

A38 Derby Junctions

TR010022

Volume 4

4.1 Statement of Reasons

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Regulation 5(2)(h) Infrastructure Planning

(Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)

April 2019

Infrastructure Planning

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**The Infrastructure Planning
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and Procedure) Regulations 2009**

A38 Derby Junctions
Development Consent Order 202[]

Statement of Reasons

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1. Introduction

1.1 Summary

- 1.1.1 This Statement of Reasons relates to the A38 Derby Junctions highway improvement scheme (the Scheme) and has been submitted by Highways England (the Applicant) to the Planning Inspectorate acting on behalf of the Secretary of State for Transport. It relates to an application for a development consent order (DCO) to permit and enable implementation of the Scheme made under section 37 of the Planning Act 2008 (as amended) (PA 2008).

1.2 The Scheme

- 1.2.1 The Scheme is a nationally significant infrastructure project ("NSIP") within sections 14(1)(h) and 22(1)(b) of the PA 2008. Under section 22 an NSIP must fall within one of the three categories specified, which are expressly stated to be alternatives. This Scheme is the "alteration" of a highway within the meaning of section 22(1)(b). The alteration is to the A38 by the grade separation and realignment of the route leading to and away from the existing roundabouts known as Kingsway, Markeaton and Little Eaton. It includes the alteration to these three roundabouts and the related highway works necessary to allow the realigned A38 to connect to the realigned A52, A5111 and A61 and to be integrated into the surrounding trunk and classified road network.
- 1.2.2 The Scheme satisfies section 22(3) of the PA 2008 because it is located wholly in England, Highways England (being a strategic highway authority) is the highway authority for the highway and the area of development is greater than 12.5 hectares and the speed limit for any class of vehicle is expected to be 50 miles per hour or greater, as per section 22(4).
- 1.2.3 As the Scheme is an NSIP, development consent must be obtained from the Secretary of State, and an application for a DCO must be made to the Secretary of State, care of the Inspectorate, under section 37 of the PA 2008.

1.3 Compulsory acquisition

- 1.3.1 In its DCO application for the Scheme, Highways England seeks compulsory acquisition and temporary possession powers in respect of certain land interests. These are required to carry out and maintain the proposed works, and for replacement public open space. A detailed description of the extent and nature of the powers sought is set out by reference to the DCO application documents in Chapter 3 of this Statement.

1.4 Land interests

- 1.4.1 The extent of the land interests affected by the compulsory acquisition and temporary possession powers sought by Highways England are described in Chapter 4 of this Statement.
- 1.4.2 Highways England has carried out diligent inquiry to identify all persons with an interest in the 'Land' (the land shown on the Land Plans [TR010022/APP/2.2] and within the Order Limits)) and persons with a potential claim for compensation as a result of the Scheme. These persons have been consulted pursuant to sections 42 and 44 of the PA 2008.

1.4.3 Highways England has entered into negotiations in relation to the acquisition of land under the shadow of compulsory purchase. These negotiations are ongoing. It is therefore necessary to provide for the acquisition of the land interests by compulsory acquisition should the on-going negotiations prove to be unsuccessful in order to enable the Scheme to be delivered. Highways England is satisfied that the acquisition of all of the land interests is necessary to enable the Scheme to proceed.

1.4.4 Highways England owns a number of plots within the order limits which are subject to the rights of others which are incompatible with the construction and operation of the Scheme. In order to ensure that any such rights can be removed (and the persons benefitting from them are compensated for such removal) Highways England's own land has been included within the Land to which the compulsory powers sought will apply. Highways England has taken the approach (followed on other Highways England schemes and other schemes consented under the PA 2008) of seeking powers of compulsory purchase or (rights of use) in respect of all plots of land required for the Scheme even where it already holds an interest or presumes it holds an interest in the land. This approach has been taken to ensure that it has the right to acquire the interests it needs in all of the Land and ensure that if an unknown or unregistered owner later asserts an interest in the land which the Highways England believes it owns taking further steps to clear the title would not be necessary.

1.5 The case for compulsory acquisition

1.5.1 Highways England is satisfied that the powers of compulsory acquisition and temporary possession sought in the draft DCO are necessary, proportionate and justified. Highways England is further satisfied that the powers sought are in accordance with all relevant statutory provisions and associated guidance.

1.5.2 Highways England is firmly of the view that there is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought as set out in Chapter 5 of this Statement.

1.6 Human rights

1.6.1 In preparing the draft DCO, Highways England has had regard to the European Convention for Human Rights and the Human Rights Act 1998. Chapter 6 of this Statement considers how the Scheme complies with this legislation notwithstanding any infringement of the private rights of those whose interests in the land may be affected by the exercise of powers of compulsory acquisition and temporary possession.

1.7 Special considerations

1.7.1 In Chapter 7 of this Statement, Highways England has identified all special category land which is affected by the compulsory acquisition powers sought in the draft DCO. Highways England has engaged with the relevant persons responsible for the special category land and with a view to avoiding the need for special parliamentary procedure in accordance with the relevant sections of the PA 2008. Highways England has further considered what other consents are required in order to enable the Scheme to proceed and set out how these will be

secured; this detail is set out in the Consents and Agreements Position Statement [TR010022/APP/3.3].

1.8 Compliance with statutory requirements and policy guidance

1.8.1 This document has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the APFP Regulations), and the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG, September 2013) (the CA Guidance).

1.8.2 This Statement should be read alongside the other DCO application documents that relate to the compulsory acquisition powers sought by Highways England, including:

- The draft DCO [TR010022/APP/3.1].
- Explanatory Memorandum to the draft DCO [TR010022/APP/3.2].
- Plans showing the extent over which it is proposed to exercise compulsory powers (the Land Plans) [TR010022/APP/2.2].
- a Book of Reference (BOR) containing details of the land subject to compulsory acquisition powers, including names and addresses of all known parties that may have an interest in the land and be affected by the proposed powers [TR010022/APP/4.3].
- Works Plans [TR010022/APP/2.5].
- Special Category Land Plans [TR010022/APP/2.3].
- Crown Land Plans [TR010022/APP/2.4].
- A statement to explain how the Scheme will be funded (the Funding Statement) [TR010022/APP/4.2].
- Planning Statement [TR010022/APP/7.2].
- Introduction to the Application [TR010022/APP/1.1].
- Consents and agreements Position Statement [TR010022/APP/3.3].

2. The Scheme

2.1 Description of the Scheme

- 2.1.1 The A38 Derby Junctions Scheme ('the Scheme') forms part of a programme of improvements to make journeys better in the Midlands by operating, maintaining and improving major A roads and motorways to ensure that the region's roads are fit for now and the future. This investment is stated in the Highways England Delivery Plan 2015-2020. Subject to receiving an approved DCO works are planned to start in 2020 with the first year of opening anticipated to be 2024.
- 2.1.2 The objectives for the Scheme have been defined by Highways England and include improving economic competitiveness, the environment and quality of life by reducing congestion in the surrounding urban areas and on the A38 inter-regional road. In addition, it is considered that the proposed Scheme would increase the capacity of the strategic road network and facilitate housing and employment growth within the Derby City region.
- 2.1.3 To achieve these objectives, the Scheme includes the alteration, realignment and grade separation of sections of the A38. The Scheme will include the alteration of three at-grade existing roundabouts to grade separated interchanges at locations known as Kingsway, Markeaton and Little Eaton. These roundabouts are respectively located at the junctions of the A38/A5111, A38/A52, and A38/A61. These three junctions span an approximate distance of 5.5km along the A38 to the west and north of Derby. As part of the grade separation the Scheme would include the lowering of the A38 to pass underneath the altered Kingsway and Markeaton junctions. It would also include the widening of the A38 to 3 lanes in each direction between the Kingsway and Kedleston Road junctions. Two new bridges would be constructed to carry the A38 over the altered roundabout at Little Eaton junction.
- 2.1.4 As part of the Scheme the connections between the realigned A38 and the A5111, A52, and A61 will also be altered and realigned to connect into the newly configured A38. The Scheme will include the development of new slip roads to cater for all movements to and from the realigned A38; the demolition and construction of a new footbridge; new link roads to connect to the altered junctions; new flood compensation areas; relocation of existing utilities and new gantries.
- 2.1.5 A more detailed description of the Scheme can be found in the Environmental Statement Chapter 2: The Scheme [TR010022/APP/6.1].

2.2 Need for and benefits of the Scheme

- 2.2.1 The Government's strategic vision is for the road network to make journeys better in the Midlands by operating, maintaining and improving major A roads and motorways to ensure the roads are fit for now and for the future.

- 2.2.2 The A38 is the strategic route from Birmingham, through Derby, to the M1 at junction 28 which carries significant volumes of north-south long-distance traffic. Where the A38 passes through the western and northern parts of Derby, local intra-urban trips cross the A38 on roads into the city or use the A38 to travel around Derby. The interaction between strategic and local trips results in delays at the three at-grade roundabout junctions on the A38, namely;
- A38/A5111 Kingsway junction;
 - A38/A52 Markeaton junction;
 - A38/A61 Little Eaton junction.
- 2.2.3 Derby and its surrounding areas are expected to accommodate significant housing and employment growth (Derby City Local Plan, January 2017). As a result, the traffic demands on the A38 through Derby are forecast to grow more quickly than the national average.
- 2.2.4 The Government, in its Road Investment Strategy (RIS), has committed to the replacement of the three roundabouts on the A38 in Derby with grade-separated interchanges raising the existing 40mph speed limit to 50mph through the Kingsway and Markeaton junctions and as far northwards as the Kedleston Road junction which crosses the A38 approximately 650m north of the Markeaton Junction. Through Little Eaton junction, the speed limit would be 70mph, with an advisory speed of 50mph. The existing national speed limit between Little Eaton and Kedleston Road would be retained (i.e. 70mph). Grade separation of the three A38 Derby junctions would provide journey time benefits to all vehicles, including those travelling along this strategic route during off-peak periods. The time saving derived from grade separation accumulated across all three junctions would improve the average journey time for all vehicles travelling through on the A38 trunk road.
- 2.2.5 There would also be benefits to many local trips (including buses), which would result from the overall increase in the capacity of these junctions and resolve conflicts between local traffic and strategic movements using the A38. The proposed Scheme also offers the potential to remove conflicts between non-motorised users (NMUs) and vehicles using the A38 to the benefit of both.
- 2.2.6 The proposed Scheme will provide new facilities for use by NMUs around each junction in the proposed Scheme. The design for the new NMU facilities will provide greater segregation from motorised users of the junctions, improving safety and increasing the appeal and use of the NMU facilities.
- 2.2.7 The RIS includes an indication that the A38 be raised to Expressway standard and this term was included in several original RIS commitment statements. However, it should be noted that at the time the RIS was published in 2015 the "Expressway" standard was undefined and hence the cost and value implications were not fully understood at that point. After considerable work by Highways England's Safety Engineering and Standards (SES) division, including liaison with DfT, a RIS-wide approach was agreed to Expressways in January 2018.

2.2.8 As part of this work, the business case implications across the whole portfolio of RIS schemes were assessed. In the case of the Scheme the land take and cost implications of incorporating many Expressway elements are cost prohibitive and so would be a very poor value-for-money proposition.

2.2.9 Individual project Change Control with DfT has not been undertaken by Highways England because it has been agreed at a central level with DfT what elements of "Expressway" standard will be delivered in respect of the different schemes within the RIS programme. These requirements are included within the scope of the Scheme but there is no justification to generally upgrade the A38 route corridor beyond this.

2.3 The authorised works

2.3.1 In order to deliver the Scheme, it will be necessary to carry out the following works:

In the administrative area of Derby City:

Kingsway

Work No.1 being the alteration, re-alignment and grading of the northbound and southbound lanes of the A38 totalling approximately 1.2 kilometres in length to include:

- (a) the construction of a drainage attenuation pond and pipe outfall into Bramble Brook including a private means of access;
- (a) the diversion of the existing Bramble Brook and connection into a new section of culvert;
- (b) the construction of a flood storage area with piped outfall return to Bramble Brook;
- (c) the extension of the existing Bramble Brook;
- (d) the extension of the existing Bramble Brook culvert below the new merge slip road and the realigned A38;
- (e) the construction of flood storage areas;
- (f) the improvement of a non-segregated footway/cycle track;
- (g) the construction of a gantry or similar signage;
- (h) the widening of the Brackensdale Avenue underbridges;
- (i) works to effect the stopping up of part of the entry and exit lanes off Brackensdale Avenue;
- (j) the construction of a gantry or similar signage;
- (k) works to effect the stopping up of the entry and exit lanes of Raleigh Street; and
- (l) the alteration of part of the entry and exit lanes off Brackensdale Avenue.

Work No. 2 being the construction of a northbound diverge slip road off the A38 connecting to the Kingsway West Roundabout to include:

- (a) the construction of highway drainage attenuation, outfall and access.

Work No. 3 being the construction of a northbound merge slip road connecting into the realigned A38, to include –

- (a) the construction and realignment of a section of the National Cycling Network (No. 68 & 54) and the Regional Route (No. 66).

Work No. 4 being the construction of a southbound diverge slip road that begins at the realigned A38 and connects into the Kingsway East Roundabout.

Work No. 5 being the construction of a southbound merge slip road beginning at the Kingsway East Roundabout and connecting to the realigned A38.

Work No. 6 being the alteration, realignment and grading of the A5111, to include:

- (a) the construction of a roundabout (the Kingsway West Roundabout) connecting to the northbound diverge slip road and the northbound merge slip road;
- (b) the construction of a roundabout (the Kingsway East Roundabout) connecting to the southbound diverge slip road and the southbound merge slip road;
- (c) the construction of a link road connecting the Kingsway East Roundabout and the Kingsway West Roundabout including the construction of an over bridge;
- (d) the construction of controlled crossings;
- (e) the construction, improvement and widening of an existing footway to a non-segregated footway/cycle track;
- (f) the construction, improvement and widening of an existing footway to a non-segregated footway/cycle track; and
- (g) the construction of a footway/cycleway linking the A5111 Kingsway to Greenwich Drive south and the National Cycle Routes.
- (h) Work No. 7 being the construction of a link road connecting the Kingsway East Roundabout and Kingsway Park Close including:
 - (i) the construction of a new junction and footways;
 - (j) the reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close;
 - (k) the construction, improvement and realignment of the existing footway/cycleway route including a controlled crossing.

Work No. 8 being the establishment of environmental mitigation areas to the west and east of the realigned A38 (Work No. 1) at

- (a) Mackworth Park and
- (b) Kingsway Hospital

Work No. 9 being the diversion of a number of utilities to accommodate the realignment of the A38, including the diversion of electricity cables, telecoms cables and equipment, foul and water mains/sewers and a gas main.

Markeaton

Work No.10 being the alteration, realignment and grading of the northbound and southbound lanes of the A38, to include:

- (a) the construction of a gantry or similar signage south of the A38 northbound diverge slip road;
- (b) the construction of a gantry or similar signage 115 metres south of the A38 northbound merge slip road;
- (c) the demolition of the existing Markeaton Park footbridge and the construction of a replacement footbridge including reconfigured ramps and steps;
- (d) the construction of a gantry or similar signage south of the northbound diverge slip road connecting to Kedleston Road;
- (e) the construction of a gantry or similar signage north of the A38 northbound diverge slip road.

Work No. 11 being the construction of a northbound diverge slip road beginning at the realigned A38 and connecting to Markeaton Junction Roundabout, to include –

- (a) the construction of a gantry or similar signage north of the northbound A38 divergence slip road;
- (b) works to effect the stopping up of Enfield Road entry and exit roads onto the realigned A38 including a turning head;
- (c) amendments to the access and egress for the filling station and fast-food site.

Work No. 12 being the construction of a northbound merge slip road beginning at Markeaton Junction Roundabout and connecting to the realigned A38.

Work No. 13 being the construction of a southbound diverge slip road beginning at the realigned A38 and connecting to Markeaton Junction Roundabout, to include:

- (a) the construction of a pumping station adjacent to the realigned A38 to include associated drainage works;
- (b) a pond; and
- (c) an access track and footway/cycleway.

Work No. 14 being the construction of a southbound merge slip road beginning at Markeaton Junction Roundabout and connecting to the realigned A38.

Work No. 15 being the construction, improvement and realignment of the existing cycle Regional Route (No. 66) adjacent to the realigned A38.

Work No. 16 being the alteration realignment and grading of the A52, to include:

- (a) the construction of a roundabout (the Markeaton Junction Roundabout) connecting the realigned A52 with the northbound A38 diverge and merge slip roads and the southbound A38 diverge and merge slip roads including the construction of two over bridges;
- (b) the construction of a new junction for access to and egress from Markeaton Park including a roundabout and a park & ride bus stop;
- (c) the construction and alteration of a private means of access to Sutton Close and 253 and 255 Ashbourne Road;
- (d) works to effect the stopping up of the entrance to Markeaton Park, the construction of a new emergency access from Markeaton Park and a new junction;
- (e) relocation of a boundary wall at Markeaton Park;
- (f) alterations to the access to and egress from the filling station and fast-food site;
- (g) alterations to the access to and egress from the A52 to the Royal School for the Deaf; and
- (h) removal and relocation of a mobile phone mast.

Work No. 17 being the realignment and grading of the A38 northbound diverge slip road connecting to the realigned A38 to Kedleston Road.

Work No. 18 being the realignment and grading of the A38 southbound merge slip road connecting Kedleston Road with the realigned A38.

Work No. 19 being the construction of a temporary compound area/material storage area.

Work No. 20 being the establishment of environmental mitigation areas to the west and east of the realigned A38.

Work No. 21 being the diversion and construction of a utility corridor housing multiple utility apparatus, including the diversion of electricity cables, foul sewers, gas mains water mains and telecoms equipment.

Work No. 22 being the diversion of utilities to accommodate the realignment of the A38, to include the diversion of electricity cables, a water main, foul sewers and telecoms cables.

In the administrative area of Derbyshire County Council and Erewash Borough Council:

Little Eaton

Work No. 23 being the alteration, re-alignment and grading of the northbound and southbound lanes of the A38 to include:

- (a) works to effect the stopping up and diversion of a section of the Breadsall Footpath and works to effect the stopping up and diversion of a private means of access;

- (b) the alteration and extension of the existing flood arch bridge;
- (c) the alteration and extension of the existing railway bridge;
- (d) the construction of two new bridges over Little Eaton Roundabout;

Work No. 24 being the construction of a northbound diverge slip road beginning at the realigned A38 and connecting to Little Eaton Roundabout.

Work No. 25 being the construction of a northbound merge slip road beginning at the Little Eaton Roundabout and connecting to the realigned A38.

Work No. 26 being the construction of a southbound diverge slip road beginning at the realigned A38 and connecting to Little Eaton Roundabout, to include:

- (a) the alteration and extension of an existing culvert;
- (b) the alteration and extension of an existing culvert under the realigned A38;
- (c) the diversion of the existing Dam Brook watercourse connecting to the culvert beneath the A61;
- (d) works to effect the stopping up and diversion of a section of the Breadsall Foot Path 3;
- (e) the construction of two drainage attenuation ponds and piped outfall into Dam Brook including the construction of a private access to the attenuation ponds;
- (f) ecology mitigation including ponds;
- (g) the construction of a segregated left lane to the A61;
- (h) a flood alleviation channel including environmental mitigation measures.

Work No. 27 being the construction of a southbound merge slip road beginning at the Little Eaton Roundabout and connecting to the realigned A38.

Work No. 28 being the works to stop up Ford Lane to include:

- (a) the construction of a turning head.

Work No. 29 being works to alter Ford Lane Bridge.

Work No. 30 being the alteration, realignment and grading of the A61 (Alfreton Road), to include:

- (a) the alteration of a roundabout (the Little Eaton Roundabout) connecting the realigned A61 with the northbound A38 diverge and merge slip roads, the southbound A38 merge slip roads, the realigned B6179 and Ford Lane;
- (b) the realignment and grading of the B6179 to connect to the Little Eaton Roundabout;
- (c) the realignment and grading of Ford Lane to connect with the Little Eaton Roundabout;
- (d) the construction and diversion of the existing National Cycle Network Route No. 54 around the Little Eaton Roundabout and connecting to the B6179; and

- (e) works to effect the stopping up and relocation of a private means of access adjacent to the realigned Alfreton Road.

Work No 31 being the construction of a flood plain compensation area from the River Derwent adjacent to the existing A38 including access and

- (a) the diversion of a foul sewer.

Work No 32 being the erection and accommodation of a temporary works compound.

Work No 33 being the realignment of Ford Lane and reconfiguration of the junction with Lambourn Drive.

Work No. 34 being the reconfiguration of the junction between the A6 Duffield Road and Ford Lane.

Work No. 35 being the diversion of utilities to accommodate the realignment of the A38, to include the diversion of electricity cables, water mains, foul sewers, a gas pipe and telecoms equipment.

Work No. 36 being the installation of advanced directional signage, safety barriers and associated equipment.

Work No. 37 being the establishment of environmental mitigation areas to the north of the realigned A38.

The DCO authorises further work within the limits of the DCO in connection with the construction of the works noted above including:

- (a) alteration to the layout of any street permanently or temporarily, including but not limited to increasing or reducing the width of the carriageway of the street by reducing or increasing the width of any kerb, footpath, footway, cycle track or verge within the street; and altering the level of any such kerb, footpath, footway, cycle track or verge;
- (b) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (c) refurbishment works to any existing bridge;
- (d) the strengthening, alteration or demolition of any structure;
- (e) ramps, means of access including private means of access, public rights of way, cycle tracks and crossing facilities;
- (f) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, barriers, pumping stations, parapets, drainage, outfalls, ditches, wing walls, highway lighting, fencing and culverts;
- (g) street works, including breaking up or opening up a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;
- (h) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, pipes, cables, ducts and lights;
- (i) works to alter the course of or otherwise interfere with a watercourse, including private water supplies;

- (j) landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (k) works for the benefit or protection of land affected by the authorised development;
- (l) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures, earthworks (including soil stripping and storage, site levelling), remediation of contamination;
- (m) the felling of trees;
- (n) working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences; and
- (o) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development.

2.3.2 A full description of the works, referred to in the DCO as "the authorised development" is set out in Schedule 1 of the draft DCO [TR010022/APP/3.1]. and shown on the Works Plans [TR010022/APP/2.5] and the General Arrangements Drawings [TR010022/APP/2.6].

2.3.3 The works described above would be subject to certain controls and specific mitigation requirements, for example, landscaping and environmental mitigation. The requirements are set out in Schedule 2 to the draft DCO [TR010022/APP/3.1].

2.4 Flexibility

2.4.1 Due to the nature of the design process and the timing of the consenting process, Highways England requires a degree of flexibility as to where certain elements of the Scheme can be constructed within defined limits of deviation, which are provided for in the draft DCO and shown on the Works Plans [TR010022/APP/2.5]. At this stage, all the land included in the Order Limits is considered to be necessary to enable the delivery of the Scheme. However, should it transpire that any part of the land within the Order Limits is not required, for instance as a result of the detailed design process in due course or because a parcel of land has been acquired by agreement as a result of successful negotiation, in those circumstances powers of compulsory acquisition (or temporary possession) would not be exercised in respect of such land because such exercise would not be necessary or justified.

3. Compulsory acquisition

3.1 Scope of compulsory acquisition powers sought

The scope of the compulsory acquisition powers sought by Highways England is set out in full in Part 5 of the draft DCO [TR010022/APP/3.1].

3.2 Main compulsory acquisition powers

- 3.2.1 The main powers authorising the compulsory acquisition of land, or interests in, or rights over land, are contained in Articles 23 (compulsory acquisition of land) and 26 (compulsory acquisition of rights) of the draft DCO [TR010022/APP/3.1].
- 3.2.2 Other compulsory acquisition powers are sought in the draft DCO (identified in paragraph 3.3 below), these also relate to necessary activities that will, or may, interfere with property, rights and interests.
- 3.2.3 In addition, powers are sought in the draft DCO to enable the temporary possession and use of land.
- 3.2.4 In each case, the owner of the land, or the interest or right in the land, may be entitled to compensation.

3.3 Other compulsory acquisition powers

- 3.3.1 The other compulsory acquisition powers sought by Highways England in the draft DCO include:

3.4 Article 28: Private rights over land

- 3.4.1 Article 28 provides for the extinguishment of all existing private rights over land from the earlier of the date of acquisition of the land or the date on which Highways England enters the land.
- 3.4.2 The article further provides that, where new rights are being compulsorily acquired or restrictive covenants are being imposed on land then any existing private rights or restrictive covenants which that land is subject to shall be extinguished to the extent that continuing those private rights or restrictive covenants would be inconsistent with the new right acquired or restrictive covenant imposed.
- 3.4.3 With regard to land that Highways England may take temporary possession of under the draft DCO, Article 28 provides that all private rights over that land will be suspended and unenforceable for as long as Highways England is in lawful possession of the land.

3.5 Article 31: Acquisition of subsoil or airspace only

- 3.5.1 Article 31 provides that where Highways England has, in respect of any land, powers of compulsory acquisition under Article 23 above then it may, for the same purposes for which it is authorised to acquire the whole of the land, choose instead to acquire only the subsoil underneath or the airspace over the land.

3.6 Article 32: Rights under or over streets

3.6.1 Article 32 would authorise Highways England to:

- enter on and appropriate so much of the subsoil underneath or airspace over any street within the limits of the DCO as may be required to provide the Scheme; and
- use that subsoil or airspace for the purposes of carrying out the Scheme or any purpose ancillary to it.

3.6.2 Save in the case of subways or underground buildings, or to cellars or similar structures forming part of a building fronting the street, Highways England may exercise its powers under this Article without having to acquire any part of the street or any easement or right in the street.

3.7 Temporary possession powers

3.7.1 Highways England further seeks, in the draft DCO, powers to take temporary possession of land to carry out and thereafter maintain the Scheme as follows:

3.8 Article 33: Temporary use of land for carrying out the authorised development

3.8.1 Article 33 would authorise Highways England to take temporary possession of:

- the land specified in Column 1 of Schedule 7 to the draft DCO; or
- any other land within the Order limits, so long as Highways England has not served a notice of entry or executed a general vesting declaration in respect of that land.

3.8.2 In addition to taking possession of the land, the Article would authorise Highways England to:

- remove any buildings and vegetation from the land;
- construct temporary works (including accesses) and buildings on the land; and
- construct any works on the land as specified in Column 3 of Schedule 7 to the draft DCO.

3.8.3 The power to take temporary possession of land would be subject to the time limits set out in Article 25. Highways England cannot remain in possession unless the owner of the land agrees after:

- as regards to any land specified in columns 1 and 2 of Schedule 7 to the draft DCO, for more than a year after completing that part of the Scheme specified in relation to that land in column 3 of Schedule 7; and
- as regards to any other land included in the draft DCO, for more than a year after completing the work for which temporary possession was taken (unless before the end of that period Highways England has made a vesting declaration or served notice of entry in relation to that land).

- 3.8.4 Article 33 provides that before giving up possession of any land Highways England is obliged to remove all temporary works and restore the land to the condition and level it was in on the date on which possession of the land was first taken by Highways England or such other condition as may be agreed with the owners of the land.

3.9 Article 34: Temporary use of land for maintaining the authorised development

- 3.9.1 Article 34 would empower Highways England to take temporary possession of any land within the limits of the draft DCO, if reasonably required for the purpose of maintaining the Scheme, at any time during the maintenance period (i.e. five years from the date on which that part of the Scheme is first opened for use).
- 3.9.2 Article 34 would allow Highways England to construct temporary works and buildings on the land, so far as reasonably necessary for the purpose of carrying out the maintenance. Highways England would not be able to take temporary possession of a house, or a garden belonging to a house, or any other occupied building under this Article.
- 3.9.3 Highways England would only be permitted to remain in possession of land under this Article for so long as may be reasonably necessary to carry out the maintenance of the part of the Scheme for which possession was taken. Before giving up possession of the land, Highways England would be required to remove all temporary works and restore the land to the condition and level it was in on the date on which possession of the land was first taken or such other condition as may be agreed with the owners of the land.

3.10 Other rights and powers

- 3.10.1 If made, the DCO would also confer on Highways England other rights and powers that may interfere with property rights and private interests. These additional powers are:
- a. Article 15: Temporary stopping up and restriction of use of streets and highways;
 - b. Article 16: Permanent stopping up and restriction of use of streets and private means of access; and
 - c. Article 22: Authority to survey and investigate land.

4. Land interests

4.1 The extent of the land subject to compulsory acquisition powers

- 4.1.1 The full extent of the Land subject to powers of compulsory acquisition and required in order to enable Highways England to construct the Scheme as described in Chapter 2 of this Statement is shown on the Land Plans [TR010022/APP/2.2]. It is further described in the Book of Reference [TR010022/APP/4.3] and in other documentation forming part of the DCO application.
- 4.1.2 The total land within the DCO limits comprises approximately 96 hectares. Of this, approximately 44 hectares will be acquired permanently, 37 hectares will be subject to temporary possession and 15 hectares will be subject to temporary possession with acquisition of permanent rights.
- 4.1.3 The purpose for which each plot of land is required is set out in Annex A of this Statement.

4.2 Location

- 4.2.1 The proposed Scheme is located on the A38 in Derby – the A38 being the principal route from Birmingham to Derby and the M1 at junction 28. The proposed Scheme proposes to grade-separate the three junctions along the A38 through Derby; namely the junctions at Kingsway (NGR: SK 327 360), Markeaton (NGR: SK 334 369) and Little Eaton (NGR: SK 364 399). These three junctions span an approximate distance of 5.5km along the A38 to the west and north of Derby. The location of the Land is shown on the Scheme Location Plan [TR010022/APP/2.1].
- 4.2.2 The proposed Scheme passes through the administrative areas of Derby City Council (DCiC), Erewash Borough Council (EBC) and Derbyshire County Council (DCC).
- 4.2.3 Part of the Scheme near the Little Eaton junction is located within the Derwent Valley Mills World Heritage Site. Details of the impact of the Scheme on the WHS and other cultural heritage assets are contained in the Environmental Statement Chapter 6: Cultural Heritage [TR010022/APP/6.1].
- 4.2.4 The land on both sides of the existing A38 at the Little Eaton junction is designated Green Belt. The Planning Statement [TR010022/APP/7.2] includes planning policy considerations of the Scheme being located within green belt. Also, the Environmental Statement, Chapter 7: Landscape and Visual Impact Assessment [TR010022/APP/6.1] gives consideration to Scheme impacts upon the openness of Green Belt.
- 4.2.5 There will be a loss of existing Public Open Space (PoS) as a result of the Scheme and a requirement to provide exchange land. This is discussed further in sections 7.3.6 to 7.3.9.

- 4.2.6 The Scheme will have some impact on various watercourses. These are Bramble Brook at Kingsway junction, Markeaton Brook and Mill Pond at Markeaton junction and Dam Brook and the flood plain of the River Derwent (a major watercourse) at Little Eaton junction. The assessment of these impacts and the mitigation being provided is included in the Environmental Statement Chapter 13: Road Drainage and the Water Environment [TR010022/APP/6.1]
- 4.2.7 At Markeaton junction, the Scheme would involve the demolition of 15 detached residential properties on Queensway (to allow the construction of the southbound diverge slip road) and the demolition of 2 semi-detached properties on the A52 Ashbourne Road. It would also require modifications to the access and egress arrangements for the residential properties on the A52 Ashbourne Road and petrol filling station and fast food restaurant located at the junction.
- 4.2.8 Extensive statutory undertaker utility diversion and protection works would be required at all three junctions and at Markeaton junction in particular. These are shown on the Works Plans [TR010022/APP/2.5] and set out in Schedule 1 of the draft DCO [TR010022/APP/3.1].

4.3 Existing land use

- 4.3.1 Kingsway junction and Markeaton junction are located in a predominantly urban environment, with a mixture of residential housing, commercial, retail, health care and educational establishments. There are a number of public open spaces in the vicinity of the junctions, namely Mackworth Park, open space adjacent to Greenwich Drive South, Markeaton Park and Mill Pond.
- 4.3.2 Little Eaton junction is set in a semi-rural environment, with the Ford Farm Mobile Home Park, the property Fourways, commercial and retail facilities located to the north of the existing junction. The Derby Garden Centre occupies the space between the A38 and the B6179 to the north of the junction (accessed off the B6179). The eastern edge of Breadsall village is located approximately 400m to the south-east of the existing junction, whilst the southern edge of Little Eaton village is located approximately 900m to the north of the junction. The A38 to the west of the existing junction crosses over the River Derwent and the Sheffield to Derby railway.

4.4 Identifying persons with an interest in the land

- 4.4.1 Section 42(1) (d) of the Planning Act states that the Applicant must consult each person who is within one or more of the categories set out in Section 44. This includes any owner, lessee, tenant or occupier, any person interested in the land or has power to sell, convey or release the land and any person entitled to make a relevant claim (as defined by section 44(6) of the PA 2008)
- 4.4.2 In preparing the DCO application, Highways England has carried out diligent inquiry in order to identify all persons who fall within the categories set out in section 44 of the PA 2008 for the Scheme. Such persons are listed in the Book of Reference [TR010022/APP/4.3] and have been consulted about the DCO application in accordance with section 42 of the PA 2008 and as described below. Further information on the statutory public consultation delivered for the Scheme is contained in the Consultation Report [TR010022/APP/5.1].

- 4.4.3 Diligent inquiry to identify affected landowners, those with interests in land, and those with a potential relevant claim was undertaken by Highways England's land referencing supplier. The categories of persons identified, and the methods used to identify the persons with an interest in the land are summarised below.
- 4.4.4 Land referencing has been undertaken at various times throughout the pre-application period to ensure that any changes in ownership or new interests have been identified, consulted and subject to engagement.
- 4.4.5 The categories of persons that require to be identified for the purposes of consultation under section 42 are prescribed in section 44 of the PA 2008 as Categories 1, 2 and 3. Under the PA 2008, diligent inquiry must be undertaken to identify persons who, by virtue of the nature of the interest they have in land, and the location of that land in relation to the land to which the application relates, come within Categories 1, 2 or 3.

4.5 Category 1 and 2 persons

- 4.5.1 Category 1 comprises owners, lessees, tenants (whatever the tenancy period) and occupiers of the Land.
- 4.5.2 Category 2 comprises persons that are interested in the land or have the power to sell and convey, or to release, the Land.

4.6 Category 3 person

- 4.6.1 Category 3, as prescribed by section 44 of PA 2008, comprises persons who the applicant thinks would or might be entitled to make a "relevant claim" for compensation, if the order sought by the application were to be made and fully implemented. A "relevant claim" is defined in the PA 2008 as meaning a claim under Section 10 of the Compulsory Purchase Act 1965 (CPA 1965), or under Part 1 of the Land Compensation Act 1973 (LCA 1973), or under section 152(3) of the PA 2008.

4.7 Assessment of Category 3 persons

- 4.7.1 Identification of Category 3 persons, as defined in section 44 of the PA 2008, was undertaken at the early stages of development of the Scheme, in order to inform the design of the Scheme and preparation of the DCO application.
- 4.7.2 In order to identify potential Category 3 persons who may have a claim pursuant to section 10 of the CPA 1965, a desk-based assessment was carried out to identify properties with a potential claim. In addition, site visits were used in order to assess properties that the team may not have been aware of from their desk-based assessment.
- 4.7.3 In assessing potential claimants under Part I of the LCA 1973, physical factors and the impact of the Scheme were considered, including:
- properties closest to the Highway within the DCO boundary; and
 - properties identified as a receptor as a consequence of the property being located outside the DCO limits but close to the Highway.

4.7.4 Highways England's land referencing team and the Scheme's District Valuer were provided with relevant information from environmental specialists undertaking the environmental impact assessment for the Scheme. This information identified the likely significant effects arising from the Scheme. For example, the noise assessments had regard to information available at that time regarding:

- Existing noise levels;
- Projected noise levels from the Scheme; and
- Distances to and impacts on receptors.

4.7.5 Based on the above information, professional judgement was applied by the Scheme's Valuer (from the Valuation Office Agency/VOA) to determine whether a person may have a relevant claim for compensation under section 57(4) of the PA 2008. Further details about the noise assessments and other environmental assessments undertaken can be found in the Environmental Statement [TR010022/APP/6.1].

4.8 Diligent Inquiry process

4.8.1 An index map search of the proposed DCO order limits was undertaken on 19 June 2018. Ongoing Land Registry searches have been undertaken to ensure that any changes in title were identified. The official copies of the relevant Registered Titles and Plans have been examined to identify all land interests.

4.8.2 On completion of the above initial desk-based exercise, the extent of unregistered land interests became known. In order to establish ownership of unregistered land that falls within the proposed land requirements, public sources of information were used, including the Planning Portal, Companies House website, the relevant records held by Statutory Undertakers, Electoral Registers and online resources. A land charges search was also carried out.

4.8.3 Following the initial non-contact methods above, persons identified as having an interest in the Land or a potential claim were issued with a letter, a Land Interest Questionnaire (LIQ) requesting return of information about their interests in the Land, and an accompanying Land Ownership Plan. This was then followed up by additional 'follow up' letters, site visits where no response was made, and site notices were erected on unregistered land.

4.9 Consulting with Section 42(1)d Consultees

4.9.1 On the 6 September 2018, Highways England sent all section 42 (1)(d) consultees a letter to inform them of the start of the PA 2008 statutory consultation for the Scheme on 7 September. Included with the letter were:

- A Consultation brochure
- A Consultation response form
- Land Interest Plan(s) - A plan showing what land in the area of the proposed Scheme Highways England the recipients of the letter have an interest in, including that lying outside but adjacent to the red line boundary

- A plan showing the extents of the proposed Scheme, referred to as the “red line boundary plan”
 - Land Interest Schedule.
- 4.9.2 The letter provided an overview of the Scheme, explained that it was a NSIP and that the party was being formally consulted under the requirements of section 42(1)(d) of the PA 2008, as they had an interest in land that may be affected by the application for a DCO. The deadline for responses was the 18 October 2018.
- 4.9.3 Any LIQs or section 42 consultation letters that were returned unopened (returned to sender) were logged and a process of diligent inquiry was undertaken to determine if alternative methods of contacting the person/business could be identified. This included desk top research (such as Companies House records, Land Registry information, internet searches), and site visits, in addition to obtaining information directly from parties attending formal consultation events. In these circumstances it was either confirmed that the details of the consultee had changed, or the party no longer held an interest the Land or were no longer considered a Category 3 person.
- 4.9.4 On 8 March 2019 a further targeted round of consultation was undertaken in consequence of design refinements. This involved formal consultation with one additional section 42 Category 1 consultee (and two Category 2 consultees) where the proposed DCO order limits had been extended to provide access for realignment of Severn Trent apparatus to accommodate the Little Eaton junction improvement works.
- 4.9.5 Non-statutory consultation was undertaken in parallel with seven Category 1 consultees (and three Category 2 consultees) who had been consulted formally in September 2018. The non-statutory consultation was undertaken to inform the consultees of changes to the land requirements that they had previously been consulted on.
- 4.9.6 The deadline for responses for both the section 42 consultation and the non-statutory consultation was 9 April 2019.
- 4.9.7 Six Category 1 parties and three Category 2 parties were identified shortly before submission of the application as a consequence of ongoing diligent inquiry. In accordance with paragraphs 49 to 52 of the DCLG (now MHCLG) Pre-Examination Guidance, an additional letter was sent to those parties on 16 April 2019, outlining the DCO process and confirming they would have the opportunity to register with the Planning Inspectorate to participate in the examination process, if the DCO application was to be accepted for examination. The letter also provided contact details for the Project Team to respond to any questions on the proposals.
- 4.9.8 Update letters and accompanying plans were issued to nine Category 1 parties and five Category 2 parties to inform them of final design amendments on 16 April 2019. The letter informed the parties how to engage in the DCO process and how to provide comments on the proposals. The letter also provided contact details for the Project Team to respond to any questions on the proposals.

4.10 Negotiations to acquire by agreement

- 4.10.1 As well as consulting all persons with an interest in the Land about the Scheme proposals in accordance with section 42 of the PA 2008, Highways England is aware of the requirement (paragraph 25 of the CA Guidance) to seek to acquire land by negotiation wherever practicable. The power to acquire land compulsorily should only be sought if attempts to acquire by agreement fail.
- 4.10.2 At the same time, Highways England notes that the CA Guidance also recognises that where proposals would entail the compulsory acquisition of many separate plots of land, it may not always be practicable to acquire each plot of land by negotiated agreement. As the CA Guidance states, "Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset."
- 4.10.3 Highways England is under a legal duty to acquire land at best value and so acquisition by agreement is unlikely to occur in all cases or in any event within sufficient time to ensure that the programme for the construction of the Scheme is met. Highways England has therefore included compulsory powers in the draft DCO from the outset. This is in line with the CA Guidance, which at paragraph 25 acknowledges that this is appropriate for linear schemes like this one, because it is necessary to acquire a large number of plots and it is not practical to acquire all of them by agreement.
- 4.10.4 Land already owned by Highways England has been included within the draft DCO. This is to ensure that any known or unknown third-party rights that exist over such land do not impede the construction and implementation of the Scheme
- 4.10.5 Highways England has engaged with all landowners and occupiers with a view to acquiring their land interest by agreement by writing to them to inform them of Highways England's willingness to negotiate to acquire the Land by agreement, and to invite dialogue on this point. As a result, Highways England is engaged with a significant proportion of landowners with regard to the acquisition of land by agreement; and negotiations with this objective will be ongoing throughout the DCO process. The status of such negotiations is set out in **Annex B** to this Statement.
- 4.10.6 Whilst negotiations are ongoing, Highways England is mindful that it is under a duty to acquire land at best value and that it is required to deliver the Scheme within a specified timescale. It has concluded that it may not be possible to acquire all land interests necessary to deliver the Scheme within this timescale. Highways England has therefore concluded that the Scheme is unlikely to be capable of being delivered without compulsory acquisition powers.

5. The case for compulsory acquisition

- 5.1.1 In seeking compulsory acquisition and temporary possession powers in the draft DCO, Highways England has had regard to the conditions in section 122 of the PA 2008 and to the tests set out in the CA Guidance.

5.2 The statutory conditions and CA Guidance

- 5.2.1 Section 122 of PA 2008 states that:

"An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met"

- 5.2.2 The conditions are:

- In subsection (2), that the land is:
 - (a) required for the development to which the development consent relates;
 - (b) required to facilitate or is incidental to that development; or
 - (c) replacement land which is to be given in exchange for the order land under sections 131 or 132 of the PA 2008; and
- In subsection (3), that there is a compelling case in the public interest for the land to be acquired compulsorily.

- 5.2.3 The CA Guidance (paragraph 11) sets out the considerations which the Secretary of State will take into account in deciding whether the condition in subsection (2) has been met. It states:

- *'In respect of whether the land is required for the development, Highways England should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.'*
- *'In respect of whether the land is required to facilitate or is incidental to the proposed development, the Secretary of State will need to be satisfied that the development could only be carried out to a satisfactory standard if the land in question were to be compulsorily acquired and that the land to be taken is no more than is reasonably necessary for that purpose and that it is proportionate.'*
- *'In respect of whether the land is replacement land, the Secretary of State will need to be satisfied that the compulsory acquisition is needed for replacement land, that no more land is being taken than is reasonably necessary for that purpose and that it is proportionate.'*

- 5.2.4 In respect of the condition in subsection (3), the CA Guidance states at paragraphs 12 and 13 that the Secretary of State 'will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired.'

5.2.5 Paragraphs 8 to 10 of the CA Guidance are also relevant, setting out a number of general considerations to be taken into account by an applicant in seeking compulsory acquisition powers which include:

- *'That all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored.*
- *That the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.*
- *That Highways England has a clear idea of how they intend to use the land which is to be acquired.*
- *That there is a reasonable prospect of the necessary funds for acquisition becoming available.*
- *That the purposes for which the compulsory acquisition powers are included in the application are legitimate and sufficiently justify interfering with the human rights of those with an interest in the affected land.'*

5.2.6 Finally, paragraph 25 of the CA Guidance states that applicants should seek to acquire land by negotiation wherever practicable.

5.3 Need for the Land and the purposes for which the compulsory acquisition powers are sought

5.3.1 Highways England is satisfied that the condition in section 122(2) of the PA 2008 is met. It considers that the Land subject to compulsory acquisition powers is either needed for the development, or is needed to facilitate the development, or is incidental to the development.

5.3.2 At **Annex A** of this Statement, Highways England sets out compulsory powers sought in relation to each individual parcel of the Land, with reference to the relevant DCO works numbers, and the nature of the works as set out in Schedule 5 of the draft DCO. The proposed use of the Land is set out in Chapter 2 and **Annex A** of this Statement.

5.3.3 The need for and justification of the compulsory acquisition of replacement land under sections 131 and 132 of the PA 2008 is considered in Chapter 7 of this Statement.

5.3.4 Highways England considers that the land included in the draft DCO is the minimum land-take required to construct, operate, maintain and mitigate the Scheme necessary to achieve the objectives of the Scheme.

5.3.5 The limits of the Land have been drawn as tightly as possible so as to avoid unnecessary land take. In the event that less land proves to be required in a particular area at a later stage, Highways England would only seek to acquire that part of the Land that is required, and in all events will seek to minimise effects on landowners.

- 5.3.6 The significant majority of the land required permanently for the Scheme is within the existing A38 corridor. Land required outside of the corridor for the Scheme, is to ensure compliance with design safety standards, to ensure environmental mitigation measures can be implemented, to deliver open space exchange land and accommodate highway drainage infrastructure.
- 5.3.7 The draft DCO provides that all land identified for permanent acquisition can be occupied temporarily. If it is identified that less land can be acquired permanently, and only occupied temporarily, Highways England will only acquire land permanently needed for the Scheme.
- 5.3.8 Temporary construction compounds and works areas have been identified to ensure the delivery of the project with minimum disruption to stakeholders and users of the existing Highway and supporting road network, whilst ensuring the temporary land acquisition is proportionate and only that needed to undertake the works. Any areas of land that are temporarily occupied will be restored to its original condition once the work has been completed in that area. All efforts will be made to avoid impacting ecological features in these areas whilst they are temporarily occupied by the Scheme.
- 5.3.9 Land adjacent to the highway has been included in the draft DCO application to ensure the Scheme is effectively drained in accordance with design safety standards and is no more than is required to ensure those standards are met.
- 5.3.10 Provision has been made in the draft DCO application for the creation and acquisition of new rights to accommodate the diversion of statutory undertakers' apparatus over a number of plots (as identified in Schedule 5 to the draft DCO [TR010022/APP/3.1]. Whilst these rights are shown as applying to whole plots, following the completion of the detailed design by the contractor and through engagement with the Statutory Undertakers, the final areas for these works will be in defined corridors.
- 5.3.11 Highways England is accordingly satisfied that the land to be taken is reasonable and proportionate.

5.4 Compelling case in the public interest

- 5.4.1 Highways England is satisfied that the condition in section 122(3) of the PA 2008 is met and that there is a compelling case in the public interest for compulsory acquisition.
- 5.4.2 The need for and the benefits of the Scheme are set out in Chapter 2 of this Statement and in the other application documents, including the Planning Statement [TR010022/APP/7.2]. Together, they demonstrate that there is a very strong and compelling case in the public interest for the Scheme to be delivered.
- 5.4.3 In particular, as set out at Chapter 6 of the Planning Statement, paragraph 2.2 of the National Policy Statement for National Networks (NPSNN) identifies a "critical need" to improve the national networks to address road congestion to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. It goes on to state that improvements may also be required to address the impact of the national networks on quality of life and environmental factors.

- 5.4.4 The Scheme was identified National Infrastructure Delivery Plan 2013 and subsequently in the Government's Road Investment Strategy for the 2015/2016 - 2019/2020 Road Period ('RIS1') published in 2015.
- 5.4.5 The way in which the strategic objectives of the Scheme are aligned with the National Policy Statement for National Networks (NPSNN) is set out in detail at Chapters 2 and 6 along with **Appendix A** of the Planning Statement [TR010022/APP/7.2.] This clearly demonstrates that there would be substantial public benefits arising from the implementation of the Scheme. Paragraph 3.1 of the NPSNN states that the need for development of the national networks, and the Government's policy for addressing that need must be seen in the context of the Government's wider policies on economic performance, environments, safety, technology, sustainable transport and accessibility, as well as journey reliability and the experience of road users.
- 5.4.6 The Scheme's objectives directly support the Government's wider strategic policy objectives whilst specifically addressing a significant problem of traffic congestion on the strategic road network, providing additional capacity and facilitating long-term development and growth. The Scheme also supports the Government's recognised national commitments to improving the strategic road network. It is Highways England's view that that the Scheme is consistent with the core policies of the NPSNN and the statutory requirements of the PA 2008 have been addressed. As such, Highways England considers that the presumption in favour of the development set out in Paragraph 4.2 of the NPSNN should be afforded great weight as the public benefits of the Scheme outweigh any residual adverse effects, including private loss, suffered by individual landowners and occupiers. On this basis, Highways England considers that there is a clear and justified case in the public interest for the Scheme.

5.5 Consideration of alternatives

- 5.5.1 In designing the Scheme and determining the land to be subject to compulsory acquisition and temporary possession powers, Highways England has considered alternatives and modifications to the Scheme to minimise the potential land take. These alternatives and modifications were consulted on and the preferred route has been chosen based on a thorough consideration of all of the relevant issues. This process and the description of all of the alternatives that have been considered are described in detail in Chapter 3: Scheme History and Assessment of Alternatives of the Environmental Statement [TR010022/APP/6.1], along with the Planning Statement [TR010022/APP/7.2] and Consultation Report [TR010022/APP/5.1].
- 5.5.2 Following public consultation, Highways England selected the most appropriate option. This selection took into account various factors, including, amongst others, views of consultees including persons with an interest in the land. Other factors included environmental impacts, meeting the objectives of the Scheme, affordability, value-for-money, safety and construction and operational considerations. None of the alternatives or modifications considered would obviate the need for the compulsory acquisition and temporary possession of the land.

5.6 Reasonable prospect of funding

- 5.6.1 Highways England is content that there is a reasonable prospect of the necessary funds for acquisition being available for the reasons set out in the Funding Statement [TR010022/APP/4.2].

5.7 Acquisition by agreement

- 5.7.1 Highways England recognises that the authority to acquire land compulsorily should only be granted if attempts to acquire by agreement fail. However, Highways England notes that the CA Guidance recognises that, in some cases, it may not always be practicable to acquire each plot of land by agreement. Where this is the case, the CA Guidance confirms that it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset. It also recognises that in some cases it may be preferable, or necessary, to acquire land compulsorily rather than by agreement.
- 5.7.2 Set out in Chapter 4 and **Annex B** of this Statement is a summary of the discussions Highways England and its representatives have had with landowners and occupiers to acquire the Land by agreement. It is satisfied that compulsory acquisition and temporary possession powers are required to ensure that the Scheme can be delivered in a reasonable timescale and in the event that it does not prove possible to acquire all of the land by agreement.

5.8 Conclusions

- 5.8.1 Highways England is satisfied that the conditions in section 122 of the PA 2008 are met and that the tests in the CA Guidance are satisfied.
- 5.8.2 All the land subject to compulsory acquisition and temporary possession powers is necessary to construct, operate, maintain and mitigate the impacts of the Scheme. The extent of the land sought is reasonable and proportionate to achieve the objectives of the Scheme.
- 5.8.3 Further there is a compelling case in the public interest to include the compulsory acquisition powers sought by Highways England in the draft DCO. The exercise of the compulsory acquisition powers that are sought is shown throughout this Statement to be necessary and proportionate to the extent that interference with private land and rights is required. In the absence of compulsory powers, Highways England considers that it would not be possible to proceed with the Scheme, therefore the public benefits of the Scheme would not be realised.

6. Human rights

6.1 The protected rights

6.1.1 The Human Rights Act 1998 incorporated into domestic law the provision of the European Convention on Human Rights ("ECHR"). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual. The relevant Articles can be summarised as follows:

- Article 1 of The First Protocol – protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.
- Article 6 – entitles those affected by compulsory powers to a fair and public hearing.
- Article 8 – protects the right of the individual to respect for their private and family life, their home and correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

6.1.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR.

6.1.3 Paragraph 10 of the CA Guidance sets out how applicants should take into account Human Rights:

"The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention."

6.1.4 The draft DCO, if made, may infringe the human rights of persons with an interest in land. This infringement is authorised by law provided that:

- There is a compelling case in the public interest for the compulsory acquisition powers included within the draft DCO, and that proper procedures are followed.
- Any interference with a human right is proportionate and otherwise justified.

6.1.5 A detailed schedule of meetings and progress with each affected landowner is provided in **Annex B** to this document. Further detail and justification for the interference of rights is provided below in relation to specific plots.

a. 257 Ashbourne Road, plot number 3/14

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. The property is currently held as investment property and is tenanted. Highways England is currently in negotiation with the owners to agree the approach and timing of the acquisition of the property.

b. 259 Ashbourne Road, plot number 3/13c

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has engaged with the owner of the property with a view to negotiate acquisition of the property by private treaty.

c. 2 Queensway plot number 3/23

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has accepted a blight notice and is negotiating the acquisition of the property.

d. 4 Queensway plot number 3/24

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has accepted a blight notice and is negotiating the acquisition of the property.

e. 6 Queensway plot number 3/25

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has accepted a blight notice and is negotiating the acquisition of the property.

f. 8 Queensway plot number 3/26

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. The property is currently held as investment property and is tenanted. Highways England is currently in negotiation with the owners to agree the approach and timing of the acquisition of the property.

g. 10 Queensway plot number 3/27

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has met with the owners and discussed the statutory blight provisions. Highways England is currently in negotiation with the owners to agree the approach and timing of the acquisition of the property.

h. 12 Queensway plot number 4/3

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has met with the owners and discussed the statutory blight provisions. Highways England is currently in negotiation with the owners to agree the approach and timing of the acquisition of the property, especially given the owners run a business from the property.

i. 14 Queensway plot number 4/4

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has accepted a blight notice and is negotiating the acquisition of the property.

j. 16 Queensway plot number 4/5

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has accepted a blight notice and is negotiating the acquisition of the property.

k. 18 Queensway plot number 4/6

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has engaged with the owner of the property with a view to negotiate acquisition of the property by private treaty.

l. 20 Queensway plot number 4/2b

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Highways England has acquired the property.

m. 22 Queensway plot number 4/2c

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Highways England has acquired the property.

n. 24 Queensway plot number 4/2d

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Highways England has acquired the property.

o. 26 Queensway plot number 4/8

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. The property is currently held as investment property and is tenanted. Highways England is currently in negotiation with the owners to agree the approach and timing of the acquisition of the property.

p. 30 Queensway plot number 4/10

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has engaged with the owner of the property with a view to negotiate acquisition of the property by private treaty.

q. 32 Queensway plot number 4/12

Demolition of the property is required to enable the widening of the dual carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property as demolition is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since the Preferred Route Announcement confirmed the impact on the property in January 2018. Highways England has met with the owners and discussed the statutory blight provisions. Highways England is currently in negotiation with the owners to agree the approach and timing of the acquisition of the property.

r. 253 Ashbourne Road plot number 3/16a and 3/16b (Metropolitan Housing Trust)

Land take required from residential gardens to facilitate the widening of the main carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential properties further as the land is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since 1 November 2018. Highways England is currently in negotiation with the owners to purchase the land required for the Scheme and agree access solutions for the retained land.

s. 1 Sutton Close plot number 3/19 and 3/20

Land take required from residential garden to facilitate the widening of the main carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property further as the land is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since 19 November 2018. Highways England is currently in negotiation with the owners to purchase the land required for the Scheme and agree access solutions for the retained land.

t. 14 Sutton Close plot number 3/17 and 3/18

Land take required from residential garden to facilitate the widening of the main carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property further as the land is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since 19 November 2018. Highways England is currently in negotiation with the owners to purchase the land required for the Scheme and agree access solutions for the retained land.

u. Sutton Turner House(s) plot number 3/15a and 3/15b

Land take required from residential garden to facilitate the widening of the main carriageway.

The justification for the acquisition and interference with rights in this location is to ensure the alignment of the carriageway is compliant with design safety standards. It has not been possible to minimise impact to the residential property further as the land is required for the construction of the Scheme.

Engagement has been carried out with the owners of the Scheme since 19 November 2018. Highways England is currently in negotiation with the owners to purchase the land required for the Scheme and agree access solutions for the retained land.

6.2 Compliance with the Convention

- 6.2.1 Highways England recognises that the Scheme may have an impact on individuals but considers that the significant public benefits that will arise from the Scheme as set out in this Statement outweigh any harm to those individuals. The draft DCO strikes a reasonable balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the DCO) and the private rights which will be affected by the compulsory acquisition.
- 6.2.2 In relation to both Article 1 and 8, the compelling case in the public interest for the compulsory acquisition powers included within the draft DCO has been demonstrated in Chapter 5 and in the Planning Statement [TR010022/APP/7.2]. The land over which compulsory acquisition powers are sought as set out in the draft DCO is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.
- 6.2.3 In relation to Article 6, Highways England is content that the proper procedures have been followed for both the consultation on the Scheme and in determining the compulsory acquisition powers included within the draft DCO. Throughout the development of the Scheme, Highways England has given persons with an interest in the land a full opportunity to comment on the proposals, both in a statutory and non-statutory capacity, and Highways England has endeavoured to engage with landowners. Highways England has had regard to landowner feedback in both the initial design of the Scheme and in iterative design changes throughout the life of the Scheme.
- 6.2.4 Furthermore, any individuals affected by the DCO may submit representations by way of an objection to the Application in response to:
- any notice given under section 56 of the PA 2008,
 - the examination of the application by the examining authority,
 - any written representations procedure which the examining authority decides to hold and
 - in particular, any compulsory acquisition hearing held under section 92 of the PA 2008, at which each affected person is entitled to make oral representations about the compulsory acquisition request.
- 6.2.5 If the DCO is made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out pursuant to section 118 of the PA 2008.

6.3 Fair compensation

- 6.3.1 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code as well as and Schedule 5 to the draft DCO. Highways England has the resources to pay such compensation and has demonstrated (in the Funding Statement [TR010022/APP/4.2] that these resources are available.

6.3.2 Any dispute in respect of the compensation payable may be referred to the Upper Tribunal (Lands Chamber), an independent tribunal, for determination.

6.4 Conclusion

6.4.1 For the reasons set out above, Highways England considers that any infringement of the ECHR rights of those whose interests in the land might be affected by the exercise of powers of compulsory acquisition would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law. Highways England therefore considers that it would be appropriate and proportionate for the Secretary of State to make the DCO including the grant of compulsory acquisition powers.

7. Special considerations

7.1 Crown land

- 7.1.1 Section 135 of PA 2008 provides that a DCO may authorise, with the consent of the appropriate Crown authority, the compulsory acquisition of an interest held in Crown land which, for the time being, is held otherwise than by or on behalf of the Crown.
- 7.1.2 Highways England has made provision in the draft DCO for the acquisition of those land interests which are not held by the Crown but which exist in Crown land and are comprised in plots as shown in Part 4 of the Book of Reference [TR010022/APP/4.3] and the Crown Land Plans [TR010022/APP/2.4]. The consent of the Secretary of State for Defence being the appropriate Crown authority in relation to Crown Land included in the Scheme, is required to authorise the compulsory purchase of these land interests.
- 7.1.3 Highways England has entered into discussions with the Secretary of State for Defence and the status of the same is detailed in **Annex B** to this Statement. Highways England has not yet been able to secure the necessary consent from the Secretary of State for Defence to the compulsory acquisition but will continue to endeavour to secure it before the close of any examination held in connection with the draft DCO.

7.2 Special Category land

- 7.2.1 The Land includes the following types of special category land:
- Land which is open space (as defined in section 19 of the Acquisition of Land Act 1981, as applied by section 131(12) of PA 2008)
- 7.2.2 Highways England's approach to the inclusion of these special types of land in the Order Limits is set out in the following paragraphs.

7.3 Special Category land comprising open space

- 7.3.1 As shown in Part 5 of the Book of Reference [TR010022/APP/4.3] and the Special Category Land Plans [TR010022/APP/2.3], the draft DCO makes provision for the acquisition of special category land, comprising open space, as listed within table 7.1 below.

Table 7.1: Land Plots identified as open space within the Order Limits

Land use powers sought in the draft DCO	Plots	Area (sq. m)
Land to be compulsorily acquired (required permanently)	2/1e 2/1h 2/1i 2/2c 2/7b 2/10 3/1u 3/1y 3/2l	7,788

Land use powers sought in the draft DCO	Plots	Area (sq. m)
	3/2m 3/2n 3/11 4/1a 4/1e 4/2a 4/2e 4/2f 4/2g 4/2h 4/2i 4/2k 4/2l 4/2o 4/2p 4/14 4/15	
Land to be subject to powers of temporary possession (required temporarily)	1/1c 1/1d 1/2 1/4a 2/1a 2/1d 2/1e 2/1g 2/5 2/6 2/7b 2/10 3/1v 3/1y 3/1z 3/1aa 3/2n 3/2q 3/2r 3/11 4/1c 4/1e 4/1f 4/1g 4/1h 4/2a 4/2e 4/2f	210,081

Land use powers sought in the draft DCO	Plots	Area (sq. m)
	4/2g 4/2h 4/2i 4/2j 4/2m 4/2n 4/2o 4/7d 4/14 4/15 5/1 5/2 5/3a 7/1g	
Land propose to be subject to the creation of new rights (permanent rights required for access/maintenance)	1/4b 2/1b 2/1c 2/1f 2/7a 2/8 2/9 3/1w 3/1x 4/1b 4/1d	46,085

7.3.2 The land identified in table 7.1 is open space but it does not form part of a common or a fuel or field garden allotment. The land is required to facilitate the Scheme works at the Kingsway and Markeaton junctions.

7.3.3 Section 131 of PA 2008 applies to the compulsory acquisition of any land forming part of a common, open space or fuel or field garden allotment. Section 132 of PA 2008 applies to the compulsory acquisition of any rights over land forming part of a common, open space or fuel or field garden allotment. Sections 131 and 132 make provision for Special Parliamentary Procedure ("SPP") to apply where a DCO authorises the compulsory acquisition of, or the compulsory acquisition of rights over such land. This means that the DCO will be subject to SPP unless the Secretary of State is satisfied that one of the following circumstances applies:

- a. Replacement land has been or will be given in exchange for the land to be compulsorily acquired, with the same rights, trusts and incidents; or
- b. The land to be acquired does not exceed 200 square metres or is required for the widening or drainage of an existing highway and the giving of land in exchange is unnecessary; or

- c. For open space land only, replacement land in exchange is not available or is only available at a prohibitive cost, and it is strongly in the public interest for the Scheme to proceed sooner than SPP would allow; or
- d. For open space land only, the land is being acquired for a temporary (although possibly long-lived) purpose; or
- e. In respect of the acquisition of rights only, the land when burdened with the rights will be no less advantageous than it was before.

7.3.4 Sections 131 and 132 of the PA 2008 only apply to the compulsory acquisition of land and rights over land and do not apply to the temporary possession and use of land pursuant to articles 29 and 30 of the draft DCO.

7.3.5 Replacement land has been identified in order to replace the area of land required for compulsory acquisition (as identified in the table above). The replacement land is located north west of the A38 adjacent to Markeaton Park, Brackensdale Avenue and on Queensway. It is shown shaded grey and labelled as 'Replacement Land' on the Special Category Land Plans [TR010022/APP/2.3] and is identified by the plots in Table 7.2 below. The replacement land is included within the draft DCO and is proposed to be subject to powers of compulsory acquisition in order to secure it.

Table 7.2: Land Plots identified as replacement land

Replacement Land	Plots	Area (sq. m)
Land to the north west of the A38 adjacent to Markeaton Park (SCL Plans Sheet 3) Land gained due to the realignment of the A38 next to Markeaton Park	3/1y, 3/2r	704
Land to the north west of the A38 adjacent to Markeaton Park (SCL Plans Sheet 4) Land gained from the demolition of the existing footbridge	4/1a, 4/2a, 4/2e, 4/2g, 4/2h, 4/2i, 4/2j, 4/2m, 4/2n, 4/2o, 4/14, 4/15.	184
Queensway (excluding drainage infrastructure)	3/22c, 3/23, 3/24, 3/25, 3/26, 3/27, 4/2b 4/3, 4/4, 4/5, 4/6, 4/7a, 4/7b, 4/7c, 4/2c, 4/2d, 4/8, 4/9, 4/10, 4/11, 4/12, 4/13a.	6,212 (5,559)
Brackensdale Avenue	2/1r, 2/1s, 2/2p, 2/2q, 2/2s, 2/2t	1,384
Total (excl. drainage infrastructure)		8,484 (7,831)

7.3.6 The total area of the replacement land is 7,831 square metres, which is in excess of the land required permanently for the Scheme and is of '*relative size and proximity*' as per the DCLG PA 2008 *Guidance in relation to procedures for the compulsory acquisition of land*.

7.3.7 The majority of the replacement land (5,59 square metres) at Queensway is in close proximity to the open space land which it is proposed to replace, and currently forms a row of residential properties that will be subject to compulsory acquisition and demolition to deliver the Scheme. This land will incorporate the widened A38 carriageway, drainage features and associated works, with the remaining balance forming the exchange land. As this land is in itself to be subject to compulsory acquisition, discussions have been held with these landowners regarding the Scheme and the need for the acquisition of their interests in land, and some properties have been acquired (as detailed in section

6 above). As the existing residential dwellings will be demolished and the site cleared, there is no significant constraint to the future use of the site as open space land, albeit that there will be a need to incorporate drainage features within the balance of land available.

7.3.8 The proposed remaining provision for replacement land would be the section of Brackensdale Avenue that would be stopped up as a result of the Scheme which includes the removal of the link with the A38. The amount of land available at Brackensdale Avenue totals 1,384 square metres and would lie adjacent to an area of land that is currently used informally as recreational space. This land is currently characterised by a mix of managed open green space with a variety of tree planting, particularly on the southern boundary of this land.

7.3.9 The remainder 888 square metres of the replacement land is directly comparable to the open space land to be acquired permanently in that it is a linear land adjacent to the A38, being immediately adjacent to Markeaton Park. Whilst making a smaller contribution to the replacement land provided by the Scheme, it again is of '*relative size and proximity*' to the open space permanently acquired for the Scheme in this location. This land would become available as a result of the realignment of the A38 adjacent to the park, lying close to other areas of land that would be lost to the Scheme. The land would readily be absorbed into Markeaton Park as new open space land.

7.3.10 Highways England has engaged with Derby City Council as Local Planning Authority to ensure their support for the approach.

7.4 Statutory undertaker land

7.4.1 Section 127(3) of PA 2008 provides that a DCO may only authorise the compulsory acquisition of statutory undertaker land where a representation has been made by the statutory undertaker objecting to the acquisition if the Secretary of State is satisfied that:

- The land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- If purchased, the land can be replaced by other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking.

7.4.2 The Scheme does not need to compulsorily acquire permanently any land from statutory undertakers to facilitate the Scheme.

7.4.3 Section 127(5) of the PA 2008 provides that a DCO may only authorise the compulsory acquisition of rights over statutory undertaker land where a representation has been made by the statutory undertaker objecting to the acquisition if the Secretary of State is satisfied that:

- The rights can be acquired without any serious detriment to the carrying on of the undertaking; or
- Any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by the use of other land belonging to or available for acquisition by the undertaker.

- 7.4.4 Highways England proposes to acquire land with existing permanent rights in favour of statutory undertakers as described in the Book of Reference [TR010022/APP/4.3] and shown on the Land Plans [TR010022/APP/2.2] and set out in Annex C of this document.
- 7.4.5 The Scheme boundary contains the apparatus of Severn Trent Water Limited, National Grid Gas Plc, Western Power Distribution (West Midlands) Plc, Openreach Limited, CityFibre Limited, Virgin Media Limited, Hutchinson 3G UK Holdings, GTC Utility Construction Limited, Cornerstone Telecommunications Infrastructure Limited and E. On UK Plc.
- 7.4.6 The relevant major utility diversions required for the Scheme are summarised below and have been defined as specific works within the development listed within Schedule 1 of the DCO [TR010022/APP/3.1]. These works are also shown on the Works Plans [TR010022/APP/2.5].
- Work No. 9 - the diversion of utilities to accommodate the realignment of the A38
 - Work No. 21 - the diversion and construction of a utility corridor housing multiple utility apparatus
 - Work No. 22 - the diversion of utilities to accommodate the realignment of the A38
 - Work No. 35 - the diversion of utilities to accommodate the realignment of the A38
- 7.4.7 Highways England is in consultation with all the statutory undertakers affected by the Scheme as described in the Book of Reference [TR010022/APP/4.3] and shown on the Compulsory Acquisition Land Plans [TR010022/APP/2.2] and set out in **Annex C** of this document.
- 7.4.8 Highways England is seeking to address any issues that have been raised by them to date and to reach an agreed position through negotiations. Protective Provisions for statutory undertakers have been included in the draft DCO and have been issued to statutory undertakers to inform negotiations. As such, Highways England expects to achieve an agreed and satisfactory position with each of the statutory undertakers by the close of the Examination.

7.5 Public Rights of Way

Table 7.3: Public rights of way

Name	Classification	Responsible Authority
National Cycle Network 54 – Mickleover Cycle Trail	National Cycle Network	Sustrans/Derbyshire County Council
National Cycle Network 68 – Mickleover Cycle Trail	National Cycle Network	Sustrans/Derbyshire County Council
Footpath E1/7/1 (Breadsall)	Public right of way	Derbyshire County Council
Footpath E7/17/1 (Little Eaton)	Public right of way	Derbyshire County Council
FP3 E1/3/1 (Breadsall)	Public right of way	Derbyshire County Council

7.5.1 The public rights of way, detailed in Table 7.3, have been identified as being permanently affected by the Scheme. Existing public rights of way and the alterations proposed to the network as part of the Scheme are shown on the Streets, Rights of Way and Access Plans [TR010022/APP/2.7].

7.6 Other consents

7.6.1 The Consents and Agreements Position Statement [TR010022/APP/3.3] sets out the required other consents and the current position as to the status of securing those consents. This will continue to be updated as necessary during the Examination. Highways England is satisfied that all necessary consents to enable the Scheme to proceed have been identified and that there is no reason why such consents should not be secured or granted pursuant to the draft DCO.

8. Conclusions

8.1 Overview

- 8.1.1 This Statement sets out why compulsory acquisition and temporary possession powers have been sought in the draft DCO application and explains why Highways England considers such powers to be necessary, proportionate, and justified.
- 8.1.2 In determining the extent of the compulsory acquisition and temporary possession powers proposed in the draft DCO, Highways England has had regard to the legislative tests set out in the PA 2008 and to the advice in the CA Guidance. Highways England is content that the scope of the powers sought and the extent of the interests in the Land to be acquired by compulsory acquisition are required for the Scheme and are the minimum necessary that will allow Highways England to construct, operate and maintain the Scheme. The purpose for which each part of the Land is required is set out in **Annex A** to this Statement.
- 8.1.3 Highways England has consulted all persons affected by the compulsory acquisition and temporary possession powers and persons who may have a claim for compensation arising from the Scheme. It has consulted such persons during preparation of the draft DCO application and in the design of the Scheme to address their concerns and to ensure that any impacts are reduced or removed. Highways England has further sought to acquire any interests in the Land by agreement wherever practicable. The status of negotiations with affected landowners for the acquisition of their land interest is set out in **Annex B** to this Statement.
- 8.1.4 Highways England has considered the human rights of the individuals affected by the compulsory acquisition and temporary possession powers. It is satisfied that there is a compelling public interest case for compulsory acquisition and that the significant public benefits arising from the Scheme will outweigh the harm to those individuals.
- 8.1.5 Without the grant of compulsory acquisition and temporary possession powers, Highways England considers that it will not be possible to construct the Scheme, or realise the public benefits arising from it.

Figures and Annexes

- Annex A Details of the purpose for which powers compulsory acquisition, temporary possession and permanent rights are sought
- Annex B Schedule of all interests in the Land and progress of negotiations with persons subject to compulsory acquisition of land, rights or temporary possession powers
- Annex C Schedule of all Statutory Undertaker and utility providers interests in the Land and progress of negotiations with providers subject to compulsory acquisition of land, rights or temporary possession powers

Annex A

Details of the purpose for which compulsory acquisition and temporary possession powers are sought

The specific purposes for which each plot of Land subject to compulsory acquisition powers is required are set out in the tables in this Annex. The first column of each table identifies the plot number (as shown on the Land Plans) and used in the Book of Reference. Plots may be grouped in each row to the extent that they relate to the same Work. The second column of each table sets out the corresponding Works numbers as shown on the Works Plans and the broad uses for which the plot in question is required.

The tables in this Annex A should be read in conjunction with and by reference to the:

- Land Plans [TR010022/APP/2.2].
- Works Plans [TR010022/APP/2.5].
- Draft DCO [TR010022/APP/3.1].

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
1/1a	36.	The installation of advanced directional signage, safety barriers and associated equipment.
1/1b	36.	The installation of advanced directional signage, safety barriers and associated equipment.
1/1c	1. 9a.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38. The diversion of utilities – addition
1/1d	1. 9a.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38. The diversion of utilities
1/1e	1f.	Construction of flood storage area
	8b.	Establishment of environmental mitigation and enhancement areas
1/1f	1. 2. 5. 9.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38. The construction of a northbound diverge slip road off the A38. The construction of a southbound merge slip road on to the A38. The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
1/1g	1.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38
	2.	The construction of a northbound diverge slip road off the A38 that begins at the realigned A38.
	5.	The construction of a southbound A38 merge slip road.
	9.	The diversion of utilities.
1/2	1.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38
	9.	The diversion of utilities
2/1e	2.	The construction of a northbound diverge slip road off the A38.
	9a.	The diversion of utilities.
2/1g	6g.	Construction of a footway and cycleway.
2/1h	6a.	Construction of the Kingsway West Roundabout.
	9.	The diversion of utilities.
2/1i	3.	The construction of a northbound merge slip road off the Kingsway West roundabout.
	6a.	Construction of the Kingsway West Roundabout
	9.	The diversion of utilities.
2/1j	7.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close.
	9.	The diversion of utilities.
2/1k	7.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close.
	9.	The diversion of utilities.
2/1l	6.	The alteration, realignment and grading of the A5111.
2/1m	7.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close.
	9.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
2/1q	1.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	4.	The construction of a southbound A38 diverge slip road.
2/1w	1, 1i, 1k.	The alteration, re-alignment and grading of the southbound lanes of the A38 and widening of Brackensdale East underbridge and sign gantry.
2/2a	2.	The construction of a northbound diverge slip road off the A38.
	9.	The diversion of utilities.
2/2b	1, 1a, 1b, 1c, 1d, 1e	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	2, 2a.	The construction of a northbound diverge slip road off the A38
	4.	The construction of a southbound A38 diverge slip road.
	5.	The construction of a southbound A38 merge slip road.
	6a, 6b, 6c.	The alteration, realignment and grading of the A5111 and the construction of the east and west Kingsway roundabouts and the link road connecting the two.
	7.	The construction of a link road connecting the Kingsway East Roundabout and Kingsway Park Close.
2/2c	9.	The diversion of utilities.
	1, 1d.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	4.	The construction of a southbound A38 diverge slip road.
2/2e	6a, 6c.	Construction of Kingsway West Roundabout and link road.
	9f, 9g, 9i, 9j, 9k, 9l.	The diversion of utilities.
2/2f	1, 1h.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and sign gantry.
	3.	The construction of a northbound merge slip road off the Kingsway West roundabout.
	4.	The construction of a southbound A38 diverge slip road.
	9.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
2/2g	4.	The construction of a southbound A38 diverge slip road.
2/2h	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/2i	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/2j	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/2k	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/2l	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/2m	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/2n	4.	The construction of a southbound A38 diverge slip road.
	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/2o	1, 1i.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38, and the widening of Brackensdale Avenue West underbridge.
	3.	The construction of a northbound merge slip road of Kingsway West Roundabout.
2/2p	1j, 1m.	Works to effect the stopping up and alteration of Brackensdale Avenue slip road.
2/2q	1j.	Works to effect the stopping up and alteration of Brackensdale Avenue slip road.
2/2r	1j.	Works to effect the stopping up and alteration of Brackensdale Avenue slip road.
2/2s	1j.	Works to effect the stopping up and alteration of Brackensdale Avenue slip road.
2/2t	1, 1i, 1j.	The alteration, re-alignment and grading of the northbound lane of the A38, works to effect the stopping up and alteration to Brackensdale Avenue slip road and widening of Brackensdale West underbridge.
2/2u	1.	The alteration, re-alignment and grading of the southbound lanes of the A38.
	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/4	2.	The construction of a northbound diverge slip road off the A38.
	9.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
2/5	2. 9.	The construction of a northbound diverge slip road off the A38 The diversion of utilities.
2/7b	2. 6g. 9.	The construction of a northbound diverge slip road off the A38. Construction of a footway and cycleway. The diversion of utilities.
2/10	2. 6a, 6g. 9.	The construction of a northbound diverge slip road off the A38. Construction of the Kingsway West Roundabout and a footway and cycleway. The diversion of utilities.
2/11	7.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close.
2/12	6, 6d, 6e, 6f. 7. 9.	The alteration, realignment and grading of the A5111 and footways/cycleways and crossing. The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close. The diversion of utilities.
2/14	7.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close.
2/15	7, 7a. 9.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close and of a new junction and footways. The diversion of utilities.
2/16	7, 7a.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close and of a new junction and footways.
2/17	7, 7a. 9.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close and of a new junction and footways. The diversion of utilities.
2/18	7, 7a.	The construction of a link road connecting Kingsway East Roundabout and Kingsway Park Close.
2/19c	7b.	Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close.
2/20	4.	The construction of a southbound A38 diverge slip road.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
2/21	1, 1h.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and sign gantry.
	4.	The construction of a southbound A38 diverge slip road.
3/1a	1.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38
3/1e	10, 10a.	The alteration, realignment and grading of the northbound lanes of the A38 and sign gantry.
3/1f	1, 1l.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and works to effect the stopping up and alteration of Raleigh Street slip road.
	10, 10a.	The alteration, realignment and grading of the northbound and southbound lanes of the A38 and sign gantry.
	15.	The construction, improvement and realignment of the existing cycle route adjacent to the realigned A38.
3/1k	10, 10a.	The alteration, realignment and grading of the northbound lanes of the A38 and sign gantry.
3/1l	10.	The alteration, realignment and grading of the southbound lanes of the A38.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
3/1m	10.	The alteration, realignment and grading of the northbound and southbound lanes of the A38.
	11, 11a, 11b.	The construction of a northbound diverge slip road of the A38, the stopping up of Enfield Road and sign gantry.
	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
3/1o	10.	The alteration, realignment and grading of the northbound lanes of the A38.
	11, 11a, 11b.	The construction of a northbound diverge slip road and the stopping up of Enfield Road and sign gantry.
	22.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/1s	10.	The alteration, realignment and grading of the northbound and southbound lanes of the A38.
	11, 11c.	The construction of a northbound diverge slip road off the A38 and amendments to access and egress.
	16a.	The construction of Markeaton Junction Roundabout and south overbridge.
	22.	The diversion of utilities.
3/1u	16, 16b, 16e, 16f, 16h.	The alteration realignment and grading of the A52, the construction of the new junction for access and egress from Markeaton Park, fillings station and fast food site, relocation of boundary wall and mobile phone mast.
	21.	The diversion and construction of a utility corridor.
	22.	The diversion of utilities.
3/1y	10, 10b.	The alteration, realignment and grading of the northbound and southbound lanes of the A38 and sign gantry.
	12.	The construction of a northbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route.
	16, 16a, 16d.	The alteration realignment and grading of the A52, the construction of the Markeaton Junction Roundabout and north overbridge.
	22.	The diversion of utilities.
3/1z	12.	The construction of a northbound merge slip road from the Markeaton Junction Roundabout.
	21.	The diversion and construction of a utility corridor.
3/2a	1.	The alteration, re-alignment and grading of the northbound lanes of the A38.
	10, 10a.	The alteration, re-alignment and grading of the northbound lanes of the A38 and sign gantry.
	11, 11a.	The construction of a northbound diverge slip road and sign gantry.
	22.	The diversion of utilities.
3/2d	1, 1l.	The alteration, re-alignment and grading of the southbound lanes of the A38 and works to effect the stopping up and alteration of Raleigh Street slip road.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/2e	1, 1l.	The alteration, re-alignment and grading of the southbound lanes of the A38 and works to effect the stopping up and alteration of Raleigh Street slip road.
	15.	The construction, improvement and realignment of the existing cycle route adjacent to the realigned A38.
3/2f	10.	The alteration, realignment and grading of the southbound lanes of the A38.
	15.	The construction, improvement and realignment of the existing cycle route adjacent to the realigned A38.
3/2g	10.	The alteration, realignment and grading of the southbound lanes of the A38.
3/2h	16, 16a, 16b, 16f.	The alteration realignment and grading of the A52, the construction of the Markeaton Junction Roundabout, the construction of the new junction for access and egress from Markeaton Park, filling station and fast food site.
	21.	The diversion and construction of a utility corridor.
	22.	The diversion of utilities.
3/2i	16.	The alteration realignment and grading of the A52.
3/2j	16.	The alteration realignment and grading of the A52.
3/2k	16, 16b, 16f.	The alteration realignment and grading of the A52, the construction of the new junction for access and egress from Markeaton Park, fillings station and fast food site.
3/2l	16, 16b, 16e, 16f, 16h.	The alteration realignment and grading of the A52, the construction of the new junction for access and egress from Markeaton Park, fillings station and fast food site, relocation of boundary wall and mobile phone mast.
	22.	The diversion of utilities.
3/2m	16, 16e.	The alteration realignment and grading of the A52 and relocation of boundary wall.
	21.	The diversion and construction of a utility corridor.
3/2n	16, 16e.	The alteration realignment and grading of the A52 and relocation of boundary wall
	21.	The diversion and construction of a utility corridor.
3/2o	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route.
	16a.	The construction of the Markeaton Junction Roundabout.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/2p	16.	The alteration realignment and grading of the A52.
	22.	The diversion of utilities.
3/2q	12.	The construction of a northbound merge slip road from the Markeaton Junction Roundabout.
	21.	The diversion and construction of a utility corridor.
3/2r	12.	The construction of a northbound merge slip road from the Markeaton Junction Roundabout
	21.	The diversion and construction of a utility corridor.
3/3	10.	The alteration, realignment and grading of the northbound and southbound lanes of the A38.
3/5c	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
3/6	10.	The alteration, realignment and grading of the southbound lanes of the A38.
	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
3/7	10.	The alteration, realignment and grading of the southbound lanes of the A38.
	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
3/10	16.	The alteration realignment and grading of the A52.
3/11	16, 16a, 16b, 16e, 16f.	The alteration realignment and grading of the A52, the construction of the Markeaton Junction Roundabout, the construction of the new junction for access and egress from Markeaton Park, fillings station and fast food site and relocation of boundary wall.
	21.	The diversion and construction of a utility corridor.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/12	16a.	The construction of the Markeaton Junction Roundabout.
3/13a	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
3/13b	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route
	22.	The diversion of utilities.
3/13c	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route adjacent to the realigned A38.
	19.	The construction of a temporary compound area/material storage area.
	22.	The diversion of utilities.
3/14	14.	The construction of a southbound merge slip road from the Markeaton Junction Roundabout.
	15.	The construction, improvement and realignment of the existing cycle route adjacent to the realigned A38.
	19.	The construction of a temporary compound area/material storage area.
	22.	The diversion of utilities.
3/15a	16c.	The construction and alteration of a private means of access.
3/15b	16.	The alteration realignment and grading of the A52.
	22.	The diversion of utilities.
3/16a	16c.	The construction and alteration of a private means of access.
3/16b	16.	The alteration realignment and grading of the A52.
	22.	The diversion of utilities.
3/17	16c.	The construction and alteration of a private means of access.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/18	16.	The alteration realignment and grading of the A52.
	22.	The diversion of utilities.
3/19	16c.	The construction and alteration of a private means of access.
3/20	16.	The alteration realignment and grading of the A52.
3/21	10.	The alteration, realignment and grading of the northbound and southbound lanes of the A38.
	15.	The construction, improvement and realignment of the existing cycle route.
	16, 16a.	The alteration realignment and grading of the A52, the construction of the Markeaton Junction Roundabout and south overbridge.
	22.	The diversion of utilities.
3/22a	16, 16g.	The alteration realignment and grading of the A52 and alteration of access to Royal School for the Deaf Derby.
	22.	The diversion of utilities.
3/22c	13c.	The construction of an access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
3/23	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	16, 16a.	The alteration realignment and grading of the A52 and the construction of the Markeaton Junction Roundabout.
	22.	The diversion of utilities.
3/24	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/25	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13a, 13c.	The construction of a southbound diverge slip road off the A38, pumping station, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
3/26	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13a, 13c.	The construction of a southbound diverge slip road off the A38, pumping station, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
3/27	10, 10b.	The alteration, realignment and grading of the southbound lane of the A38 and sign gantry.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/1a	10, 10b, 10c, 10d, 10e.	The alteration, realignment and grading of the northbound and southbound lanes of the A38, the replacement of footbridge and construction of sign gantries.
	13.	The construction of a southbound diverge slip road off the A38.
	15.	The construction, improvement and realignment of the existing cycle route.
	18.	The realignment and grading of the A38 southbound merge slip road from Kedleston Road.
	21.	The diversion and construction of a utility corridor.
	22.	The diversion of utilities.
4/1e	10.	The alteration, realignment and grading of the northbound lanes of the A38.
	22.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
4/1g	17.	The realignment and grading of the northbound diverge slip road off the A38.
	22.	The diversion of utilities.
4/1i	15.	The construction, improvement and realignment of the existing cycle route.
	18.	The realignment and grading of the A38 southbound merge slip road from Kedleston Road.
4/2a	10, 10c, 10d, 10e.	The alteration, realignment and grading of the northbound lanes of the A38 and the replacement of footbridge and the construction of sign gantries.
	12.	The construction of a northbound merge slip road from Markeaton Junction Roundabout.
	17.	The realignment and grading of the northbound diverge slip road off the A38.
	21.	The diversion and construction of a utility corridor.
	22.	The diversion of utilities.
4/2b	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/2c	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/2d	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13b, 13c.	The construction of a southbound diverge slip road off the A38, drainage pond, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
4/2e	10c.	The replacement of a footbridge.
4/2f	10c.	The replacement of a footbridge.
4/2g	10c.	The replacement of a footbridge.
4/2j	10c.	The replacement of a footbridge.
4/2h	10c.	The replacement of a footbridge.
4/2i	10c.	The replacement of a footbridge.
4/2k	10, 10c. 21.	The alteration, realignment and grading of the southbound lanes of the A38 and the replacement of a footbridge. The diversion and construction of a utility corridor.
4/2l	10c.	The replacement of a footbridge.
4/2m	10c.	The replacement of a footbridge.
4/2n	10c.	The replacement of a footbridge.
4/2o	10c.	The replacement of a footbridge.
4/2p	10c.	The replacement of a footbridge.
4/2q	15. 18.	The construction, improvement and realignment of the existing cycle route. The realignment and grading of the A38 southbound merge slip road from Kedleston Road.
4/3	10, 10b. 13, 13c. 15. 22.	The alteration, realignment and grading of the southbound lane of the A38 and sign gantry The construction of a southbound diverge slip road off the A38, access track and footway/cycleway. The construction, improvement and realignment of the existing cycle route. The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
4/4	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/5	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/6	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/7a	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/7c	13b.	The construction of drainage pond.
4/8	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13b, 13c.	The construction of a southbound diverge slip road off the A38, drainage pond, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
4/9	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13b, 13c.	The construction of a southbound diverge slip road off the A38, drainage pond, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/10	10.	The alteration, realignment and grading of the southbound lane of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/11	13c.	The construction of an access track and footway/cycleway.
4/12	10.	The alteration, realignment and grading of the southbound lanes of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/13a	10.	The alteration, realignment and grading of the southbound lanes of the A38.
	13, 13c.	The construction of a southbound diverge slip road off the A38, access track and footway/cycleway.
	15.	The construction, improvement and realignment of the existing cycle route.
	22.	The diversion of utilities.
4/14	10, 10c.	The alteration, realignment and grading of the northbound lanes of the A38 and the replacement of footbridge.
	21.	The diversion and construction of a utility corridor.
	22.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
4/15	10, 10c.	The alteration, realignment and grading of the southbound lanes of the A38 and the replacement of a footbridge.
	15.	The construction, improvement and realignment of the existing cycle route.
	21.	The diversion and construction of a utility corridor.
4/16	10, 10d.	The alteration, realignment and grading of the southbound lanes of the A38 and construction of sign gantry
	15.	The construction, improvement and realignment of the existing cycle route.
5/3a	17.	The realignment and grading of the A38 northbound diverge to Kedleston Road.
5/3b	36.	The installation of advanced directional signage, safety barriers and associated equipment.
5/3c	36.	The installation of advanced directional signage, safety barriers and associated equipment.
5/4	36.	The installation of advanced directional signage, safety barriers and associated equipment.
6/1	36.	The installation of advanced directional signage, safety barriers and associated equipment.
7/3a	36.	The installation of advanced directional signage, safety barriers and associated equipment.
7/3b	31.	The construction of temporary access to flood compensation area.
7/3c	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	24.	The construction of a northbound diverge slip road off the A38.
	27.	The construction of a southbound merge slip road onto the A38.
7/3d	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38
	24.	The construction of a northbound diverge slip road off the A38.
	27.	The construction of a southbound merge slip road onto the A38.
	28, 28a.	Works to stop up Ford Lane and construction of turning head.
7/3e	28, 28a.	Works to stop up Ford Lane and construction of turning head.
7/3f	28, 28a.	Works to stop up Ford Lane and construction of turning head.
7/3f	28, 28a.	Works to stop up Ford Lane and construction of turning head.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
7/4	31.	The construction of temporary access to flood compensation area.
7/15	27.	The construction of a southbound merge slip road onto the A38.
7/16	27.	The construction of a southbound merge slip road off the A38.
7/17b	23, 23a.	The alteration, re-alignment and grading of the southbound lanes of the A38, stopping up and diversion of footpath and Private Means of Access.
	27.	The construction of a southbound merge slip road onto the A38.
8/3b	23a, 23b.	Stopping up and diversion of footpath and Private Means of Access and the alteration of the flood arch.
	27.	The construction of a southbound merge slip road onto the A38.
8/4a	23, 23b.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the alteration of the flood arch.
	24.	The construction of a northbound diverge slip road off the A38.
	27.	The construction of a southbound merge slip road onto the A38.
8/4b	23, 23c.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the alteration of the rail bridge.
	24.	The construction of a northbound diverge slip road off the A38.
	27.	The construction of a southbound merge slip road onto the A38.
8/4c	23, 23c.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the alteration of the rail bridge.
	24.	The construction of a northbound diverge slip road off the A38.
8/4d	23, 23d.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the construction of overbridge.
	24.	The construction of a northbound diverge slip road off the A38.
	30a, 30b, 30c, 30d.	The alteration of Little Eaton junction roundabout, the realignment of Ford Lane, the realignment of B6179 and the diversion of existing cycle route.
	35.	The diversion of utilities.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
8/4e	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	30, 30a, 30b, 30d, 30e.	The alteration, realignment and grading of the A61, the alteration of Little Eaton junction roundabout, the alteration, realignment and grading of the B6179, the diversion of existing cycle route and stopping up and relocation of a Private Means of Access.
	35.	The diversion of utilities.
8/4f	26c.	The diversion of Dam Brook.
8/4g	23, 23d.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the construction of overbridge.
	25.	The construction of a northbound merge slip road onto the A38.
	26g.	The construction of a southbound segregated left turn lane onto the A61.
	30, 30a.	The alteration, realignment and grading of the A61 and the alteration of Little Eaton junction roundabout.
	35.	The diversion of utilities.
8/4h	26c.	The diversion of Dam Brook.
8/4i	23, 23d.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the construction of overbridge.
	25.	The construction of a northbound merge slip road onto the A38.
	26. 26a, 26e.	The construction of a southbound diverge slip road off the A38, the alteration and extension of existing culvert and diversion of Dam Brook.
	35.	The diversion of utilities.
8/4j	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	25.	The construction of a northbound merge slip road onto the A38.
	26c.	The diversion of Dam Brook.
	35.	The diversion of utilities.
8/4k	30b, 30d.	The alteration, realignment and grading of the B6179 and the diversion of existing cycle route.
	35.	The diversion of utilities.
8/4l	30b.	The alteration, realignment and grading of the B6179.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
8/4m	35.	The diversion of utilities.
8/4n	23.	The alteration, re-alignment and grading of the northbound lanes of the A38.
	25.	The construction of a northbound merge slip road onto the A38.
	35.	The diversion of utilities.
8/7	23c.	The alteration of the rail bridge.
	27.	The construction of a southbound merge slip road onto the A38.
8/9	23, 23c.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the alteration of the rail bridge.
	27.	The construction of a southbound merge slip road onto the A38.
8/10a	23, 23d.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the construction of overbridge.
	27.	The construction of a southbound merge slip road onto the A38.
	30, 30a, 30d, 30e.	The alteration, realignment and grading off A61, the alteration of Little Eaton junction roundabout, the diversion of existing cycle route and stopping up of a Private Means of Access.
	35.	The diversion of utilities.
8/12	26c.	The diversion of Dam Brook.
8/13	23, 23d.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the construction of overbridge.
	25.	The construction of a northbound merge slip road onto the A38.
	30, 30a, 30b, 30d.	The alteration, realignment and grading of the A61, the alteration of Little Eaton junction roundabout, the alteration, realignment and grading of the B6179 and the diversion of existing cycle route.
	35.	The diversion of utilities.
8/14	26c, 26e.	The construction of the access to drainage attenuation ponds and the diversion of Dam Brook.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
8/16a	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	26, 26a, 26c, 26d, 26e, 26f, 26g.	The construction of a southbound diverge slip road, segregated left turn lane onto the A61, drainage attenuation ponds, ecology mitigation ponds, access track, diversion of Dam Brook, alteration of culvert and diversion of public footpath.
	35.	The diversion of utilities
8/17	23, 23d.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38 and the construction of overbridge.
	25.	The construction of a northbound merge slip road onto the A38.
	26, 26e, 26g.	The construction of a southbound diverge slip road off the A38, diversion of Dam Brook and segregated left turn lane onto the A61.
	30a.	The alteration of the Little Eaton junction roundabout.
	35.	The diversion of utilities.
8/20	30b, 30c.	The alteration, realignment and grading of the B6179 and the diversion of existing cycle route.
	35.	The diversion of utilities.
8/22	23.	The alteration, re-alignment and grading of the northbound lanes of the A38.
8/23a	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38
	26, 26g.	The construction of a southbound diverge slip road off the A38 and segregated left turn lane onto the A61.
	35.	The diversion of utilities.
8/24a	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38
	25.	The construction of a northbound merge slip road onto the A38.
	26, 26b.	The construction of a southbound diverge slip road off the A38 and alteration of existing culvert.
	35.	The diversion of utilities.
8/24c	26.	The construction of a southbound diverge slip road off the A38.

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
8/25a	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38
	25.	The construction of a northbound merge slip road onto the A38.
	26, 26b.	The construction of a southbound diverge slip road off the A38 and alteration of existing culvert.
9/5a	32.	The construction of temporary works compound access.
9/5b	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	25.	The construction of a northbound merge slip road onto A38.
	26.	The construction of a southbound diverge slip road off the A38.
	35.	The diversion of utilities.
9/5c	23.	The alteration, re-alignment and grading of the northbound and southbound lanes of the A38.
	35.	The diversion of utilities.
9/6a	23.	The alteration, re-alignment and grading of the southbound lanes of the A38.
	26.	The construction of a southbound diverge slip road off the A38.
10/1a	36.	The installation of advanced directional signage, safety barriers and associated equipment.
10/1b	36.	The installation of advanced directional signage, safety barriers and associated equipment.
10/1c	36.	The installation of advanced directional signage, safety barriers and associated equipment.

Acquisition of Rights – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
1/3a	8b	The establishment and maintenance of environmental mitigation and enhancement areas at Kingsway Hospital.
1/3b	1f.	The establishment and maintenance of the flood storage areas.
	8b.	The establishment and maintenance of environmental mitigation and enhancement areas at Kingsway Hospital.
	9.	The diversion and maintenance of and access to utilities.
1/4b	8a.	The establishment and maintenance of environmental mitigation and enhancement areas at Mackworth Park.
	9.	The diversion and maintenance of and access to utilities.
2/1b	8a.	The establishment and maintenance of environmental mitigation and enhancement at Mackworth Park.
	9.	The diversion and maintenance of and access to utilities.
2/1c	2a.	The construction and maintenance of highway drainage attenuation.
	8a.	The establishment and maintenance of environmental mitigation and enhancement areas at Mackworth Park.
2/1f	3a.	The construction of a cycle track.
	9.	The diversion and maintenance of and access to utilities.
2/1o	7b.	The construction and reconfiguration of the junction between Lyttelton Street and Kingsway Park Close
	9.	The diversion and maintenance of and access to utilities
2/1p	7b.	The construction and reconfiguration of the junction between Lyttelton Street and Kingsway Park Close.
	9.	The diversion and maintenance of and access to utilities.
2/7a	3a.	The construction of a cycle track.
2/8	3a.	The construction of a cycle track.
2/9	3.	The construction and maintenance of a cycle track.
	9.	The diversion and maintenance of and access to utilities.

Acquisition of Rights – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
2/13a	7.	To construct a link road between Kingsway East and Kingsway Park Close.
	9.	The diversion and maintenance of and access to utilities.
2/19a	7, 7a.	To construct a link road between Kingsway East and Kingsway Park Close and construct a junction and footway.
	9.	The diversion and maintenance of and access to utilities.
2/19b	7, 7b.	To construct a link road between Kingsway East and Kingsway Park Close and reconfiguration of Lyttelton Street junction.
	9.	The diversion and maintenance of and access to utilities.
3/1p	11b.	The stopping up of Enfield Road.
	22.	The diversion and maintenance of and access to utilities.
3/1q	11b.	The stopping up of Enfield Road.
	22.	The diversion and maintenance of and access to utilities.
3/1w	21.	The diversion installation and maintenance of and access to a utility corridor.
3/1x	16d.	The construction of a new emergency access.
	21.	The diversion installation and maintenance of and access to a utility corridor.
3/5a	10.	The alteration, realignment and grading of highway.
	15.	The construction, improvement and realignment of cycle way.
	22.	Diversion and maintenance of and access to utilities.
3/9b	16, 16f.	Required for alterations to the access to and egress from the filling station and fast-food site.
	22.	The diversion and maintenance of and access to utilities.
3/22b	13.	Required for the construction of a southbound diverge slip road and alteration, realignment and grading of highway.
	16g.	The construction and maintenance of a noise barrier.
4/1b	10.	Demolition of a footbridge and replacement of a footbridge.
	21.	Required for the diversion installation and maintenance of and access to a utility corridor.

Acquisition of Rights – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
4/1d	10c.	Demolition of a footbridge and replacement of a footbridge.
	21.	Required the diversion and maintenance of and access to utilities.
4/7b	13.	Required for the construction and maintenance of a noise barrier.
6/2	31, 31a.	Required for the construction and maintenance of a flood plain compensation area and the diversion and maintenance of and access to utilities.
7/5	31, 31a.	Required for the construction and maintenance of a flood plain compensation area and the diversion and maintenance of and access to utilities.
8/6	23, 23c.	Required for the access construction and maintenance of a railbridge
	24.	Required for the access construction and maintenance of a railbridge
	27.	Required for the access construction and maintenance of a railbridge
8/21	35.	Required for the diversion and maintenance of and access to utilities
8/23b	35.	Required for the diversion and maintenance of and access to utilities
9/6b	23.	Required for the alteration, realignment and grading of northbound and southbound carriageways
	25.	The construction of a southbound diverge slip road
	35.	The diversion and maintenance of and access to utilities

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
1/3c	8b.	Required for the establishment of environmental mitigation and enhancement
1/4a	8a.	Required for the establishment of environmental mitigation and enhancement
2/1a	8a.	Required for the establishment of environmental mitigation and enhancement
2/1d	3a.	Required for the construction of a cycle track
2/1n	7.	Required for the construction of a link road and the construction and maintenance of a noise barrier
2/1r	1, 1i, 1m.	Required for the widening of the Brackensdale Avenue east and west underbridges, the alteration of part of the entry and exit lanes off Brackensdale Avenue which connects to the A38
	7b.	The reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close
2/1s	1j, 1m.	Required for the alteration of part of the entry and exit lanes off Brackensdale Avenue which connects to the A38 and works to effect the stopping up of part of the entry and exit lanes off Brackensdale Avenue which connect to the A38
2/1t	1j.	Required for works to effect the stopping up of part of the entry and exit lanes off Brackensdale Avenue which connect to the A38
2/1u	1.	Required for the alteration, realignment and grading of highway
2/3	8b.	Required for the establishment of environmental mitigation and enhancement
2/6	3a.	Required for construction of a cycle track
	8a.	Required for the establishment of environmental mitigation and enhancement
2/13c	7.	Required to construct a link road
3/1b	10.	Required for the alteration, realignment and grading of the A38
3/1c	10.	Required for the alteration, realignment and grading of the A38
3/1d	10.	Required for the alteration, realignment and grading of the A38
3/1g	10.	Required for works to effect the stopping up of the entry and exit lanes of Raleigh Street which connects to the A38
	15.	Improvement and realignment of cycle way
3/1h	10.	Required for works to effect the stopping up of the entry and exit lanes of Raleigh Street which connect to the A38
	15.	Improvement and realignment of cycle way

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/1i	10	Required for the alteration, realignment and grading of highway
	15.	The construction, improvement and realignment of cycle way
3/1j	10.	Required for the alteration, realignment and grading of the A38
3/1n	10.	Required for the construction of the A38 and the northbound diverge slip road
	11.	Construction of the northbound diverge slip road
3/1t	16f.	Required for alterations to the access to and egress from the filling station and fast-food site
3/1v	16b, 16d.	Required for the construction of a new junction for access to and egress from Markeaton Park including a roundabout and a park & ride bus stop; works to effect the stopping up of the entrance to Markeaton Park, new emergency access from Markeaton Park and relocation of the boundary wall
3/4	10.	Required for the alteration, realignment and grading of highway and
	15.	the construction, improvement and realignment of the existing cycle track
3/5b	10.	Required for alteration, realignment and grading of highway.
	14.	the construction of a southbound merge slip road
3/5d	19.	Required for the construction of a temporary construction compound
3/8a	11c.	Required for amendments to the access and egress for the filling station and fast-food site.
3/9a	11c.	Required for amendments to the access and egress for the filling station and fast-food site.
4/1c	14.	the construction of a southbound merge slip road.
	21.	diversion and maintenance of and access to utilities.
4/1f	13c.	The construction of an access track and footway/cycleway.
	20.	Required for the establishment of environmental mitigation and enhancement areas.
4/7d	20.	Required to establish environmental mitigation and enhancement areas
4/1h	20.	Required to establish environmental mitigation and enhancement areas

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
4/13b	20.	Required for the establishment of environmental mitigation and enhancement areas.
5/1	20.	Required to establish environmental mitigation and enhancement areas.
5/2	20.	Required to establish environmental mitigation and enhancement areas.
7/1a	34.	Required for the reconfiguration of highway and a junction.
7/1b	34.	Required for the reconfiguration of highway and a junction.
7/1c	34.	Required for the reconfiguration of highway and a junction.
7/1d	34.	Required for the reconfiguration of highway and a junction.
7/1e	33.	Required for the realignment of Ford Lane and the reconfiguration of the junction with Lambourn Drive
7/1f	29.	Required for alterations to a bridge on Ford Lane
	33.	Required for the realignment of Ford Lane and the reconfiguration of the junction with Lambourn Drive
7/1g	37.	Required for the establishment of environmental mitigation areas.
7/1h	29.	Required for alterations to a bridge on Ford Lane
7/1i	29.	Required for alterations to a bridge on Ford Lane
7/1j	28a.	Required for works to stop up a highway and carry out works on a bridge
	29.	Required for works to stop up a highway and carry out works on a bridge
7/2	34.	Required for the reconfiguration of highway and a junction.
7/6	31.	Required for the construction of flood compensation area
7/7a	31.	Required for the construction of flood compensation area
7/7b	31.	Required for the construction of flood compensation area
7/8	33.	Required for the realignment of Ford Lane and the reconfiguration of the junction with Lambourn Drive
7/9	33.	Required for the realignment of Ford Lane and the reconfiguration of the junction with Lambourn Drive
7/10	33.	Required for the realignment of Ford Lane and the reconfiguration of the junction with Lambourn Drive

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
7/11	33.	Required for the realignment of Ford Lane and the reconfiguration of the junction with Lambourn Drive
7/12	33.	Required for the realignment of Ford Lane and the reconfiguration of the junction with Lambourn Drive
7/13	28a.	Required for works to stop up a highway and carry out works on a bridge
	29.	Required for works to stop up a highway and carry out works on a bridge
7/14	23.	Required for the alteration, realignment and grading of the carriageway.
	27.	The construction of a southbound merge slip road.
7/17a	23a.	Required for the alteration, realignment and grading of carriageway and works to effect the stopping up and diversion of a section of the footpath and works to effect the stopping up and diversion of a private means of access.
7/17c	23b.	Required for the alteration, realignment and grading of the carriageway.
	27.	The construction of a southbound merge slip road.
8/1	32.	Required for erection and accommodation of a temporary works compound
8/2	23a, 23b, 23c.	Required for the alteration, realignment and grading of the northbound and southbound carriageways
	27.	The construction of a southbound merge slip road
8/3a	23a, 23b, 23c.	Required for the alteration, realignment and grading of the northbound and southbound carriageways
	27.	The construction of a southbound merge slip road
8/3c	23a, 23b, 23c.	Required for the alteration, realignment and grading of the northbound and southbound carriageways
	27.	The construction of a southbound merge slip road.
8/5	23c.	Required for the alteration, realignment and grading of the northbound and southbound carriageway and alteration and extension to an existing railway bridge
8/8	23.	Required for the alteration, realignment and grading of the northbound and southbound carriageway and alteration and extension to an existing railway bridge

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
8/10b	23c.	Required for the alteration, realignment and grading of the northbound and southbound lanes.
	27.	Construction of a southbound merge slip road.
	30, 30e.	The alteration, realignment and grading of carriageway
8/10c	26	Required for the construction of a southbound diverge strip.
	30.	The alteration, realignment and grading of carriageway.
8/11	26	Required for the construction of a southbound diverge strip.
	30.	The alteration, realignment and grading of carriageway.
8/15	23.	Required for the alteration, realignment and grading of northbound and southbound carriageway
	26.	The construction of a southbound diverge slip road
8/16b	23.	Required for the alteration, realignment and grading of northbound and southbound carriageway
	26.	The construction of a southbound diverge slip road.
8/18	30c.	Required for the realignment and grading of Ford Lane to connect with the Little Eaton Roundabout
8/19	30c.	Required for the realignment and grading of Ford Lane to connect with the Little Eaton Roundabout
8/24b	23.	Required for the alteration, realignment and grading of northbound and southbound carriageway
	26, 26h.	The construction of a southbound diverge slip road
8/25b	23.	Required for the alteration, realignment and grading of northbound and southbound carriageway
	26.	The construction of a southbound diverge slip road
8/25c	23.	Required for the alteration, realignment and grading of northbound and southbound carriageway
	26.	The construction of a southbound diverge slip road
9/1	32.	Required for the erection and accommodation of a temporary works compound
9/2	32.	Required for the erection and accommodation of a temporary works compound
9/3	32.	Required for the erection and accommodation of a temporary works compound

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
9/4	32.	Required for the erection and accommodation of a temporary works compound

Annex B

Schedule of progress of negotiations with affected persons

The table below shows the progress of negotiations with affected persons. Please note that the table is correct at the date of submission. It is the intention of Highways England to submit further updates post-application, either when appropriate or as directed by the Examining Authority.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
Abiola Kelvin Ogunjimi	Owner	Permanent	4/10	Y	Land discussions letter sent 11 February 2019. Landowner eligible to serve a blight notice and has been in recent discussion with an agent.
Al Rayan Bank PLC	Owner	Permanent	4/12	Y	Blight notice now submitted in respect of this property and with Highways England for review.
Albert Edward Hibbs, Dennis Edwin Hibbs, Rose Alice Horner, Patricia Hibbs	Owner	Temporary	9/3	N	Land discussions letter sent 11 February 2019.
Anthony John Lomas	Owner	1) Temporary and Permanent Rights 2) Temporary and Permanent Rights 3) Temporary	1) 6/2 2) 7/5 3) 7/6	1) N 2) N 3) N	Meeting 9 November 2018 to discuss survey works and the temporary land requirements for the scheme. Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019 and subsequent correspondence about changes to land requirements.
Bovis Homes Eastern Limited	Owner	Temporary and Permanent Rights	7/10	N	Land acquisition discussions letter sent 11 February 2019. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.
Brian William Mawson, Sarah Margaret Mawson	Owner	Permanent	3/24	Y	Land acquisition discussions letter sent 11 February 2019. Statutory blight claim submitted, negotiations ongoing, market value of property agreed. Disturbance claim now provisionally agreed. Acquisition of property forecast May 2019.
Datum Engineering Services Limited	Owner	1) Temporary 2) Permanent	1) 2/7a 2) 2/7b	1) N 2) Y	Land acquisition discussions letter sent 11 February 2019. Telephone and email correspondence 19 March 2018, 26 March 2019, negotiations ongoing for acquisition by agreement. Offer made in respect of land 1 April 2019. Negotiations will be progressed prior to and during examination.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
David James Gartside, Marion Anne Gartside	Owner	Permanent	4/3	Y	Meetings with landowner 15 March 2018 and 4 September 2018, eligible to serve a blight notice, agent instructed to advise landowner on options, email 1 November 2018 to agent regarding acquisition by agreement. Telephone call with agent 11 April 2019, agent confirmed that he is instructed to pause ahead of the DCO submission. Negotiations will be progressed prior to and during examination.
David Martin Jackson	Owner	Permanent	1) 3/13a 2) 3/13b 3) 3/13c	1) Y 2) Y 3) Y	Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019. Telephone conversation 8 April 2019 inviting meeting or further discussion with landowner to discuss the scheme, timetable, DCO process and the blight and compensation provisions. Contact details left with landowner to arrange a convenient time.
Dennis Hibbs	Owner	Temporary	8/1	N	Land discussions letter sent 11 February 2019.
Dennis Hibbs, Rose Alice Horner, Janet Brocklehurst, Patricia Hibbs	Owner	Temporary	9/1	N	Land discussions letter sent 11 February 2019.
Derby City Council	Owner	1) Temporary 2) Temporary and Permanent Rights 3) Temporary 4) Temporary and Permanent Rights 5) Temporary and Permanent Rights 6) Temporary 7) Permanent 8) Temporary and Permanent Rights 9) Permanent 10) Permanent 11) Permanent 12) Permanent 13) Permanent 14) Permanent 15) Permanent 16) Temporary 17) Temporary and Permanent Rights 18) Temporary and Permanent Rights 19) Permanent	1) 1/4a 2) 1/4b 3) 2/1a 4) 2/1b 5) 2/1c 6) 2/1d 7) 2/1e 8) 2/1f 9) 2/1g 10) 2/1h 11) 2/1i 12) 2/1j 13) 2/1k 14) 2/1l 15) 2/1m 16) 2/1n 17) 2/1o 18) 2/1p 19) 2/1q	1) N 2) N 3) N 4) N 5) N 6) N 7) Y 8) N 9) Y 10) Y 11) Y 12) Y 13) Y 14) Y 15) Y 16) N 17) N 18) N 19) Y	Land acquisition discussions letter sent 11 February 2019, responded by signed form agreeing to discussions 18 February 2019. Meeting held 1 April 2019 with John Green (Estates Manager) and Tony Morton (Senior Estates Surveyor) to discuss acquisition by agreement. Negotiations will be progressed prior to and during examination.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
		20) Temporary 21) Temporary 22) Temporary 23) Temporary 24) Permanent 25) Permanent 26) Temporary 27) Temporary and Permanent Rights 28) Temporary and Permanent Rights 29) Permanent 30) Permanent 31) Permanent 32) Permanent 33) Permanent 34) Permanent 35) Temporary 36) Temporary 37) Temporary 38) Permanent 39) Permanent 40) Temporary 41) Temporary 42) Temporary 43) Temporary 44) Permanent 45) Permanent 46) Permanent 47) Temporary 48) Permanent 49) Temporary 50) Temporary and Permanent Rights 51) Permanent 52) Permanent 53) Temporary 54) Permanent 55) Temporary 56) Temporary and Permanent Rights 57) Temporary and Permanent Rights 58) Permanent 59) Permanent 60) Temporary	20) 2/1r 21) 2/1s 22) 2/1t 23) 2/1v 24) 2/1w 25) 2/5 26) 2/6 27) 2/8 28) 2/9 29) 2/10 30) 2/12 31) 2/14 32) 2/15 33) 2/16 34) 3/1a 35) 3/1b 36) 3/1c 37) 3/1d 38) 3/1e 39) 3/1f 40) 3/1g 41) 3/1h 42) 3/1i 43) 3/1j 44) 3/1k 45) 3/1l 46) 3/1m 47) 3/1n 48) 3/1o 49) 3/1p 50) 3/1q 51) 3/1r 52) 3/1s 53) 3/1t 54) 3/1u 55) 3/1v 56) 3/1w 57) 3/1x 58) 3/1y 59) 3/1z 60) 3/1aa	20) N 21) N 22) N 23) N 24) Y 25) Y 26) N 27) N 28) N 29) Y 30) Y 31) Y 32) Y 33) Y 34) Y 35) N 36) N 37) N 38) Y 39) Y 40) N 41) N 42) N 43) N 44) Y 45) Y 46) Y 47) N 48) Y 49) N 50) N 51) Y 52) Y 53) N 54) Y 55) N 56) N 57) N 58) Y 59) Y 60) N	

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
		61) Temporary 62) Permanent 63) Permanent 64) Permanent 65) Permanent 66) Permanent 67) Permanent 68) Permanent 69) Temporary and Permanent Rights 70) Temporary 71) Temporary and Permanent Rights 72) Permanent 73) Temporary 74) Permanent 75) Temporary 76) Permanent 77) Permanent 78) Temporary 79) Temporary 80) Temporary 81) Temporary 82) Temporary 83) Temporary 84) Temporary 85) Temporary 86) Temporary 87) Temporary 88) Temporary 89) Temporary 90) Temporary 91) Temporary 92) Temporary 93) Temporary 94) Temporary 95) Temporary 96) Temporary 97) Permanent 98) Temporary 99) Temporary 100) Permanent 101) Temporary	61) 3/4 62) 3/6 63) 3/7 64) 3/10 65) 3/11 66) 3/20 67) 3/21 68) 4/1a 69) 4/1b 70) 4/1c 71) 4/1d 72) 4/1e 73) 4/1f 74) 4/1g 75) 4/1h 76) 4/1i 77) 4/11 78) 5/2 79) 7/1a 80) 7/1b 81) 7/1c 82) 7/1d 83) 7/1e 84) 7/1f 85) 7/1g 86) 7/1h 87) 7/1i 88) 7/1j 89) 7/2 90) 7/8 91) 7/9 92) 7/11 93) 7/12 94) 7/13 95) 8/2 96) 8/12 97) 8/13 98) 8/18 99) 8/19 100) 8/20 101) 9/2	61) N 62) Y 63) Y 64) Y 65) Y 66) Y 67) Y 68) Y 69) N 70) N 71) N 72) Y 73) N 74) Y 75) N 76) Y 77) Y 78) N 79) N 80) N 81) N 82) N 83) N 84) N 85) N 86) N 87) N 88) N 89) N 90) N 91) N 92) N 93) N 94) N 95) N 96) N 97) Y 98) N 99) N 100) Y 101) N	

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
		102) Temporary	102) 9/4	102) N	
Euro Garages Limited	Owner	1) Temporary 2) Temporary	1) 3/9a 2) 3/9b	1) N 2) N	Meeting requests issued via email from Highways England to Euro Garages 22 October 2018. Holding reply from Simon Cope (Euro Garages Limited) pending detailed discussions with McDonald's 24 October 2018. Land acquisition discussions letter sent 11 February 2019. Meeting arranged 7 May 2019 with claimant and consultants to discuss the design of the access arrangements to the property together with associated acquisition and compensation matters.
Gail Roberts	Owner	Permanent	4/5	Y	Blight notice served and accepted by Highways England 2 August 2018. Negotiations will be progressed prior to and during examination.
George Joseph Godber, Ruth Marion Godber, Roger George Godber, Edward James Godber	Owner	1. Permanent 2. Temporary 3. Temporary 4. Permanent 5. Temporary	1. 8/25a 2. 8/25b 3. 8/25c 4. 9/6a 5. 9/6b	1. Y 2. N 3. N 4. Y 5. N	Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019. Telephone and email exchanges 18, 19 and 25 March 2019. Meeting with landowner and agent to discuss acquisition by agreement 25 March 2019. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements. Negotiations will be progressed prior to and during examination.
GG2 Limited	Owner	1) Temporary 2) Permanent 3) Temporary 4) Permanent 5) Temporary 6) Temporary 7) Permanent 8) Temporary	1) 7/14 2) 7/15 3) 7/17a 4) 7/17b 5) 7/17c 6) 8/3a 7) 8/3b 8) 8/3c	1) N 2) Y 3) N 4) Y 5) N 6) N 7) Y 8) N	Land acquisition discussions letter sent 11 February 2019. Email to landowner 25 March 2019 to open acquisition by agreement discussions. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements. Agent instructed, negotiations will be progressed prior to and during examination.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
Haris Properties (Derby) Ltd	Owner	Permanent	2/17	Y	Letter issued 16 April 2019 as late identified party following their acquisition of land within DCO order limits.
Ian Hunter Thomson (on behalf of Judith Thomson and David Booler Sipp Trustees)	Owner	Permanent	2/18	Y	Land acquisition discussions letter sent 11 February 2019. Telephone and email exchanges 18,19 March 2019. Meeting with agent on site to discuss acquisition by agreement 27 March 2019. Negotiations will be progressed prior to and during examination.
Malcolm J Beavis	Owner	1) Permanent 2) Temporary	1) 8/14 2) 8/15	1) Y 2) N	Meeting 6 February 2019 to discuss survey works, land requirements for the scheme, and compensation. Landowner preference not to discuss acquisition by agreement ahead of any DCO confirmation.
Jhangiar Razzaq	Owner	1) Temporary 2) Temporary	1) 7/7a 2) 7/7b	1) N 2) N	Land discussions letter sent 11 February 2019.
John Reginald Dutton, Lynne Barrie Dutton	Owner	Permanent	3/23	Y	Blight notice served and accepted by Highways England. Negotiations will be progressed prior to and during examination.
Kang Kingsway	Owner	1) Temporary and Permanent Rights 2) Temporary and Permanent Rights 3) Permanent	1) 2/19a 2) 2/19b 3) 2/19c	1) N 2) N 3) Y	Land acquisition discussions letter sent 11 February 2019. Telephone and email exchanges 18 & 19 March 2019 to discuss acquisition by agreement. Meeting held 8 April on site. Agent appointed to progress acquisition by agreement, negotiations will be progressed prior to and during examination. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.
Kier Partnership Homes Limited	Owner	1) Temporary and Permanent Rights 2) Temporary and Permanent Rights 3) Temporary 4) Temporary	1) 1/3a 2) 1/3b 3) 1/3c 4) 2/3	1) N 2) N 3) N 4) N	Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019. Telephone call with Highways England's land consultants and Kier (James Huckerby) 7 March

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					2019. Subsequent correspondence between parties 10 April 2019. Email from Highways England's land consultants to Keir (James Huckerby) confirming meeting on 29 April 2019.
Simon Morris Linda Morris	Owner	1) Permanent 2) Temporarily 3) Permanent	1) 8/24a 2) 8/24b 3) 8/24c	1) Y 2) N 3) N	Land acquisition discussions letter sent 11 February 2019. Landowner confirmed 8 March 2019 content to explore acquisition by agreement and has instructed an agent but landowner unable to meet before May 2019.
Mansoor Ahmed Bhatti, Fehimida Mansoor Bhatti	Owner	Permanent	3/27	Y	Land acquisition discussions letter sent 11 February 2019. Meeting with landowner 15 March 2018 to discuss the scheme and blight process. Landowner has instructed agent and in the process of submitting a blight notice.
Lady Marion Reid Morris	Owner	1) Permanent 2) Temporary and Permanent Rights	1) 8/23a 2) 8/23b	1) Y 2) N	Land acquisition discussions letter sent 11 February 2019. Landowner confirmed 8 March 2019 content to explore acquisition by agreement and has instructed an agent but landowner unable to meet before May 2019. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.
Mark James Smyth, Victoria May Jane Smyth	Owner	Temporary	8/11	N	Land discussions letter sent 11 February 2019. Response received from Mark Smyth on 5 March 2019 requesting information on project in relation to property.
Matlock Garden Waterlife and Pet Centre Limited	Owner	1) Temporary and Permanent Rights	8/21	N	Formal consultation letter issued 7 March 2019. Spoke to Max Loeptien 7 March 2019 and exchanged email correspondence on 8 March 2019 providing further detail of the Scheme proposals and clarity on issues raised.

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.
McDonald's Real Estate Limited	Owner	1) Temporary 2) Temporary	1) 3/8a 2) 3/8b	1) N 2) N	Meeting 25 July 2018 to discuss access proposals. Traffic signals analysis issued 24 August 2018 to McDonald's and consultants by Highways England. Meeting requests issued via email from Highways England to McDonald's on 28 September, 22 October, 12 November and 1 December 2018 and 10 January 2019. Follow up meeting proposed with the adjoining owner Euro Garages in email 27 March 2019.
Metropolitan Housing Trust Limited	Owner	1) Permanent 2) Permanent	1) 3/16a 2) 3/16b	1) Y 2) Y	Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019. Project Team consultants spoke to Rachael Asprey (of Metropolitan Thames Valley) and discussed the rationale for the change, and the DCO process more generally. Meeting held on 10 April 2019 on site to discuss project and DCO process. Email correspondence on 12 April from Metropolitan Housing Trust regarding land acquisition. Correspondence between Highways England consultants and Metropolitan Housing Trust on 12 April and 16 April 2019.
Network Rail (in respect of railway and bridge)	Owner Occupier Occupier	1) Temporary 2) Permanent Rights 3) Permanent 4) Temporary 5) Permanent	1) 8/5 2) 8/6 3) 8/7 4) 8/8 5) 8/9	1) N 2) N 3) Y 4) N 5) Y	Extensive dialogue during preliminary bridge design and agreeing outline AIP with meetings held 7 January 2016, 5 December 2016, 23 January 2017 and 8 June 2017.
Norman Hoff, Joy Taylor	Owner	1) Permanent 2) Temporary	1) 8/16a 2) 8/16b	1) Y 2) N	Land discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					<p>March 2019.</p> <p>Highways England's land consultants spoke to solicitor's secretary acting on behalf of affected party – informed solicitor on leave until 18 March 2019.</p> <p>Email received 12 March 2019 to extend 7 March 2019 letter response date.</p>
<p>Peter Spencer Dawes, Keith Sutton, Patrick Burnett-Harris, Martin Doughty, David Wilcox, Roland Hosker</p> <p>c/o The University of Derby</p>	Owner	Permanent	4/16	Y	<p>Land acquisition discussions letter sent 11 February 2019.</p> <p>Email exchange 20 March 2019 regarding acquisition by agreement with Peter Dawes.</p> <p>Meeting held on 25 March 2019 with Head of Estate Development. Agent instructed to progress.</p>
Peter Toolan, Kerry Anne Toolan	Owner	Permanent	4/4	Y	<p>Blight notice served and accepted by Highways England. Compensation agreed, acquisition of the property due to complete by end of April 2019.</p>
Roger Alfred Bullivant, Elizabeth Ann Bullivant	Owner	1) Permanent 2) Temporary 3) Temporary	1) 8/10a 2) 8/10b 3) 8/10c	1) Y 2) N 3) N	<p>Land acquisition discussions letter sent 11 February 2019 and subsequent telephone and email exchanges regarding acquisition by agreement.</p> <p>Meeting 20 March 2019 to discuss in more detail, value of land provisionally agreed subject to confirmation of by HE regarding enlarging acquisition.</p> <p>Negotiations will be progressed prior to and during examination.</p>

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
RSDD 2016 Property Trust	Owner	1) Permanent 2) Temporary and Permanent Rights 3) Permanent 4) Permanent 5) Temporary and Permanent Rights 6) Permanent 7) Temporary 8) Temporary	1) 3/22a 2) 3/22b 3) 3/22c 4) 4/7a 5) 4/7b 6) 4/7c 7) 4/7d 8) 8/10c	1) Y 2) N 3) Y 4) Y 5) N 6) Y 7) Y 8) Y	Meetings 14 April 2018 and 13 November 2018. Land acquisition discussions letter sent 11 February 2019. Email exchanges 20, 21 March 2019. Meeting held 9 April 2019 to discuss acquisition of land by agreement. Negotiations will be progressed prior to and during examination. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.
Sainsbury's Propco A Limited	Owner	1) Temporary and Permanent Rights 2) Permanent 3) Temporary	1) 2/13a 2) 2/13b 3) 2/13c	1) N 2) Y 3) N	Land acquisition discussions letter sent 11 February 2019. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.
Shamim Eijaz Khan	Owner	1) Permanent 2) Permanent 3) Permanent	1) 3/15a 2) 3/15b 3) 4/6	1) Y 2) Y 3) Y	Landowner attended public consultation event 8 September 2018, discussed scheme impacts and compensation provisions. Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019 and subsequent telephone calls and email correspondence between Highways England's land consultants and affected party (8 March, 22 March, 25 March and 11 April 2019). Meeting held on 29 March 2019 of 255 Ashbourne Road. Eligible for blight claim in respect of No 18 Queensway.
Steven Kenneth Inglis, Susan Inglis	Owner	Permanent	3/14	Y	Meeting 2 February 2018 to discuss scheme impacts and compensation provisions. Land acquisition discussions letter sent 11 February 2019. Additional non-statutory consultation letter was sent 7 March 2019. Email from Highways England's land consultants sent

Land Interest Name/Organisation and Land Agents' Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
					7 March 2019 detailing rationale for design changes.
Sutton Turner Houses	Owner	1) Permanent 2) Permanent 3) Permanent	1) 3/17 2) 3/18 3) 3/19	1) Y 2) Y 3) Y	Additional non-statutory consultation letter was sent 7 March 2019. Subsequent correspondence and meeting arranged for 16 May 2019.
The East Midlands Reserve Forces and Cadets Association	Owner	1) Temporary and Permanent Rights 2) Temporary 3) Permanent 4) Temporary	1) 3/5a 2) 3/5b 3) 3/5c 4) 3/5d	1) N 2) N 3) Y 4) N	Meeting 2 November 2018 to discuss acquisition of land by agreement. Negotiations will be progressed prior to and during examination. Update letter sent on 16 April notifying landowner of proposed changes to land requirements following design refinements.
The Estate of Terence Storey	Owner	Permanent	3/25	Y	Blight notice served and accepted by Highways England. Negotiations will be progressed prior to and during examination.
The Official Custodian for the Charities the Trustees of the Royal School for the Deaf Derby Trust	Owner	Permanent	4/11	Y	Meetings 14 April 2018 and 13 November 2018. Email exchanges 20, 21 March 2019. Meeting held 9 April 2019 to discuss acquisition of land by agreement. Negotiations will be progressed prior to and during examination.
University of Derby	Owner	1) Permanent 2) Temporary	1) 4/13a 2) 4/13b	1) Y 2) N	Land acquisition discussions letter sent 11 February 2019. Email exchange 20 March 2019 acquisition by agreement. Meeting 25 March 2019 with Andrew Bevan (Head of Estate Development). Agent instructed to progress. Negotiations will be progressed prior to and during examination.

Annex C

Schedule of all Statutory Undertaker and utility providers interests in the Land and progress of negotiations with providers subject to compulsory acquisition of land, rights or temporary possession powers

Statutory Undertaker	Plots	Position at Application
Severn Trent Water Limited	Permanent: 1/1b 1/1d 1/2 2/11 2/12 2/18 2/19c 2/1i 2/1j 2/1k 2/1l 2/1q 2/2b 2/2c 2/2e 2/2f 2/2g 2/2h 2/2j 2/2k 2/2L 2/2m 2/2o 2/2p 2/2u 2/20 2/21 3/1e 3/1k 3/1m 3/1o 3/1r 3/1s 3/1y 3/2a 3/2b 3/2c 3/2e	Protective Provisions issued.

Statutory Undertaker	Plots	Position at Application
	3/2f 3/2h 3/2i 3/7 3/8a 3/10 3/11 3/12 3/21 4/1a 4/1e 4/1i 4/2a 4/2h 4/2k 4/2q 4/7a 4/14 4/15 5/3a 7/3b 7/3c 7/4 7/15 7/17b 8/4g 8/4j 8/4k 8/4m 8/12 8/13 8/14 8/16a 8/20 9/5b 9/5c	
	Temporary 1/4a 2/1n 2/1r 2/1s 3/1c 3/1d 3/1g	

Statutory Undertaker	Plots	Position at Application
	3/1h 3/1i 3/1n 3/1t 3/4 3/8b 4/1c 4/1f 5/1 5/2 7/1a 7/1b 7/1c 7/1d 7/1g 7/2 7/7a 7/7b 7/14 7/17a 8/15 8/15 8/19	
	Permanent Acquisition of Rights 2/1f 2/1o 2/1p 2/19a 2/19b 3/1p 3/1q 3/1w 3/1x 3/9b 4/1b 4/1d 6/2 7/5 8/21	
National Grid Gas Plc	Permanent 2/1k 2/1l 2/1m	

Statutory Undertaker	Plots	Position at Application
	2/1p 2/11 2/12 2/18 2/19c 2/20 2/2e 2/2h 2/2i 2/2j 2/2l 2/2m 2/2o 3/1f 3/1k 3/1m 3/1o 3/1s 3/1y 3/2a 3/2c 3/2e 3/2h 3/2i 3/2k 3/2o 3/2p 3/3 3/18 3/20 3/21 4/15 4/1a 4/2a 4/2k 4/7a 7/3f 8/13 8/20 8/3b 8/4a 8/4d 8/4e 8/4f	

Statutory Undertaker	Plots	Position at Application
	8/4l 9/5a	
	Temporary: 2/1r 3/1d 3/1g 3/1h 3/1i 3/1n 3/4 4/1f 7/1a 7/1b 7/1c 7/1d 7/1f 7/1h 7/1i 7/2 7/6 7/12 7/13 7/17a 8/18 8/19 8/2 8/3a 8/3c 9/4	
	Permanent Rights : 2/1o 2/19a 2/19b 3/1p 3/1q 7/5	
Western Power Distribution (West Midlands) Plc	Permanent: 1/1b 1/1c 1/1d 1/1f 1/1g	Protective Provisions issued.

Statutory Undertaker	Plots	Position at Application
	1/2 2/1e 2/1h 2/1i 2/1j 2/1k 2/1l 2/1m 2/1v 2/1w 2/2a 2/2b 2/2c 2/2e 2/2f 2/2h 2/2i 2/2j 2/2l 2/2m 2/2n 2/2o 2/2r 2/2s 2/2t 2/2u 2/7b 2/10 2/12 2/13b 2/14 2/15 2/19c 2/20 3/1e 3/1f 3/1m 3/1o 3/1r 3/1s 3/1u 3/1y 3/2a 3/2b	

Statutory Undertaker	Plots	Position at Application
	3/2c 3/2e 3/2f 3/2g 3/2h 3/2o 3/2p 3/7 3/11 3/13a 3/13b 3/21 4/1a 4/2a 4/2c 5/3a 7/3f 7/3g 8/13 8/17 8/2 8/20 8/4d 8/4e 8/4g 8/4i 8/4j 8/4k 8/4l 8/4m 9/5b 9/5c 9/6a	
	Temporary 1/3c 2/1r 2/1s 2/13c 3/1d 3/1h 3/1i 3/1n 3/1t 3/1v	

Statutory Undertaker	Plots	Position at Application
	3/4 4/1c 7/1a 7/1b 7/1c 7/1d 7/1f 7/1h 7/1i 7/2 7/9 7/10 7/12 7/13 8/18 8/19 9/3	
	Permanent Rights 1/3b 1/4b 2/1f 2/1o 2/1p 2/7a 2/9 2/13a 2/19a 2/19b 3/1g 3/1p 3/1q 3/1w 3/1x 3/1aa 9/6b	
Openreach Limited	Permanent 2/1m 2/2c 2/2d 2/2f 2/2g 2/2h 2/18	Protective Provisions issued.

Statutory Undertaker	Plots	Position at Application
	2/20 2/21 3/1f 3/1t 3/1y 3/2a 3/2c 3/2e 3/2k 3/2o 3/2p 3/2r 3/13b 3/18 3/19 3/20 4/1a 4/2k	
	Temporary: 2/1p 2/1r 2/1s 2/3 3/1d 3/1g 3/1h 3/1i 3/1v 3/4 3/5b 3/8b 4/1f 7/1a 7/1b 7/1c 7/1d 7/1f 7/1g 7/1j 7/2 7/10 7/12 7/13 8/18	

Statutory Undertaker	Plots	Position at Application
	8/2 9/3 9/4	
	Permanent Rights 2/1f 2/1o 2/19a 2/19b 3/1aa 3/1p 3/1q 3/1w 3/9b	
CityFibre Limited	Permanent: 2/1l	Protective Provisions issued.
	Temporary 2/1r	
	Permanent Rights 2/1l 2/2o	
Overhead OFCOM D 3 Mast	Permanent: 2/2c 2/2f 3/21 3/2o 3/1s	Protective Provisions issued.
Virgin Media Limited	Permanent 2/2c 2/2f 2/2i 2/2j 2/2l 2/2o 3/1s 3/1y 3/2g 3/2o	Protective Provisions issued.

Statutory Undertaker	Plots	Position at Application
	3/2p 3/7 3/13b 3/21 4/1a 7/1a	
	Temporary 2/1r 2/1s 2/2q 3/1d 3/1g 3/1i 3/1n 3/4 7/1b 7/1c 7/1d 7/2 7/10	
	Permanent Rights 2/1o 2/1p 3/1q	
GTC Utility Construction Limited	Permanent 2/1h 2/1i 2/2b 2/2c 2/2d 2/2f 2/12	Protective Provisions issued.
	Permanent Rights 2/1f	
Hutchinson 3G UK Holdings	Permanent 2/2f 2/2h	Protective Provisions issued.

Statutory Undertaker	Plots	Position at Application
	2/20 3/11 3/1u 3/2l	
E. ON UK Plc	Permanent 2/19c	Protective Provisions issued.
Cornerstone Telecommunications Infrastructure Limited	Permanent 3/2l	Protective Provisions issued.