site
Plans

Add another reference

18. Flood Risk Assessment

?

* Flood Risk Assessment required:

☒ Yes

☐ No

* Document reference

TR010022/APP/7.1

Add another reference

19. Matters set out in section 79(1) (statutory nuisances etc) of the Environmental Protection Act 1990

?

* Statement required for this application:

☒ Yes

☐ No

* Document reference

TR010022/APP/6.11 - Statutory Nuisance
Statement

Add another reference

20. A plan with any accompanying information identifying any Crown land

?

* Issues are relevant for this application:

☒ Yes

☐ No

Continued from previous page...

* Document reference TR010022/APP/2.4

Add another reference

21. A plan identifying new or altered means of access, stopping up of streets or any diversions, extinguishments or creation or rights of way or public rights of navigation

?

* Issues are relevant for this application:

☒ Yes ☐ No

* Document reference TR010022/APP/2.7 - Streets, Rights of Way and Access Plans

Add another reference

22. Additional information for specific types of infrastructure

?

* Additional information is required to be submitted in accordance with Regulation 6 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009:

☒ Yes ☐ No

* Provide a brief description

The proposed development is a highway related development under section 22 of the Planning Act 2008. It therefore falls within the requirements of Regulation 6(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

* Document reference TR010022/APP/2.10 - Engineering Section Drawings

* Document reference TR010022/APP/2.11 - Outline Drainage Works

Remove this reference

Add another reference

Continued from previous page...

Regulation 6 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 requires additional information to be submitted with the following types of development.

* Please check any of the following boxes that apply:

- ☐ Construction or extension of a non offshore generating station (Reg. 6 (1a))
- ☐ Construction or extension of an offshore generating station (Reg. 6 (1b))
- ☒ Highway related development (Reg. 6 (2) (part 1))
- ☐ Construction or alteration of a railway (Reg. 6 (2) (part 2))
- ☐ Construction or alteration of harbour facilities (Reg. 6 (3))
- ☐ Construction of a pipeline (Reg. 6 (4))
- ☐ Construction or alteration of a hazardous waste facility (Reg. 6 (5))
- ☐ Construction of a dam or reservoir (Reg. 6 (6))

Highway related development (Reg. 6 (2) (part 1))

Ensure section drawings have been included as part of this application, with suitable horizontal and vertical scales, which show the levels, proposed works including in particular and where relevant by reference to Ordnance Survey or Chart datum

* Document reference

TR010022/APP/2.10

Add another reference

Provide the levels of the proposed works, in particular and where relevant:

* Ground levels

See Document Reference TR010022/APP/2.10 Engineering Section Drawings

* The height of every proposed bridge, viaduct, aqueduct, embankment and elevated guide way

See Document Reference TR010022/APP/2.10 Engineering Section Drawings

* The depth of every proposed cutting and tunnel

See Document Reference TR010022/APP/2.10 Engineering Section Drawings

* The levels of the bed of any tidal waters or inland waterway in which it is proposed that any works should be situated

N/A

Continued from previous page...

* The height of every structure or device intended to be erected above, on or below the surface of, or on or beneath the bed of tidal waters or inland waterway

N/A

* Drainage outfall details for highways

See Document Reference TR010022/APP/2.6 General Arrangement Plans.
See Document Reference TR010022/APP/2.10 Engineering Section Drawings
See Document Reference TR010022/APP/2.11 Outline Drainage Works

Provide a cross section of every intended tunnel and any altered gradient of a carriageway or a way forming part of a guided transport system on either side of every level crossing, bridge tunnel or underpass which would carry the carriageway or way or through which it would pass

* Document reference

N/A

Add another reference

23. Any other plans, drawings and sections necessary to describe the proposal for which development consent is sought, and any other documents, reports or information to support the application

?

Provide a brief description of any other plans, drawings and sections that are being submitted with this application

Location Plan [TR010022/APP/2.1]
Special Category Land Plans [TR010022/APP/2.3]
Crown Land Plan [TR010022/APP/2.4]
Traffic Regulation Measures Plans [TR010022/APP/2.8]
Classification of Roads Plans [TR010022/APP/2.9]
Tree Preservation Order Impact/Removal Plans [TR010022/APP/6.9]

Document reference

TR010022/APP/2.1 - Location Plan

Document reference

TR010022/APP/2.3 - Special Category Land Plans

Remove this reference

Document reference

TR010022/APP/2.4 - Crown Land Plans

Remove this reference

Document reference

TR010022/APP/2.8 - Traffic Regulation Measures Plans

Remove this reference

Continued from previous page...

Document reference	TR010022/APP/2.9 - Classification of Roads Plans
Remove this reference	

Document reference	TR010022/APP/6.9 - Tree Preservation Order Impact/Removal Plans
Remove this reference	

Add another reference

Provide a brief description of any other documents considered necessary to support the application

Introduction to the application [TR010022/APP/1.1] Covering Letter and Section 55 Compliance Checklist [TR010022/APP/1.2] Consents and Agreements Position Statement [TR010022/APP/3.3] Equalities Impact Assessment [TR010022/APP/6.8] Planning Statement [TR010022/APP/7.2] Transport Assessment Report [TR010022/APP/7.3] Traffic Management Plan [TR010022/APP/7.4]

Document reference	TR010022/APP/1.1 Introduction to the Application
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Document reference	TR010022/APP/1.2 Covering Letter and s55 Checklist
Remove this reference	

Document reference	TR010022/APP/3.3 Consents and Agreements Position Statement
Remove this reference	

Document reference	TR010022/APP/6.8 Equalities Impact Assessment
Remove this reference	

Document reference	TR010022/APP/7.2 Planning Statement
Remove this reference	

Document reference	TR010022/APP/7.3 Transport Assessment Report
Remove this reference	

Continued from previous page...

Document reference

TR010022/APP/7.4 Traffic Management Plan

Remove this reference

Add another reference

Provide a brief description of any other information provided that is in support of the application, but which has not been explicitly required

N/A

Document reference

Add another reference

24. Other consents/ licences required under other legislation

?

* Other consents/ licences are required:

☒ Yes ☐ No

* Provide a list of consents/licences

Please refer to Consents and Agreements Position Statement [TR010022/APP/3.3] for full details but in summary the following consents are actively being sought or considered outside of the DCO:

1. A Licence under section 10 of the Protection of Badgers Act 1992
2. A European Protected Species Licence (Bats) under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations); Wildlife and Countryside Act 1981
3. A Permit to 'catch the fish' (FR2): an application for authorisation to use fishing instruments other than rod and line in England. Salmon and Freshwater Fisheries Act 1975 (as amended)
4. A Permit to 'move the fish' (SP1) Keeping and Introduction of Fish Regulation 2015
5. A Water Abstraction: Licence under sections 24 and 25 of the Water Resources Act 1991 (restrictions on abstraction and impounding; restrictions on impounding)
6. An Environmental Permit for the disposal of waste materials under the Environmental Permitting Regulations as amended (2016)
7. A Permit to Discharge water to controlled water and/ or groundwater under Environmental Permitting (England and Wales) Regulations 2016
8. A Licence to work with Asbestos under the Control of Asbestos Regulations 2012
9. Trade Effluent Discharge Consent. Water Industry Act 1991 (as amended) for discharge to sewers.
10. Environmental Permit for Flood Risk Activity (works in a flood plain) Environmental Permitting (England and Wales) Regulations 2016
11. An application under Section 61 (Part III) of The Control of Pollution Act 1974 regarding noise controls

You must cite the document references as appropriate

* Document reference

TR010022/APP/3.3 - Consents and Agreements Position Statement

Add another reference

Continued from previous page...



25. Declaration

I declare to the best of my knowledge that the information given in this form and enclosed maps, plans and other documents are true.

Please note there is a requirement for one hard copy of the form to be signed. Please ensure that when you submit you include at least one signed copy. Further copies do not require the hand written signature.

Signature

(For and on behalf of the Applicant)

* Name

PAUL NAGRA

(In block letters)

* Date

23 / 04 / 2019
dd mm yyyy

* Organisation

Highways England

* Position within the organisation

Project Manager