

A38 Derby Junctions
TR010022
Volume 6
6.1 Environmental Statement
Chapter 1 – Introduction

Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

April 2019

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

A38 Derby Junctions Development Consent Order 202[]

6.1 Environmental Statement Chapter 1 Introduction

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1. Introduction

- 1.1.1 This document is an Environmental Statement (ES) which presents a description of the A38 Derby Junctions scheme (referred to herein as “the Scheme”), the alternatives considered, the likely significant environmental effects of the Scheme and the measures to avoid or reduce such effects.
- 1.1.2 This ES presents the results of an environmental impact assessment (EIA) and is submitted as part of the application for development consent for the Scheme under the Planning Act 2008 (as amended) (PA 2008). This ES has been produced in accordance with the Infrastructure Planning Environmental Impact Assessment 2017 Regulations (as amended 2018) (the EIA Regulations).

1.2 Overview of the Scheme

- 1.2.1 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 (see Illustration 1.1):

- A38/A5111 Kingsway junction.
- A38/A52 Markeaton junction.
- A38/A61 Little Eaton junction.



Illustration 1.1: A38 Derby junctions – location plan

- 1.2.2 These are the three remaining at-grade junctions on the A38 between the A38/A5148 junction (near Lichfield) and the M1.

- 1.2.3 Derby and its immediate surrounding area are expected to undergo significant housing and employment growth. As a result, the traffic demands on the A38 through Derby are forecast to grow quicker than the national average. Consequently, existing delays at the three at-grade roundabout junctions on the A38 are anticipated to worsen due to increasing levels of traffic.
- 1.2.4 In order to resolve the existing and predicted future traffic issues along this stretch of the A38, the Scheme comprises the grade separation of Kingsway junction, Markeaton junction and Little Eaton junction. Grade separation would be achieved by the A38 passing through Kingsway and Markeaton junctions via underpasses, and on an embankment flyover at Little Eaton junction.
- 1.2.5 In 2015 the government launched its first 'Road Investment Strategy' (RIS) (DfT, 2015) which set out an ambitious, long-term programme for motorways and major roads with the stable funding needed to plan ahead effectively. The RIS announced 127 major schemes to be delivered over the course of the first Road Period (2015/16 to 2019/20), one of which was the A38 Derby Junctions scheme - referred to as "*replacement of three roundabouts on the A38 in Derby with grade-separated interchanges, raising the A38 in the East Midlands to Expressway standard and removing congestion*".
- 1.2.6 Following detailed studies and public consultation, a Preferred Route Announcement for the Scheme was made by Highways England on 31 January 2018. This confirmed Highways England's preferred option for the Scheme. Details regarding the Scheme are provided in Chapter 2: The Scheme, whilst details of the options appraisal process that led to the Preferred Route being announced are detailed in Chapter 3: Scheme History and Assessment of Alternatives.

1.3 Legislative and policy framework

Planning Act (PA) 2008

- 1.3.1 The Scheme is defined as a Nationally Significant Infrastructure Project (NSIP) as it consists of the alteration of a highway under sections 14(1)(h) and 22(1)(b) of the PA 2008. As a result, a Development Consent Order (DCO) is required to allow the alteration, operation and maintenance of the Scheme.
- 1.3.2 Further details concerning the Scheme's qualification as an NSIP can be found on the Application Form [TR010022/APP/1.3] and in the Explanatory Memorandum to the Draft DCO [TR010022/APP/3.2].

The EIA Regulations

- 1.3.3 The Scheme is considered to be 'EIA development' under the EIA Regulations. It falls within Schedule 2 Regulation 3(1) Part 10 (f) (construction of roads) and is likely to result in significant effects on the environment. It is, therefore, subject to an EIA which is reported within this ES.
- 1.3.4 In accordance with Regulation 8(1)(b) of the EIA Regulations, Highways England has notified the Secretary of State for Transport (Secretary of State) in a letter to the Planning Inspectorate (The Inspectorate) dated 15 March 2018 that an ES presenting the findings of the EIA will be submitted with the DCO application.

- 1.3.5 An EIA Scoping Report (Highways England, 2018) was prepared detailing the proposed technical content and methodologies to be used during the EIA. The EIA Scoping Report was submitted to The Inspectorate on 15 March 2018 and can be viewed at the following link:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010022/TR010022-000036-38DY%20-%20Scoping%20Report.pdf>
- 1.3.6 The Inspectorate reviewed and consulted on the EIA Scoping Report and published a Scoping Opinion on 25 April 2018 (the Scoping Opinion). The Scoping Opinion is provided in Appendix 4.1 [TR010022/APP/6.3].
- 1.3.7 Highways England acknowledges The Inspectorate's comments in the Scoping Opinion and also notes the comments provided by the statutory consultees to The Inspectorate in Appendix 2 to the Scoping Opinion along with the late consultation responses published on 26 April 2018 (refer to Appendix 4.1 [TR010022/APP/6.3]). Both the Scoping Opinion and the comments from the consultees have been considered in undertaking the EIA and in preparing this ES.
- 1.3.8 The individual technical chapters within this ES provide a tabulated summary of Scoping Opinion comments relevant to that topic. Responses to Scoping Opinion comments in relation to ES Chapters 1 to 4 are provided within Appendix 4.2 [TR010022/APP/6.3]. Where the assessment has been undertaken in accordance with the Scoping Opinion, a response and the relevant ES section is provided; where the approach is not in accordance with the Scoping Opinion, this has been discussed as applicable with relevant consultees. In these instances, further information regarding the subsequent discussions with consultees is provided within the topic chapter scoping tables.
- 1.3.9 Highways England has maintained ongoing dialogue with The Inspectorate and other relevant statutory consultees in order to ensure that the scope of the EIA is proportionate and meets the requirements of the EIA Regulations. Wherever possible the scope of the EIA for each topic has been discussed and agreed with the relevant statutory consultees and this is stated within individual technical chapters as relevant.

Preliminary Environmental Information Report (PEIR)

- 1.3.10 Under Regulation 12 of the EIA Regulations, the Applicant is required to set out in its Statement of Community Consultation (SoCC) how it intends to publicise and consult on preliminary environmental information relating to the proposed development. Regulation 12(4) defines preliminary environmental information as information compiled by the Applicant which is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development).
- 1.3.11 The Preliminary Environmental Information Report (PEIR) was published in September 2018 and presented the environmental information collected together with the preliminary findings of the assessment of likely significant environmental effects of the Scheme at the time.

- 1.3.12 The feedback received from consultees during the consultation period on the PEIR has been used to inform the assessment and the Scheme design (see Chapter 3: Scheme History and Assessment of Alternatives). Reference should also be made to the Consultation Report which provided details of the responses received and how these have been taken into account by the Scheme [TR010022/APP/5.1] and [TR010022/APP/5.2].

The decision maker and planning policy

- 1.3.13 The Inspectorate will examine the application for the Scheme and will then make a recommendation to the Secretary of State who will then decide whether to grant a DCO.
- 1.3.14 In accordance with section 104(2)(a) of the PA 2008, the Secretary of State is required to have regard to the relevant National Policy Statement (NPS), amongst other matters, when deciding the DCO application. The relevant NPS for the Scheme is the National Policy Statement for National Networks (NPSNN) (Department for Transport (DfT), 2014). The NPSNN provides guidance for promoters of national network NSIPs and also provides detail on the need for specified schemes and the policy for determining them.
- 1.3.15 Chapters 4 to 15 of the ES include the relevant assessment paragraphs from the NPSNN and where the requirements of those paragraphs are addressed. The Scheme's overall compliance with the NPSNN is set out in the NPSNN accordance table included within the Planning Statement submitted with the DCO application [TR010022/APP/7.2].
- 1.3.16 The Secretary of State will also consider other important and relevant national and local planning policy as part of the determination of the application. The National Planning Policy Framework (NPPF) (Department for Communities and Local Government, 2019) published in February 2019 is relevant national planning policy. The revised NPPF sets out the Government's planning policies for England and how these are expected to be applied.
- 1.3.17 The local planning policy relevant to the Scheme consists of the following adopted plans:
- City of Derby Local Plan Review (2006) (Derby City Council (DCiC), 2006).
 - Derby City Local Plan - Part 1 Core Strategy (2017) (DCiC, 2017).
 - Derby Local Transport Plan LTP3 (2011 - 2026) (DCiC, 2011).
 - Erewash Core Strategy (March 2014) (Erewash Borough Council (EBC), 2014), noting that there are some policies saved from the previous 2005 Local Plan (EBC, 2014).
 - Derbyshire Local Transport Plan (2011 - 2026) (Derbyshire Country Council (DCC), 2011).

1.4 The Applicant

- 1.4.1 Highways England is the Strategic Highways Company as defined in the Infrastructure Act 2015, and is charged with modernising and maintaining England's strategic road network, as well as running the network and keeping traffic moving. Highways England is the applicant for the A38 Derby Junctions DCO.

1.5 Competent expert evidence

- 1.5.1 The EIA Regulations require that the ES is prepared by 'competent experts' (Regulation 14 (4) (a)). The EIA has been undertaken by AECOM on behalf of Highways England. AECOM has been awarded the EIA Quality Mark from the Institute of Environmental Management and Assessment (IEMA), which demonstrates competency in ES preparation.
- 1.5.2 The EIA has been undertaken by competent experts with relevant and appropriate experience in their respective topics gained over a number of years. The overall EIA Lead and competent expert responsible for the ES is a full member of IEMA, a Chartered Environmentalist (CEnv) and an IEMA Principal EIA Practitioner. The professional qualifications and experience of the various EIA technical leads responsible for the individual chapters within this ES are summarised at the start of each technical chapter. Details of EIA Lead and technical staff qualifications and experience are provided in Appendix 1.1 [TR010022/APP/6.3].

1.6 Stakeholder engagement

Context

- 1.6.1 Stakeholder engagement for the Scheme has been based on the following principles:
- a) Early and ongoing engagement which has informed and influenced the Scheme design development process, as well as the EIA.
 - b) Seeking an appropriate level of feedback at each stage in the iterative design process and ensuring that comments received have been taken into consideration.
 - c) Building of long-term relationships with key stakeholders throughout the different stages of the Scheme development to help better understand their views.
 - d) Where possible and practicable, ensuring concerns have been addressed.
 - e) Ensuring appropriate statutory consultation has been undertaken in accordance with the requirements of the PA 2008 and associated guidance.

Consultations

- 1.6.2 As detailed in Chapter 3: Scheme History and Assessment of Alternatives, public consultation activities were undertaken in 2002 and 2003. From 2005 to 2013, the Scheme effectively remained on hold.

- 1.6.3 Following the resumption of the Scheme design development, non-statutory public consultation for the Scheme (and prior to the Preferred Route Announcement) took place between February and March 2015. This involved a two day exhibition in central Derby and supplementary exhibitions held in Breadsall, Little Eaton and Mackworth. The purpose of this consultation was to seek feedback from stakeholders, including the local community, on the Scheme design and design options.
- 1.6.4 The responses to this consultation were considered in identifying the Preferred Route as documented in the Consultation Report [TR010022/APP/5.1] and [TR010022/APP/5.2] and the Preferred Route Announcement Brochure (Highways England, 2018).
- 1.6.5 Statutory consultation for the Scheme ran from Friday 7 September 2018 to Thursday 18 October 2018 and included nine public exhibitions across eight locations along the Scheme. A PEIR was prepared for consultation and provided a preliminary view of the likely significant environmental effects of the Scheme, based on the assessments that had been undertaken to that point (refer to para. 1.3.11 and para. 1.3.12).
- 1.6.6 In addition to statutory and non-statutory public consultation, ongoing engagement has taken place between the project team and key stakeholders, including local landowners, applicable local councils, environmental bodies and heritage groups.
- 1.6.7 Working groups have been set up with key stakeholders associated with a number of technical disciplines, including biodiversity. These are advisory groups and allow the project team to work closely with stakeholders as the Scheme design has developed. Stakeholder engagement activities undertaken for each of the technical topics considered herein are presented within Chapters 5 to 14 of this ES.

1.7 Structure of the Environmental Statement (ES)

- 1.7.1 The main text of this ES divides into the following parts:
- a) Chapter 1 provides an introduction to the ES.
 - b) Chapter 1 describes the Scheme (construction and operation).
 - c) Chapter 3 provides details of the Scheme history and the alternatives considered.
 - d) Chapter 4 details the approach taken to the EIA.
 - e) Chapters 5 to 14 present an assessment of the likely significant effects of the Scheme in relation to ten specialist topics covering particular aspects of the environment.
 - f) Chapter 15 considers the potential inter-relationships between the topics covered in Chapters 5 to 14, and between the Scheme and other potential developments in the surrounding area, which together have the potential to generate cumulative effects.

g) Chapter 16 presents a summary of the likely significant potential environmental effects associated with the Scheme.

h) Chapter 17 provides a glossary and a list of abbreviations.

1.7.2 The specialist topics covered in Chapters 5 to 14 of this ES are:

a) Chapter 5: Air Quality

b) Chapter 6: Cultural Heritage

c) Chapter 7: Landscape and Visual Impact Assessment

d) Chapter 8: Biodiversity

e) Chapter 9: Noise and Vibration

f) Chapter 10: Geology and Soils

g) Chapter 11: Material Assets and Waste

h) Chapter 12: People and Communities

i) Chapter 13: Road Drainage and Water Environment

j) Chapter 14: Climate

1.7.3 The following common format has been adopted in the reporting of the individual assessments presented within Chapters 5 to 14:

- **Introduction and competent expert evidence:** this section introduces the assessment and provides a brief statement regarding the competency, qualifications and experience of those leading on its production.
- **Legislative and policy framework:** this section summarises relevant legislation and planning policy which has influenced: the assessment methodology followed; determination of the sensitivity, value and importance of resources and receptors; plus the requirements for mitigation.
- **Assessment methodology:** this section summarises the scope of the assessment undertaken; presents the methodologies and criteria applied in the assessment; explains (where relevant) any deviation from the generic assessment methodology presented within the chapter; sets out how the process of consultation has influenced the assessment; and explains the scenarios and timescales considered in the assessment.
- **Consultation:** this section details consultation activities that have been undertaken during the technical impact assessment process.
- **Assessment assumptions and limitations:** this section summarises any assumptions applied in the assessment and any limitations encountered during the assessment, in addition to those presented within this chapter.
- **Study area:** this section sets out the spatial extents of the study area(s) used in the assessment.
- **Baseline conditions:** this section presents information on the existing (and future) environmental conditions associated with the study area(s).

- **Potential impacts:** this section presents the potential environmental impacts associated with the construction and operation of the Scheme, and therefore should be considered within the assessment.
- **Design, mitigation and enhancement measures:** this section describes the embedded and standard mitigation measures relevant to the topic area, details any additional mitigation measures identified to further mitigate the predicted environmental impacts, details any compensation measures that would be implemented to offset environmental impacts, and details any environmental enhancement measures relevant to the topic (if applicable).
- **Assessment of likely significant effects:** this section presents the likely significant effects predicted to occur as a result of the Scheme, taking account of the role that mitigation measures would have in reducing their significance.
- **Monitoring:** this section provides details of the procedures to be implemented post-construction of the Scheme to monitor any significant adverse effects identified in the assessment.
- **Summary of assessment:** this section provides a summary of any significant adverse effects identified in the assessment.

1.7.4 This main ES report constitutes Volume 1 of the ES [TR010022/APP/6.1]. The figures are presented in ES Volume 2 [TR010022/APP/6.2], whilst the Technical Appendices are presented in ES Volume 3 [TR010022/APP/6.3].

1.7.5 A separate document has also been prepared to provide a non-technical summary (NTS) of this ES. The NTS can be found in [TR010022/APP/6.4].

1.8 EIA regulation requirements

1.8.1 Schedule 4 of the EIA Regulations sets out the information which is to be included in an ES. Table 1.1 identifies where the information defined by Schedule 4 can be found within this ES.

Table 1.1: Location of information within this ES

Specified Information	Location within the ES
<p>1. A description of the development, comprising information on the site, design, size and other relevant features of the development, including in particular:</p> <p>a. a description of the location of the development;</p> <p>b. a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;</p> <p>c. a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;</p> <p>d. an estimate, by type and quantity, of expected residues and</p>	Chapter 2: The Scheme

Specified Information	Location within the ES
emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases).	Chapter 5 to Chapter 14 as applicable
2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.	Chapter 3: Scheme History and Assessment of Alternatives
3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.	Chapter 5 to Chapter 14
4. A description of the factors specified in regulation 5(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydro-morphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.	Chapter 5 to Chapter 14
<p>5. A description of the likely significant effects of the development on the environment resulting from, inter alia:</p> <ul style="list-style-type: none"> a. the construction and existence of the development, including, where relevant, demolition works; b. the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources; c. the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste; d. the risks to human health, cultural heritage or the environment (for example due to accidents or disasters); e. the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources; f. the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change; g. the technologies and the substances used. <p>The description of the likely significant effects on the factors specified in regulation 5(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member</p>	Chapter 5 to Chapter 15, with a summary provided in Chapter 16: Summary of Significant Environmental Effects

Specified Information	Location within the ES
State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC and Directive 2009/147/EC.	
6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	Chapter 4: Environmental Impact Assessment Methodology, plus Chapter 5 to Chapter 14
7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.	Chapter 5 to Chapter 14 (Design, Mitigation and Enhancement sections and Assessment of Likely Significant Effects sections)
8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU(3) of the European Parliament and of the Council or Council Directive 2009/71/Euratom(4) or UK environmental assessments may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.	Chapter 4: Environmental Impact Assessment Methodology and Appendix 4.4 [TR010022/APP/6.3]
9. A non-technical summary of the information provided under paragraphs 1 to 8.	Non-technical Summary (NTS) [TR010022/APP/6.4]
10. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.	References are provided at the end of each chapter

1.9 Next steps

- 1.9.1 The ES forms part of the application for development consent, submitted in April 2019 to The Inspectorate in accordance with the PA 2008. The Inspectorate will consider, on behalf of the Secretary of State, whether the application should be accepted for examination. The Inspectorate has a period of up to 28 days to consider acceptance of the application.

- 1.9.2 If the application is accepted, the pre-examination period will commence. The documents accompanying the DCO application, including this ES, will be publicly available on The Inspectorate's website. The public (including consultees) will then be able to make relevant representations about the Scheme and its potential impacts. If they do so, they will become "interested parties" in respect of the Scheme. This stage of the process usually lasts for approximately three months.
- 1.9.3 The Inspectorate then has up to six months to carry out the examination. Interested parties will be invited to provide further details of their views in writing. The Inspectorate will consider all relevant and important matters during this stage, including the representations of all interested parties.
- 1.9.4 The Inspectorate will then make a recommendation to the Secretary of State in respect of the application within three months of the closure of the examination. Subsequently, the Secretary of State has a further three months to decide whether to grant development consent for the Scheme.
- 1.9.5 If the DCO is granted, preliminary works are planned to start in late 2020, with the main construction works planned to start in 2021. Construction works would commence across all three junctions, with construction of Kingsway junction being completed first, followed by Little Eaton junction, with Markeaton junction being the last to become operational. The Scheme would be fully open to traffic in 2024.

1.10 References

Derby City Council (2006) City of Derby Local Plan Review.

Derby City Council (2011) Derby Local Transport Plan LTP3 (2011 - 2026).

Derby City Council (2017) Derby City Local Plan - Part 1 Core Strategy.

Derbyshire County Council (2011) Derbyshire Local Transport Plan (2011 - 2026).

Department for Communities and Local Government (2019) National Planning Policy Framework.

Department for Transport (2014) National Policy Statement for National Networks.

Department for Transport (2015) Road Investment Strategy: for the 2015/16 – 2020/21 Road Period.

Erewash Borough Council (2014) Erewash Core Strategy (March 2014).

Highways England (2015) Highways England: Delivery Plan 2015-2020.

Highways England (2015) Highways England: Our plan to protect and increase biodiversity.

Highways England (2017) Highways England: Environment Strategy – Our Approach.

Highways England (2017) Highways England: Sustainable Development Strategy – Our Approach.

Highways England (2017) Highways England: Our strategy to improve air quality.

Highways England (2018) A38 Derby Junctions – Environmental Impact Assessment Scoping Report.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010022/TR010022-000036-38DY%20-%20Scoping%20Report.pdf>

Highways England (2018) A38 Derby Junctions – Preliminary Environmental Information Report https://highwaysengland.citizenspace.com/he/a38-derby-junctions-statutory-consultation/supporting_documents/A38%20Derby%20Junctions%20%20Preliminary%20Environmental%20Information%20Report%20PEIR.pdf

Ministry of Housing, Communities and Local Government (2018) National Planning Policy Framework.

Official Journal of the European Union (2011) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification).

Official Journal of the European Union (2014) Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

Planning Inspectorate (2018) Scoping Opinion: Proposed A38 Derby Junctions. Case Reference: TR010022.