

## **A38 Derby Junctions**

**TR010022**

**Volume 7**

### **7.2 Planning Statement and National Policy Statement Accordance Table**

Regulation 5(2)(q)

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[ ]

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**Planning Statement and  
National Policy Statement Accordance Table**

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<b>Regulation Number</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010022
<b>Application Document Reference</b>	7.2
<b>Author</b>	A38 Derby Junctions Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
1	April 2019	DCO Application

## Table of Contents

Chapter .....	Page
<b>1. Introduction .....</b>	<b>1</b>
1.1 Summary description of the Scheme and applicant .....	1
1.2 Scheme qualification as a Nationally Significant Infrastructure Project .....	1
1.3 Relevance and purpose of the Planning Statement .....	2
1.4 Confirmation of local planning authorities affected .....	2
<b>2. The Scheme .....</b>	<b>5</b>
2.1 Need for and policy support for the Scheme .....	5
2.2 The Scheme location .....	9
2.3 Existing land uses and character .....	10
2.4 Public benefits and need .....	12
2.5 The main features of the Scheme .....	16
<b>3. Scheme development history and alternative options considered .....</b>	<b>20</b>
3.1 Overview of the Scheme history .....	20
3.2 Option identification and selection .....	21
3.3 Further options assessments (Little Eaton junction) .....	22
3.4 Scheme design development following preferred route announcement and other notable alternatives .....	23
<b>4. Economic case overview .....</b>	<b>24</b>
4.1 Overview of economic assessment and methodology used .....	24
4.2 Summary of monetised benefits .....	25
<b>5. Public open space .....</b>	<b>26</b>
<b>6. The Scheme's alignment with national and local policy .....</b>	<b>44</b>
6.1 Introduction .....	44
6.2 The National Policy Statement for National Networks .....	44
6.3 The National Planning Policy Framework .....	58
6.4 Local Planning Policy .....	63
<b>7. Conclusion .....</b>	<b>71</b>

## List of Tables

Table 2.1: Scheme-specific objectives and how the Scheme meets the required need ....	14
Table 5.1: Previously considered replacement land .....	29
Table 5.2: Existing area of open space to be permanently acquired .....	30
Table 5.3: Proposed replacement land .....	34
Table 5.4: Existing areas of public open space to be used temporarily or permanent rights acquired .....	38

## List of Figures

Figure 1.1: Local planning authorities affected by the Scheme and the neighbouring authorities .....	3
Figure 2.1: The Scheme location .....	9

## Appendices:

- A. National Policy Statement for National Networks Accordance Table.
- B. Summary of the design options presented during the 2002 to 2003 Public Consultation events.
- C. Table of options passing the initial sifting process.
- D. Special Category Land Plans.

## Glossary and Abbreviations

# 1. Introduction

## 1.1 Summary description of the Scheme and applicant

1.1.1 The A38 is the strategic route from Birmingham, through Derby, to the M1 at junction 28 and 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; and
- A38/A61 Little Eaton junction.

1.1.2 The A38 Derby Junctions (the Scheme) comprises the grade separation of Kingsway junction, Markeaton junction and Little Eaton junction which are the three remaining at-grade junctions on the A38 between its junction with the A5148 (near Lichfield) and the M1 at junction 28. The purpose of the Scheme is to ease congestion and provide capacity to accommodate significant planned future housing and employment growth in and around Derby. An application for a Development Consent Order (DCO) is being made by Highways England as the authority responsible for the strategic road network in England.

1.1.3 Taking account of the planned submission of the application in April 2019 and subject to successful progression of the application through the DCO process, construction of the Scheme is intended to commence in 2020, with the first year of opening anticipated to be 2024.

1.1.4 The UK Government's first 'Road Investment Strategy' (RIS) Department for Transport (DfT), (2015) sets out an ambitious, long-term programme for improvements and alteration to motorways and major A roads, with the provision of the stable funding necessary to plan ahead effectively. There are 127 major schemes identified in the RIS; these are to be delivered over the course of the first Road Period (2015/16 to 2019/20), one of which is the Scheme. This is referred to in the RIS 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".*

1.1.5 The inclusion of the Scheme in the RIS demonstrates the commitment of the Government to provide for the long term improvements of A38 Derby junctions to ease congestion, improve journey times and provide for future economic growth.

## 1.2 Scheme qualification as a Nationally Significant Infrastructure Project

1.2.1 The Scheme is defined as a Nationally Significant Infrastructure Project (NSIP) under Section 14(1)(h) and Section 22 of the Planning Act 2008 (PA 2008) by virtue of the fact that it comprises the 'alteration' of a highway and

- The highway is wholly in England;

- The Secretary of State 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 50 miles per hour or greater.

1.2.2 A DCO is therefore required to allow the construction and operation of the Scheme.

### 1.3 Relevance and purpose of the Planning Statement

1.3.1 This Planning Statement has been prepared for the Scheme to support the application for Development Consent being submitted by Highways England to the Planning Inspectorate (the Inspectorate) acting on behalf of the Secretary of State for Transport (the SoS).

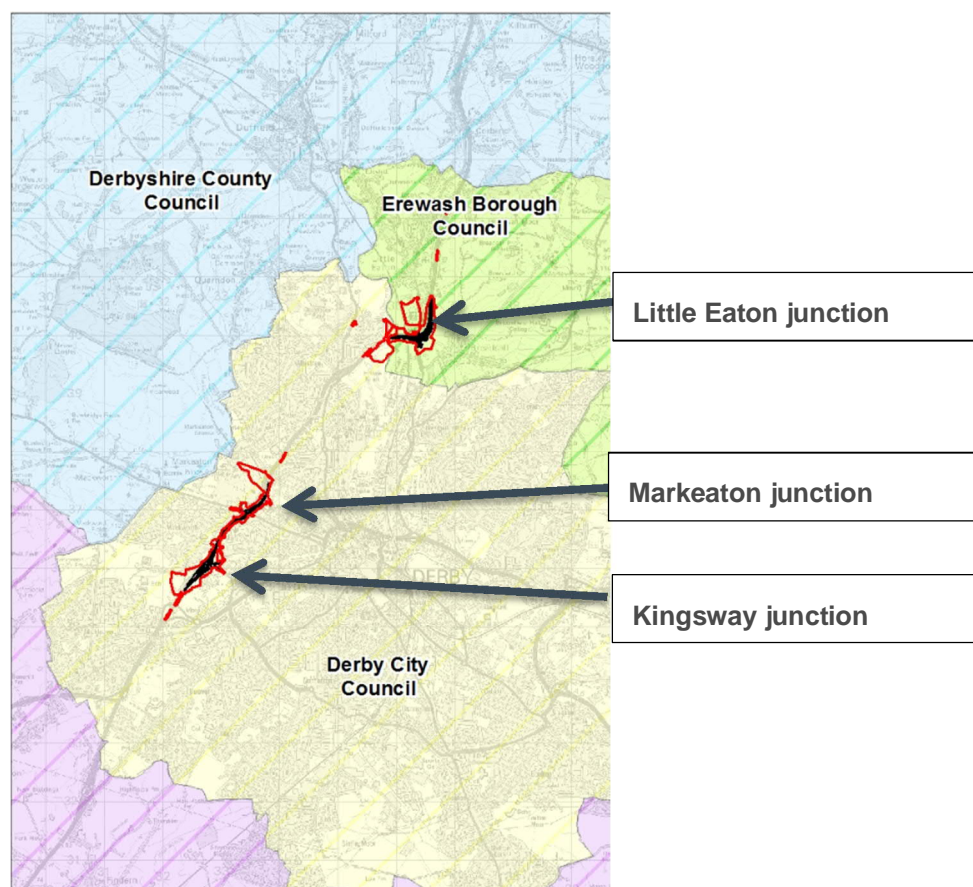
1.3.2 A Planning Statement is not a specific requirement of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended) (the Regulations) for an application for development consent; however it has been submitted as part of a suite of supplementary documents which support the application, in accordance with section 5(2)(q) of the Regulations. The Planning Statement provides an effective mechanism for consolidating relevant planning information into a single document, including assessing compliance with planning policy objectives, which is captured within this Planning Statement including the National Policy Statement (NPS) for National Networks Accordance Table, which is appended to this report as **Appendix A**.

1.3.3 The Examining Authority (ExA) and SoS must decide on an application for development consent in accordance with the relevant National Policy Statement (NPS), as per section 104(3) of the PA 2008. In this instance, the relevant NPS is the National Policy Statement for National Networks (NPSNN).

1.3.4 This Planning Statement therefore sets out in detail the case for the Scheme, the Scheme objectives and the options and alternatives considered. It also demonstrates how the Scheme complies with NPSNN, national and Local Planning policy where material to the decision to make the DCO. In considering policy compliance, reference is also made to other application submission documentation, including (but not necessarily limited to) the Environmental Statement (ES) [TR010022/APP/6.1] and the Transport Assessment Report [TR010022/APP/7.3] in arriving at an overall planning 'balance' for the Scheme.

### 1.4 Confirmation of local planning authorities affected

1.4.1 The Scheme passes through the administrative areas of Derby City Council (DCiC), Erewash Borough Council (EBC) and Derbyshire County Council (DCC). The Kingsway and Markeaton junctions are located within the administrative area of DCiC, while the Little Eaton junction is located in the administrative area of EBC and DCC. The location of the Local Planning authorities that are 'host' authorities are shown in Figure 1.1 below.



**Figure 1.1: Local planning authorities affected by the Scheme**

- 1.4.2 This planning statement also considers the Local Planning policy context. In this regard, the key Local Planning documents of relevance to the Scheme are:
- Derby City Local Plan – Part 1 Core Strategy (2017).
  - Saved policies; City of Derby Local Plan Review (CDLPR) (2006).
  - Derby Local Transport Plan (LTP3) (2011 - 2026) (Derby City Council, 2011).
  - Derbyshire Local Transport Plan (DLTP) (2011 - 2026) (Derbyshire County Council, 2011).
  - Erewash Core Strategy (ECS) (March 2014) (EBC, 2014).
  - Saved policies; Erewash Borough Council Local Plan (EBLP) (2005).
- 1.4.3 The main purpose of the Planning Statement is to examine the conformity of the Scheme with key planning policy objectives at the national and local level. Under section 104 of the PA 2008, the SoS must decide upon a national networks NSIP in accordance with the NPS (unless certain exceptions apply). Accordingly, in considering policy compliance the greatest material weight is afforded to the NPSNN, whilst also giving ‘material’ consideration to the National Planning Policy Framework (NPPF) and the local policy context. Particular and specific focus on the NPSNN is presented in the NPS Accordance Table enclosed as **Appendix A**. This Planning Statement also draws upon the conclusions of other supporting application documents and applies them to the relevant planning policy considerations.

1.4.4 The structure of this document is as follows:

Chapter 1: Introduction.

Chapter 2: The Scheme - provides a high-level description of the need for and main elements of the Scheme.

Chapter 3: The Scheme development history.

Chapter 4: Economic Case Overview.

Chapter 5: Special Category Land (Open Space) – considers the issue of open space land and replacement land provided under the PA 2008.

Chapter 6: Considers the extent to which the Scheme complies with National and relevant Local Policies.

Chapter 7: Conclusion - reaches conclusions on the overall compliance of the Scheme with planning policy; principally that contained within the NPSNN, along with other important and relevant considerations.

## 2. The Scheme

### 2.1 Need for and policy support for the Scheme

- 2.1.1 Kingsway junction, Markeaton junction and Little Eaton junction of the A38 currently comprise at-grade junctions, which mix strategic and local traffic. Interaction between strategic and local trips results in traffic delays at these three at-grade roundabout junctions on the A38 to the west and north of Derby. Delays are experienced by all motorised users of the junction including private cars, commercial users and buses.
- 2.1.2 To respond to these traffic delays, improvements to the A38 Derby junctions are included in the DfT RIS (2015). This 'committed' scheme for the replacement of the three roundabouts with grade separated junctions aims to remove congestion. The RIS presents central government's commitment to provide long term strategic planning and funding to improve the strategic road network between 2015 and 2020.
- 2.1.3 Derby and its immediate surrounding area are expected to accommodate significant housing and employment growth in the coming years. The Derby City Local Plan and LTP3 both state that if this Scheme cannot be funded and delivered it is likely that any future development to the west of the City of Derby will be severely restricted. The LTP3 specifically states that the A38 Derby junctions Scheme is critical to facilitating further housing growth with the west of Derby and that the Scheme will release land for development in and around the city.
- 2.1.4 As a result of anticipated significant housing and employment growth, the traffic demands on the A38 through Derby are forecast to grow more quickly than the national average. Consequently, existing delays at the three at-grade roundabout junctions on the A38 are anticipated to worsen in the short term due to increasing levels of traffic.
- 2.1.5 Due to the local and regional importance of the A38 and issues associated with the congestion of the junctions, the policies of a number of local policy documents identify the need for a strategic response. Local Planning policy documents acknowledge the level of congestion experienced at the junctions and that they currently are a significant constraint to economic growth in the area.
- 2.1.6 A summary of the national and local policy support for the Scheme is provided below. A more detailed analysis of the relevant planning policy context is presented in Chapter 6 of this Planning Statement.

#### **National Policy and Strategies**

##### *The National Policy Statement for National Networks (NPSNN)*

- 2.1.7 In accordance with Section 104 of the PA 2008, a DCO application must be decided with regard to the relevant national policy statement which is in effect. The NPSNN sets out as a summary the Government's vision and strategic objectives for the national networks:

*The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:*

*Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*

*Networks which support and improve journey quality, reliability and safety.*

*Networks which support the delivery of environmental goals and the move to a low carbon economy.*

*Networks which join up our communities and link effectively to each other.*

- 2.1.8 The NPSNN therefore provides the Government's overarching support for improvements to the strategic road network of the nature of the improvements to the A38 Derby Junctions which fits in with these strategic objectives.
- 2.1.9 Furthermore, Paragraphs 2.1 to 2.11 of the NPSNN set out the summary of need for improvements to the road and rail network. The critical need to improve the national networks to address road congestion and support economic growth is identified. Development of the national road network including the A38 Derby Junctions Scheme would support and promote national and local economic growth and regeneration by reducing congestion and journey times, increasing capacity and improving journey times. The NPSNN recognises that improving transport links is key to facilitating growth and the Scheme would allow for greater movement of people and goods along the strategic highway network with increased efficiency.
- 2.1.10 Moreover, the Government has concluded that there is a compelling need for development of the national networks in paragraph 2.10 of the NPSNN by confirming that:
- 'The Government has therefore concluded that at a strategic level there is a compelling need for development of the national networks – both as individual networks and as an integrated system. The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPSNN on that basis.'
- 2.1.11 The Scheme is a part of the national network and strategically important to the region and beyond. The important contribution of the Scheme to the development of and integration with the national networks should be afforded significant weight. This is a key consideration that offers support to the Scheme.
- 2.1.12 The NPSNN identifies the critical need to improve the national networks to address road congestion and support economic growth. The NPSNN states in paragraph 2.2.3 that the Government's wider policy is to bring forward improvements and enhancements to the network which will include (amongst other means) junction improvements, new slip roads and upgraded technology to:
- 'Address congestion and improve performance and resilience at junctions, which are a major source of congestion.'*

- 2.1.13 The Scheme is being promoted to address an acknowledged problem with traffic congestion as a result of conflict between strategic traffic movements passing through the area and local trips. As a grade separated junction improvement, the Scheme would deliver congestion relief and increase the resilience of the junctions through adding extra capacity. In this respect, the Scheme directly supports the objectives of paragraph 2.2.3.

***The National Planning Policy Framework (NPPF) (2019)***

- 2.1.14 The NPPF sets out the Government's planning policies for England and how they should be applied and is a material consideration when determining planning applications. The NPPF does not contain specific policies for NSIPs, however Chapter 6 of the NPPF concerns building a strong and competitive economy. Paragraph 80 states that:

*'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'*

- 2.1.15 The NPPF recognises that significant weight should be placed on the need to support economic growth. The Scheme would strengthen the existing strategic road network and would reduce congestion and journey times. It would make journey times more reliable and provide confidence in the network for commuters and also business users transporting goods and providing services in the area. The Scheme would therefore assist in creating the conditions in which businesses have the confidence to invest and expand. A number of innovative global businesses are located in and around Derby, such as Rolls-Royce, Toyota and Bombardier and the Scheme would potentially support economic growth and productivity of these and other businesses in the region.

**Local Policy Framework**

***Derby City Local Plan – Part 1 Core Strategy (2017)***

- 2.1.16 The adopted Local Plan of DCiC forms part of the statutory development plan for Derby alongside the saved policies in the CDLPR (2006). The Derby City Local Plan recognises that the A38 carries heavy flows of long distance traffic and that where the A38 passes through Derby significant volumes of local traffic either cross, join or leave the A38 which results in congestion and delays at the Kingsway, Markeaton and Abbey Hill (also known as Little Eaton) junctions. The local plan recognises Highways England's longer-term proposals for the grade separation of the A38 Derby junctions to resolve this issue. The local Plan states that DCiC will work with partners to deliver the Council's long-term transport strategy and support the implementation of strategic proposals and initiatives including Highways England A38 Derby Junctions Grade Separation Scheme.

*Derby Local Transport Plan (LTP3) (2011)*

- 2.1.17 The LTP3 sets out the long-term transport strategy for the Derby area and recognises that the A38 is a regionally important strategic route providing a link from Derby to other cities in the Midlands. The LTP3 states that it is important that the Scheme to grade separate the Markeaton, Kingsway and Little Eaton junctions is implemented to separate local and long distance traffic to reduce delays and congestion and improve linkages for public transport, pedestrians and cyclists. The LTP3 goes on to state that if this Scheme is not delivered, then it is likely that any future development to the west of the city will be severely restricted.
- 2.1.18 The LTP3 also recognises that congestion on the trunk roads around Derby is a problem and that congestion and recurrent delays occur at the Kingsway, Markeaton and Little Eaton junctions. Chapter 6 of the LTP3 states that the Scheme proposed by Highways England will release land for development in and around Derby and also sets out that the grade separation of the A38 Derby junctions proposed by Highways England is critical to facilitating housing growth to the west of the city and that the Scheme has already been identified as both a sub-regional and local priority.

*Derbyshire County Council Local Transport Plan (DLTP) (2011)*

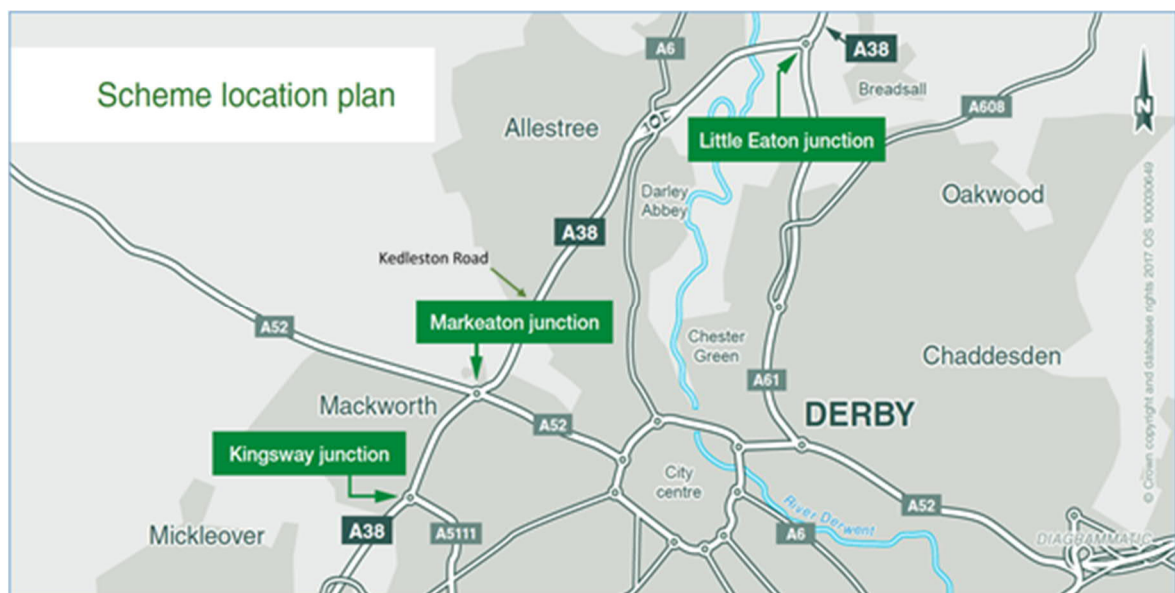
- 2.1.19 The DLTP sets out the long term transport strategy for the Derbyshire area. The document highlights that the Kingsway, Markeaton and Little Eaton junctions present a major constraint for the County and that their improvement is important to the County's wider economic prosperity as well as linking with possible housing developments in Derby.

*City of Derby Local Plan Review (CDLPR) (2006)*

- 2.1.20 The remaining saved policies in the CDLPR form part of the statutory development plan for the city. The saved policies of the CDLPR form part of the policy framework for guiding development within the City. Most policies from this document were saved in January 2009 under paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004, and remain part of the policy framework guiding development within Derby.
- 2.1.21 The deleted policies and supporting text of the CDLPR demonstrate that congestion has been experienced at the A38 Derby junctions in the long term. While Paragraph 12.13 of the CDLPR is no longer saved, this paragraph acknowledges the "serious peak hour congestion where the A38 (T) meets the A5111 at Kingsway, and, the A38 (T)/A61 junction at Abbey Hill." To protect land adjacent to the junction Policy T3 (which is no longer saved) stated that "planning permission will not be granted for any development which will prejudice improvement to the junctions mentioned above." Policy T3 and the supporting text in paragraph 12.13 demonstrates that issues with capacity along the A38 (T) junctions has long been identified as a constraint to development.

## 2.2 The Scheme location

- 2.2.1 The Kingsway, Markeaton and Little Eaton junctions are located along an approximate 5.5km distance along the A38 to the west and north of Derby. The Kingsway and Markeaton junctions are located in the local authority area of DCiC. The Little Eaton junction is located in the authority area of EBC and DCC.
- 2.2.2 The grade separation of the three junctions (the Scheme) includes land that is within and outside of the current highway boundary. Outside of the highway works land has been included in the application boundary to provide for temporary working space, construction compounds, drainage features, landscaping and replacement public open space as part of the Scheme.



**Figure 2.1: The Scheme location**

- 2.2.3 The Kingsway junction is located within Derby and is set in a predominantly urban area. The land within the centre of the junction and land immediately around the junction is occupied by mature vegetation, which forms a green corridor along part of the A38. North of the junction is the A38 itself and approximately 200m north-east and north-west are residential suburbs of Derby. The Kingsway Retail Park is located approximately 150m east of the junction and comprises a number of large retail units and car parking. The Kingsway hospital and grounds (which are undergoing redevelopment) are located approximately 80m south-east of the junction. The land south-east of the junction is occupied by mature vegetation, which forms a green corridor along the A38.
- 2.2.4 The Markeaton junction is located on the outskirts of Derby and is bordered to the east by residential properties. To the south, the junction is bordered by an area of open land that lies within the curtilage of the Army Reserves Centre. A petrol station and McDonald's restaurant border the south-west side of the junction, with residential properties beyond. Markeaton Park is situated north-west and north of the Markeaton junction. The park comprises areas of open grassland, various play areas, lakes and a pitch and putt golf course.

2.2.5 The Little Eaton junction is located north of Derby in the Borough of Erewash and in a more semi-rural setting. The land to the north-east, south-east and south-west quadrants of the junction is occupied by agricultural fields with boundaries formed by mature trees and hedgerows. A garden centre is located approximately 400m north of the junction. A mobile home park is located approximately 30m north-west of the junction. The Midland Mainline railway line running north to south is located approximately 160m west of the junction. The River Derwent flows in a north to south direction and is situated approximately 450m west of the junction.

2.2.6 The Little Eaton Junction is located within the Erewash Green Belt. In addition, although the Little Eaton junction itself is located east of the Derwent Valley Mills World Heritage Site (WHS), part of the Scheme located west of the junction is located within the Derwent Valley Mills WHS (between the River Derwent and the railway line).

## 2.3 Existing land uses and character

2.3.1 This section presents a summary of the main land uses, features and environmental designations in and around the Kingsway, Markeaton and Little Eaton junctions. A more detailed description of the setting for each junction is presented in Chapter 2: The Scheme of the ES [TR010022/APP 6.1]. The Environmental constraints in and around each junction are presented on Figure A1.A and Figure A1.B in the Outline Environmental Management Plan (OEMP) [TR010022/APP/6.12].

### *Kingsway junction*

2.3.2 The Kingsway junction comprises a three-arm junction with the A38 leading north and south of the junction and the A5111 leading east. To the north-west of the junction is the Mackworth housing estate with an area of public open space located adjacent to the A38 off Greenwich Drive South. To the north-east there are a number of commercial and light industrial units. The area to the south-west is open grassland known as Mackworth Park and forms part of a wider area designated as public open space. A residential development is undergoing construction on the land between the A38 and the A5111 to the south-east of the roundabout (within the site of the Kingsway hospital).

2.3.3 Key land use features and environmental designations within the vicinity of Kingsway junction area are:

- Nearby residential areas, including properties along Greenwich Drive South and Greenwich Drive North, Brackensdale Avenue, Kingsway Park Close, Raleigh Street, Thurcroft Close.
- Commercial and industrial premises to the east of the junction, including the Kingsway Park Close industrial estate and the Kingsway Retail Park.
- Non-motorised user group facilities, including cycleways and footpaths.
- Bramble Brook which passes through the junction.
- A38 Roundabout Local Wildlife Site (LWS) located within the island of Kingsway junction.

- Areas of designated public open space to the west of the junction.
- Air Quality Management Area (AQMA) to the west of the junction with a direct link to the junction via the A5111.

*The Markeaton junction*

- 2.3.4 The Markeaton junction comprises a four-arm roundabout with the A38 leading north and south of the junction and the A52 leading east and west of the junction. Immediately adjacent to the junction to the north-west lies Markeaton Park (designated as public open space), whilst to the north-east there is a service road to residential properties on Queensway (this service road follows the pre-1980s alignment of the A38).
- 2.3.5 There are entries and exits to local residential areas (via Enfield Road), McDonald's Restaurant and the Esso petrol station off the A38 northbound carriageway to the south of the junction, whilst there are also entries and exits to the petrol station and McDonald's Restaurant off the A52 to the west of the junction. To the east, there is an access off the A52 for the service road to the properties on Queensway and an access into Sutton Close. The access into Markeaton Park is located immediately to the north of the roundabout on the A38 northbound carriageway, whilst the park exit onto the A52 is located to the west of the junction.
- 2.3.6 Key land use features and environmental designations within the vicinity of Markeaton junction area are:
- Residential areas located along the A38 and the A52 Ashbourne Road, including properties on Queensway.
  - Markeaton Park to the north-east of the junction which is designated public open space.
  - McDonald's Restaurant and Esso petrol station off the A38 northbound carriageway to the south of the junction.
  - Non-motorised user group facilities, including cycleways and footpaths, including the Markeaton Park footbridge.
  - Public open space to the north-west of the junction in the vicinity of Mill Pond (which is connected to Markeaton Lake via a culvert beneath the A38).
  - Markeaton Park LWS and Markeaton Brook System LWS.
  - AQMA to the west of the junction with a direct link to the junction via the A52.

*The Little Eaton junction*

- 2.3.7 The Little Eaton junction is located within the Erewash Green Belt. This designation covers the land north, east, south and west of the junction. The Derwent Valley Mills WHS is located to the west of the junction. The WHS is the subject of a management plan that seeks to protect the setting and assets of the industrial heritage in the area.

- 2.3.8 The five arms of the roundabout comprise the A38 dual carriageway to the north and west of the junction, the A61 dual carriageway into Derby City to the south, the B6179 (Alfreton Road) into Little Eaton to the north and Ford Lane to the north-west. Ford Lane facilitates access to the Ford Farm Mobile Home Park, the property “Fourways” and a haulage and inert waste recycling facility (Freeberne Plant Haulage Ltd). A commercial vehicle sales depot known as David Ray Commercials is located north of and behind the Ford Farm Mobile Home Park. West of the junction and south of the A38 is the turf growing plot of Talbot Turf.
- 2.3.9 A Starbucks Coffee Shop is located to the north of the junction, accessed from the B6179. The Derby Garden Centre (including a shoe shop and food store) are located in a building between the A38 and the B6179 to the north of the junction (accessed from the B6179). To the west of the B6179 opposite the garden centre is a former refuse tip where the ground is built up to a height of approximately 4m.
- 2.3.10 Key land use features and environmental designations within the vicinity of the Little Eaton junction area are:
- Ford Farm Mobile Home Park and the property “Fourways” to the north of the junction.
  - Nearby residential areas including Breadsall (noting the presence of the Breadsall Conservation Area), Little Eaton and Allestree.
  - Haulage and inert waste recycling facility, a Starbucks Coffee Shop, and the Derby Garden Centre to the north of the junction.
  - Non-motorised user group facilities, including cycleways and footpaths.
  - Dam Brook to the south and east of the junction and the River Derwent to the west.
  - Alfreton Road Grassland LWS and the River Derwent LWS.
  - The Derwent Valley Mills WHS located to the west of the junction.
  - Area of former landfilling to the north of the junction.

## 2.4 Public benefits and need

### *Public benefits*

- 2.4.1 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. This is because vehicles travelling through on the A38 trunk road would not need to decelerate, negotiate each of the three roundabouts, stop at traffic signals (when they are at a red phase), and then accelerate back to normal cruising speeds. 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. 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 Scheme also offers the potential to remove conflicts between pedestrians and cyclists and vehicles using the A38 to the benefit of both. Further information on journey time benefits is provided within

Chapter 2: The Scheme of the ES [TR010022/APP/6.1] and the Transport Assessment Report [TR010022/APP/7.3].

- 2.4.2 The Scheme would provide new facilities for use by pedestrians and cyclists around each junction. The design for the new facilities would aim to gain a greater segregation between pedestrians and cyclists from motorised users of the junctions to improve safety and increase the appeal and use of the pedestrian and cycle routes.
- 2.4.3 The benefits of the Scheme would assist in bringing forward the development and regeneration of the surrounding area and in the area immediately adjacent to the Scheme. The LTP3 states in paragraph 2.23 that the A38 is an important regional route and that if the Scheme cannot be funded and delivered, it is likely that any future development to the west of the city will be severely restricted. The LTP3 also states in paragraph 6.30 that the Scheme is critical to facilitating housing growth to the west of the city.
- 2.4.4 It is envisaged that the Scheme would improve safety for all road users including vehicles, walkers and cyclists as well as residents living in the vicinity of the junctions. In this respect, The Transport Assessment Report [TR010022/APP/7.3] indicates that over the 60-year evaluation period, the Scheme would avoid 1,396 collisions across the whole highway network. These would include avoiding eight fatal casualties and 135 serious casualties (i.e. saving of 143 killed and seriously injured). The Scheme would also assist in reducing severance of local communities by maintaining or providing appropriate facilities for crossing and travelling along the route for pedestrians and cyclists.
- 2.4.5 An area of approximately 7,788m<sup>2</sup> of public open space would be permanently lost to the Scheme at Kingsway and Markeaton junctions and would be subject to compulsory acquisition. As a result, areas of new replacement public open space would be provided. It is proposed that the replacement public open space for the Scheme would be provided using the area vacated by the buildings to be demolished on Queensway and areas of the existing A38 at Markeaton that would be removed and landscaped, along with the area left vacant by the closure of Brackensdale Avenue access to and from the A38. The replacement land offered in exchange totals an area of approximately 7,832m<sup>2</sup>. Use of the area at Queensway as replacement public open space has been agreed in principle with DCiC, with the public open space exchange land being integrated with facilities for pedestrians and cyclists connecting the A52 Ashbourne Road with the new Markeaton footbridge. Moreover, the replacement land has been considered in light of and meets the statutory tests as set out under the PA 2008. Further detail on this is provided in Section 5.
- 2.4.6 Facilities for pedestrians and cyclists have been included within the Scheme design and are based on the fundamental premise that the design aims to maintain (as a minimum) the level of provision that exists at present, with enhanced provision where deemed appropriate and reasonable. The existing footbridge to the north of Markeaton junction would be demolished and replaced in the same location (widened to allow for the additional lanes on the A38). Details of the new and replacement footpaths and cycleways are provided in Chapter 12: People and Communities of the ES [TR010022/APP/6.1].

### *Scheme key objectives*

- 2.4.7 Highways England's high-level objectives 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, the Scheme would increase the capacity of the strategic road network and should facilitate housing and employment growth within Derby City. The overarching objective is to deliver a Scheme that ensures increased capacity to realise the associated economic and social benefits that the Scheme would bring, whilst also being affordable and delivering high value for money.
- 2.4.8 The Scheme objectives have been formulated both to address identified problems and to take advantage of the opportunities that new infrastructure would provide. The objectives are set out in Table 2.1 below.

**Table 2.1: Scheme-specific objectives and how the Scheme meets the required need**

<b>Economy</b>	<b>How need is met?</b>
To reduce delays and increase reliability of journeys on the strategic corridor.	The design of the Scheme aims to remove the conflict between strategic and local traffic by grade separating the Kingsway, Markeaton and Little Eaton junctions along the A38. This approach would improve traffic flow and reduce congestion that is currently experienced at these junctions.
Assist in bringing forward development and regeneration opportunities in the surrounding area and immediately adjacent to the Scheme.	The Scheme would provide additional capacity along the A38 and would make journey times more reliable, which would assist in facilitating regeneration, development and economic growth in the west of Derby.
To minimise traffic disruption due to construction works and incidents.	A traffic management plan would be put in place during construction to minimise disruption to all users of the route.
To achieve optimal whole-life cost taking into account future maintenance, operation and disruption to users.	An economic assessment has been carried out which demonstrates that the Scheme would provide appropriate good value for money.
<b>Environment</b>	
To minimise impacts on both the natural and built environment, including designated landscape/ biodiversity features.	An Environmental Impact Assessment (EIA) has been carried out in respect of the Scheme to consider the significant beneficial and adverse effects of the Scheme for a range of topics. The Scheme design has been developed to retain existing vegetation and limit habitat disturbance where possible. The Scheme design includes new landscape planting to integrate the Scheme with its surroundings and provide replacement habitats.

<p>To seek to mitigate impacts on air quality and noise.</p> <p>To ensure effective measures are in place to protect watercourses from pollutant spillage on the highway.</p>	<p>A Construction Environmental Management Plan (CEMP) would be prepared in collaboration with the construction contractor to include measures to limit noise and dust emission during construction. The CEMP would be based upon the Outline Environmental Management Plan (OEMP) [TR010022/APP/6.12]. The Scheme design includes measures such as noise barriers to mitigate noise impacts during the operation of the Scheme.</p> <p>The CEMP would include measures to protect watercourses from spillages during the Scheme construction phase. The Scheme design includes a road drainage design that would protect watercourses in the vicinity of the Scheme during its operation.</p>
<p>To investigate and encourage the use of environmentally friendly operations and products throughout the project life cycle.</p>	<p>The opportunity exists to construct the Scheme making use of energy efficient plant and machinery and construction materials that are sourced locally to reduce transport emissions.</p>
<b>Society</b>	
<p>To improve the safety for all road users.</p> <p>To manage the safety risk for road workers in accordance with the requirements of GD04/12 (now replaced by GG104) - Standard for the Safety Risk Assessment on the Strategic Road Network and the Health and Safety at Work 1974 Act to be As Low As Reasonably Practicable (ALARP).</p> <p>To improve safety for residents in the vicinity of the junctions.</p> <p>To facilitate integration with other transport modes where applicable.</p> <p>To ensure a consistent high standard of signing relating to the junctions.</p>	<p>The Scheme design incorporates measures to improve the safety of the Scheme for all users. Signalised crossings are included in the design for pedestrian and cycle crossings.</p> <p>Safety for road workers has been considered as part of the design for the Scheme and would be implemented during the construction of the Scheme working in collaboration with the construction contractor.</p> <p>The Scheme design includes suitable safety measures for residents during the construction and operation of the Scheme.</p> <p>The Scheme design includes pedestrian and cycle routes and crossings along with provision for buses.</p> <p>A high standard for signing would be adopted and delivered through the detailed design for the Scheme.</p>
<p>To reduce severance by maintaining or providing appropriate facilities for crossing, and travelling along the route for non-motorised users (NMUs).</p>	<p>The Scheme design provides as a minimum the same level of pedestrian and cycle routes as the existing junctions.</p>

Public Accounts	
To be affordable and represent High Value for Money according to DfT appraisal criteria.	The economic assessment has demonstrated that the Scheme would provide high value. The benefit cost ratio for the Scheme is 2.6.
Scheme Specifics	
<p>Improve integration by supporting the local Transport Plan.</p> <p>Facilitate regional development and growth in Derby City and its surrounding areas and increase capacity of the strategic road network to absorb growth.</p>	<p>The Scheme design has been carried out giving due consideration to the Local Transport Plans for Derby and Derbyshire.</p> <p>The design for the Scheme aims to remove conflict between strategic and local traffic to improve traffic flow and reduce congestion and improve journey times. The Scheme would provide an overall increase in capacity to accommodate future built development and economic development in the area.</p>

## 2.5 The main features of the Scheme

- 2.5.1 This section of the Planning Statement provides an overview of the main features of the Scheme for each junction.
- 2.5.2 The Scheme would raise 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 junction and Kedleston Road junction would be retained (i.e. 70mph).
- 2.5.3 As stated earlier in this statement, the RIS states an indication for the A38 to be raised to expressway standard. Notwithstanding this, 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 had not been fully considered. 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.
- 2.5.4 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 were found to be cost prohibitive and so would make the Scheme very poor value-for-money.
- 2.5.5 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. In relation to the Scheme these requirements are included within the scope and are being incorporated into the Scheme design such as grade separation, no central reserve gaps and provision of rigid concrete barriers in the central reserve. Notwithstanding this, there is no justification to generally upgrade the A38 route corridor beyond this and the ability of the Scheme to meet its identified objectives is not affected by the decision not to construct to Expressway standard.

### *Kingsway junction*

- 2.5.6 The Kingsway junction would comprise a dumb-bell roundabout arrangement and slip roads at existing ground level with the A38 passing beneath in an underpass (the low point of the mainline A38 would be approximately 6.5m below the level of the existing roundabout). The existing A38 carriageways would form the northbound and southbound slip roads. The improvement would be predominantly on-line with local access provided by a side road link to Kingsway Park Close from the eastern dumb-bell roundabout. The speed limit would be 50mph through the junction, with the national speed limit (70mph) to the south (the current speed limit through the junction is 40mph).
- 2.5.7 In addition to grade-separation of the existing A38/A5111 Kingsway junction (with the A38 mainline passing beneath the bridge connecting the new roundabouts), the number of lanes on the A38 from the north side of Kingsway junction, through the A38/A52 Markeaton junction and up to the south side of Kedleston Road junction would be increased from two to three lanes in each direction. Two existing bridges over Brackensdale Avenue would be widened to cater for the provision of the additional lane on each carriageway. The existing accesses from the A38 onto Brackensdale Avenue and Raleigh Street would be closed. The junction onto the Kingsway Park Close link road from Brackensdale Avenue would be signalised.
- 2.5.8 The Scheme footprint at Kingsway junction would require temporary and permanent land take from an area of public open space adjacent to Greenwich Drive South and alongside Mackworth Park with a permanent loss of approximately 2,050m<sup>2</sup> (includes losses from an area of proposed public open space). Given the loss of public open space at Kingsway junction (and Markeaton junction), there is a requirement to provide replacement land in respect of the lost public open space. land. It is proposed that suitable replacement public open space for the Scheme would be provided using the area vacated by the buildings to be demolished on Queensway and areas of the existing A38 at Markeaton that would be removed and landscaped, along with the area left vacant by the closure of Brackensdale Avenue access to and from the A38. Further details on both permanent and temporary loss of public open space are covered within Section 5.

### *Markeaton junction*

- 2.5.9 The Markeaton junction would comprise an enlarged two-bridge roundabout at existing ground level with the A38 passing beneath in an underpass to the south-east of the existing roundabout (maximum depth approximately 7.6m below existing ground levels) with slip roads connecting the A38 to the new roundabout. Retaining walls would be constructed between the A38 and the slip roads to reduce the footprint of the junction. The northbound slip roads would be approximately on the line of the existing northbound A38 carriageway.
- 2.5.10 In addition to grade-separation of the existing A38/A52 Markeaton junction, additional lanes would be provided in both directions through Markeaton junction and up to Kedleston Road junction. The existing footbridge to the north of the junction would be demolished and replaced in the same location (extended to allow for the additional lanes). The existing access from the A38 onto Enfield Road would be closed.

- 2.5.11 The Scheme would involve the demolition of 15 detached residential properties on Queensway and the demolition of two semi-detached properties on the A52 Ashbourne Road. The existing access to Sutton Close off Ashbourne Road would also be closed, and a revised access provided which would require land from further residential properties.
- 2.5.12 Markeaton junction would be signalised at all four ground level approaches, namely the A38 northbound diverge slip road; the A52 eastbound approach; the A38 southbound diverge slip road; and the A52 westbound approach.
- 2.5.13 The speed limit would be 50mph through and to each side of the junction (the A38 through the existing junction is subject to a 40mph speed limit), terminating just north of the Kedleston Road slip roads from where the national speed limit would be retained.
- 2.5.14 The existing access into Markeaton Park from Markeaton junction would need to be closed (although it would be retained for emergency vehicle access). The existing park exit onto the A52 would be reconfigured to create a new park access together with some consequential rearrangements of the park's internal road infrastructure.
- 2.5.15 An area of approximately 5,738m<sup>2</sup> of public open space would be permanently lost to the Scheme at Markeaton junction. Given the loss of public open space at Markeaton junction (and Kingsway junction), there would be a requirement for public open space exchange land to be provided as replacement land. It is proposed that suitable replacement public open space for the Scheme would be provided using the area vacated by the buildings to be demolished on Queensway and areas of the existing A38 at Markeaton that would be removed and landscaped, along with the area left vacant by the closure of Brackensdale Avenue access to and from the A38. Use of the area at Queensway as replacement public open space has been agreed in principle with DCiC, with the exchange land being integrated with facilities for pedestrians and cyclists connecting the A52 Ashbourne Road with the new footbridge. Further detail on both permanent and temporary losses of open space is provided in Section 5.

*Little Eaton junction*

- 2.5.16 The Little Eaton junction would be grade separated. It would enlarge the roundabout at existing ground level with the new A38 mainline passing above on embankment with two bridges over the roundabout. It would lie to the east and south of the existing roundabout. The existing northbound carriageway would form the northbound slip roads. Commencing at the southern tie in, the A38 would swing to the south of the existing A38 immediately after crossing the River Derwent Bridge, which would not be affected, and would pass over a Flood Relief Arch/Accommodation Bridge which would be extended. Continuing north, the existing railway bridge would be extended to the south to carry the widened A38 cross section. The existing northbound carriageway would be retained on the railway bridge and form the northbound diverge slip road.

- 2.5.17 The A38 would then pass over the new roundabout on two bridges located on an embankment before continuing to the west of the existing A38 and re-joining the existing A38 alignment immediately south of the Water Treatment Works Accommodation Bridge, which would not be affected.
- 2.5.18 The junction with Ford Lane, from the existing A38 between the River Derwent bridge and the Flood Relief Arch (Accommodation Bridge), would be closed for safety reasons. In order to enable access into the turf production site to the south of the existing A38 (via the Flood Relief Arch (Accommodation Bridge), it is anticipated that turf vehicles would use Ford Lane to access the area from the A6 Duffield Road. Such access arrangements would also enable Severn Trent Water to access their facilities in the vicinity of the River Derwent. Such additional access arrangements may require some changes to the Ford Lane bridge over the River Derwent, whilst there would be a need to modify the Ford Lane junction with Lambourn Drive.
- 2.5.19 The speed limit would be 70mph, although there would be an advisory speed limit of 50mph for a length of approximately 600m through the junction in both directions.
- 2.5.20 At the Little Eaton junction, the Scheme would result in some loss of River Derwent floodplain due to the increased footprint of the Scheme. A floodplain compensation area is provided in the Scheme design to the south of the A38 and to the west of the River Derwent, this area (replacement floodplain volume of approximately 13,000m<sup>3</sup>) would provide like for like compensation for floodplain losses associated with the Scheme. The Environment Agency (EA) has been consulted regarding the floodplain compensation proposals.

### 3. Scheme development history and alternative options considered

#### 3.1 Overview of the Scheme history

- 3.1.1 This section presents a brief history of the Scheme and the main alternatives that were developed and considered during the pre-application phase ultimately resulting in the identification of the Scheme as detailed above in Section 2.
- 3.1.2 In April 2001, the Highways Agency<sup>1</sup> undertook a Road Based Study to consider options for dealing with congestion and safety, environmental impacts, economic impacts, accessibility and integration problems associated with the Kingsway junction, Markeaton junction and Little Eaton junction on the A38 through Derby. A public consultation on various short-term and long-term options was held in July 2002. The Road Based Study was issued in 2002 and recommended that the long-term improvements should involve grade-separation of each of the three junctions.
- 3.1.3 Between 2002 and 2005, preliminary design work and studies were undertaken by the Highways Agency and consultants were appointed to establish the design limitations. Despite ministerial support for the improvement of the junctions, work was suspended in 2005 due to a funding decision and the Scheme was subsequently put on hold in 2008 following a Government spending review.
- 3.1.4 The A38 Derby Junctions Scheme remained on hold until 2013 when it was announced as part of the Government's 2013 spending review. Thereafter in January 2014, the Highways Agency commissioned a review of the Scheme's status to identify the work required to take it to the next development stage. The scope of the review included re-examining the traffic problems and options to confirm if a solution was required. In 2014 work on the options design stage recommenced.
- 3.1.5 The Government launched its first RIS (DfT, 2015) which sets 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*").
- 3.1.6 Following analysis of design options and public consultation, the Preferred Route Announcement was publicised on 31 January 2018 following which the Scheme design has progressed in preparation for the submission of the application to the Secretary of State under the PA 2008.

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<sup>1</sup> Highways Agency was replaced by Highways England in April 2015. The Secretary of State appointed Highways England (the "Licence holder") as a strategic highways company by way of an Order in accordance with Section 1 of the Infrastructure Act 2015. The Licence came into force on 1 April 2015.

## 3.2 Option identification and selection

### *Options identification and consultation (2002 – 2005)*

- 3.2.1 Given the history of the A38 Derby Junctions Scheme, a wide range of alternatives were developed, considered and assessed during the period of 2002 and 2005. A summary of the main options that were presented during the 2002 and 2003 public consultation events are summarised in **Appendix B** together with details as to why some options were discounted, and which options were taken forward as the presented options together with associated reasons.
- 3.2.2 The 2002 consultation events covered options associated with all junctions, whilst the 2003 supplementary consultation only considered options at Little Eaton junction following the interest generated by the 2002 consultation events.

### *Scheme development (2005 – 2015)*

- 3.2.3 Work on the A38 Derby Junctions Scheme was suspended in 2005 due to a funding decision, and put on hold in 2008 following the UK economic downturn. As detailed in Section 3.1, the Scheme effectively remained on hold until 2013 when it was announced as part of the Government's 2013 spending review. Following completion of the 2014 Highways Agency review of the Scheme, work to identify preferred options recommenced in 2015.

### *Scheme development (2014 to preferred route announcement in January 2018)*

- 3.2.4 Development of the A38 Derby Junctions Scheme recommenced in July 2014 by developing the presented options as detailed in **Appendix B**, namely:
- Kingsway junction: Option 2.
  - Markeaton junction: Option 4.
  - Little Eaton junction: Option 3.
- 3.2.5 Non-statutory public consultation was carried out in February and March 2015.
- 3.2.6 During the 2015 consultation, members of the public and consultees were encouraged to provide suggestions for any alternative solutions to the current traffic issues associated with the A38 Derby junctions. Several alternative options were proposed by consultees - these ranged from amendments to the presented junction options to complete alternative Schemes and alignments.
- 3.2.7 All alternative Scheme options received were subsequently considered under a two-stage assessment process, comprising initial sifting and for those that passed this stage more detailed qualitative assessment.
- 3.2.8 An options assessment was undertaken with only two options passing the assessment. These were options for the Kingsway and Little Eaton junctions. **Appendix C** sets out the alternative options considered for Kingsway junction and Little Eaton junctions. Whilst some alternatives for Markeaton junction were received from the local community (e.g. tunnel from south of Kingsway junction to the north of Markeaton junction; new trunk road from A38/A50 Toyota junction to north of Little Eaton junction), none of these passed the initial sifting process and were thus excluded from further assessment. Further details on this is provided in

## Chapter 3: Scheme History and Assessment of Alternatives of the ES [TR010022/APP/6.1].

### 3.3 Further options assessments (Little Eaton junction)

- 3.3.1 Following the alternative options assessment described above (which is covered in more detail in Chapter 3: Scheme History and Assessment of Alternatives of the ES [TR010022/APP/6.1]) further alternative options for Little Eaton junction were received from local residents between March and June 2016. These options were referred to at the time as Options 2A and 2B, Option X and X1. These options were reviewed by the project design team who further developed some of the options taking into account applicable highway design standards. Options 2A and 2B followed a similar alignment and included a new Little Eaton junction located north of the existing junction and the removal of some mobile homes located long Ford Lane. Option 2A involved retaining parts of the existing junction to provide the on and off slip roads for the new junction. Option 2B would require the removal of the existing Little Eaton junction to provide new slip roads. Option X and X1 for the Little Eaton junction involved retaining the existing junction, but with the addition of a new link road from the B6179 to the A61 in a tunnel passing underneath the A38 just north of the garden centre.
- 3.3.2 These options were subject to the initial sifting assessment as described above. However, it was established that they would only be deliverable with major challenges (including the technical design for each option, acquisition of land required and loss of local businesses) as compared to the presented options. The options were not deemed able to deliver the essential objectives covering economic, environmental, social and public accounts. Accordingly, these options were not subject to further assessment. Further information in respect of the assessment of these options is presented in more detail in Chapter 3: Scheme History and Assessment of Alternatives in the ES [TR010022/APP/6.1].
- 3.3.3 Subsequent to the above design option identification and assessment, a meeting took place on 19 January 2017. The purpose of the meeting was to hear the concerns of the residents of Breadsall village in relation to the improvements to the Little Eaton junction. Following the meeting, it was decided to assess a further option that would entail the A38 being re-aligned to the north side of the existing roundabout to reduce the potential impact on Breadsall village, as communicated by those residents.
- 3.3.4 The option (named Option 2C) was developed with the assumption that the Ford Farm Mobile Home Park and its residents could be relocated; and the property Fourways and its associated businesses could be acquired, plus the provision of a replacement car park area for the Derby Garden Centre. Option 2C was compared to the presented option in terms of engineering, traffic and economics, environmental impacts, stakeholders affected and land take issues.

- 3.3.5 The initial feasibility assessment indicated that Option 2C had some advantages over the presented option in terms of engineering design and potential environmental impacts on Breadsall village (in terms of noise, air quality and visual intrusion). It would also reduce the impact on agricultural land within designated Green Belt. The main disadvantages of Option 2C were the impacts on the property Fourways (and associated businesses) and the mobile home park; the societal impacts to the residents; and the increased Scheme construction costs. Delivery of Option 2C could also result in a 12-month delay as compared to the presented option, as this would have necessitated going back to options stage and undertaking further public consultation.
- 3.3.6 Given the above, Option 2C was not considered sufficiently advantageous when compared to the presented option. As a result, it was not taken forward and the preferred option was announced on 31 January 2018 and forms the basis for which Development Consent is being sought.
- 3.4 Scheme design development following preferred route announcement and other notable alternatives**
- 3.4.1 Since the Preferred Route Announcement, the further development of the Scheme design has been undertaken in accordance with the criteria for 'good design', outlined in the NPSNN.
- 3.4.2 Collaboration between the environmental team and the Scheme design engineers has been an integral part of the design development process. Collaborative planning of the Scheme design has been undertaken with the aim of avoiding and mitigating environmental constraints, whilst also taking into account responses received during consultation. Further details of the design evolution following the Preferred Route Announcement are set out in Chapter 3: Scheme History and Assessment of Alternatives of the ES [TR010022/APP/6.1].

## 4. Economic case overview

### 4.1 Overview of economic assessment and methodology used

- 4.1.1 This chapter presents a summary of the methodology and findings of the economic assessment that has been carried out in respect of the Scheme. All Highways England projects are subject to an economic assessment that takes into account the anticipated benefits and disbenefits of a scheme to determine whether it provides sufficient value for money. The economic assessment that has been undertaken by Highways England is not included in the documentation for the DCO submission. If the Inspectorate or the Examining Authority considers it necessary to review the detail of the economic assessment, or any information from it, this would be provided at the discretion of Highways England.
- 4.1.2 The economic assessment takes into account the economic, environmental and social benefits and disbenefits of the Scheme. Economic aspects of the assessment include the cost to construct the Scheme along with tax revenues generated once the Scheme becomes operational. The economic assessment also takes into consideration the environmental aspects of the Scheme and seeks to quantify them by monetising them in a positive or negative manner. For example a positive cost is presented where a particular aspect of the Scheme would result in a benefit e.g. an improvement in air quality and a negative cost is presented where the Scheme would have a negative effect e.g. an increase in noise levels which would result in an adverse effect at receptors. This method takes into account the effect of various aspects of the environment including: the effect of noise, air quality, greenhouse gases,
- 4.1.3 The economic assessment also takes into account social aspects such as journey time savings and delays and wider economic impacts.
- 4.1.4 The total value of the economic, environmental and social monetised benefits and disbenefits are calculated to obtain a ratio. This ratio is referred to as the benefit cost ratio (BCR) and provides an indication of whether the Scheme presents a sufficient level of benefits to be considered as good value for money.
- 4.1.5 The economic assessment for the Scheme has been undertaken using scheme TUBA (Transport Users Benefit Analysis) analysis software. TUBA is used to carry out transport economic appraisals using information from the Scheme traffic model. Traffic accident data from COBALT (**CO**st and **B**enefit to **A**ccidents – **L**ight **T**ouch) program is also used in the economic appraisal. The economic assessment is based on a 60-year appraisal period of 2024 - 2083 inclusive. The approach to the assessment follows the Department for Transport's WebTAG guidance and HM Treasury's Green Book.
- 4.1.6 The economic assessment is based on the assignment of a forecast Core Growth Scenario, with sensitivity tests using Low Growth and High Growth assumptions for the volume of traffic using the Scheme. The Core Growth Scenario traffic forecast is based upon what is deemed the most likely land use and traffic growth assumptions for the route.

- 4.1.7 The economic assessment is based upon construction of the Scheme beginning in December 2020 and ending in May 2024. For the purposes of the economic appraisal, it has been assumed that the Scheme would be open to traffic in 2024.
- 4.1.8 The traffic flows, times and distances have been extracted from the forecasting traffic model for the forecast years of 2024, 2031 and 2039. These forecast model outputs have been used in the economic appraisal of the Scheme to produce a monetised cost benefit analysis. The monetised cost benefit analysis of the Scheme has included the assessment of road user benefits, changes in revenues (i.e. indirect taxes), accident costs, and costs during construction and maintenance.

## 4.2 Summary of monetised benefits

- 4.2.1 Various impacts emanating from the Scheme have been monetised in order to calculate a BCR, which indicates whether the Scheme would provide overall value for money. As the Scheme would be operational for several decades, the economic assessment for the Scheme is based over a 60-year period. As a result, monetised benefits and disbenefits are attached to a set year. In this case, the costs are based on 2010 market prices discounted to a 2010 present value year.
- 4.2.2 Overall, the Net Present Value of Benefits (PVB) i.e. the total value of Benefits for the Scheme is £419 million, while the Net Present Value of Costs (PVC) is a £163.1 million disbenefit. The BCR is calculated as the ratio of costs (PVB) compared to the benefits of the Scheme (NPV), which derives a BCR of 2.6.
- 4.2.3 The DfT BCR benchmark is a ratio of 2, which is considered high value for money. The BCR for this Scheme is 2.6 and can therefore be considered to constitute a high value for money scheme.

## 5. Public open space

As detailed in Section 2 of this Planning Statement, the Scheme would result in the loss of existing open space land (either permanently, temporarily, or through the permanent acquisition of rights) that is either currently designated Public Open Space (POS) or land that is actively used by the public for informal recreational purposes. This section of the Planning Statement sets out in detail how the issue has been considered in accordance with the requirements of the PA 2008 and associated guidance on the compulsory acquisition of land. The planning policy considerations associated with the loss of POS land is also considered in this section of the Planning Statement.

### Planning Act 2008

- 5.1.1 The PA 2008 sets out under Section 131 the application of compulsory purchase powers with respect to the permanent acquisition of open space land. Section 131 (3) of the PA 2008 states that the compulsory acquisition of land will be subject to the special parliamentary procedure unless the SoS is satisfied that one of subsections (4) to (5) applies. Subsection (4) (a) and (4) (b) apply to the Scheme in that replacement land is to be offered in exchange and this replacement land will be vested with the same rights, trust and incidents as applies to the Order land.
- 5.1.2 Section 132 relates to the acquisition of rights over land and follows the same approach as Section 131. Subsection (4) (a) and (4) (b) equally apply to the Scheme in that replacement land is to be offered in exchange and this replacement land will be vested with the same rights, trust and incidents as applies to the order land.
- 5.1.3 For the purposes of Sections 131 and 132 of the PA 2008 open space is defined as having the same meaning as section 19 of the Land Acquisition Act 1981.
- “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.’*
- 5.1.4 In relation to replacement land the PA 2008 defines this as:
- ‘replacement land’ means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.’*

### Relevant guidance

- 5.1.5 In considering the approach to the issue of open space loss regard has been given to the ‘Guidance Related to Procedures for the Compulsory Acquisition of Land - Department for Communities and Local Government (DCLG) September 2013.’ Annex A of this guidance highlights ‘Special Categories of Land’ (which includes public open space amongst others) stating that:
- ‘Certain special categories of land are subject to additional provisions in the Planning Act where it is proposed that they should be compulsorily acquired. This includes the possibility of any compulsory acquisition provision in the development consent order being subject to special parliamentary procedure.’*

5.1.6 The DCLG guidance goes on to state that under section 122(2) of the 2008 Planning Act there are three purposes for the acquisition of land as follows:

*'(i) the land is required for the development to which the development consent relates;*

*(ii) the land is required to facilitate or is incidental to the proposed development;*

*(iii) the land is replacement land which is to be given in exchange under section 131 or 132 of the Planning Act.'*

5.1.7 The examples as provided within the guidance in relation to point (iii) states the following:

*'This may arise, for example, where land which forms part of an open space or common is to be lost to the scheme, but the applicant does not hold other land in the area which may be suitable to offer in exchange. Again, 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 what is proposed is proportionate.'*

5.1.8 The guidance also goes on to state under the title of replacement land that:

*'Where either section 131(4) or 132(4) of the Planning Act applies, the Secretary of State will have regard to such matters as relative size and proximity of the replacement land when compared with the land it is proposed to compulsorily acquire through the development consent order.'*

*Land which is already subject to rights of common or to other rights, or used by the public, even informally, for recreation, cannot usually be given as replacement land, since this would reduce the amount of such land, which would be disadvantageous to the persons concerned. There may be some cases where a current use of proposed replacement land is temporary (e.g. pending development). In such circumstances, it may be reasonable to give the land in exchange, since its current use can thereby be safeguarded for the future.'*

Policy context

5.1.9 In addition to the relevant guidance above, there is specific policy guidance presented in relation to open space land in the NPSNN. In relation to the loss of POS, paragraph 5.166 relates to existing areas of open space stating:

*'Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings.'*

5.1.10 Paragraph 5.174 relates to the grant of consent for development on open space land and states that:

*'The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.'*

Scheme history (POS) and options considered

5.1.11 Highways England has actively sought to engage with DCiC as the principal landowner of public open space land required for the Scheme. In this respect, discussions have taken place since March 2016. This approach has sought to:

- Ensure DCiC were informed about the specific impacts of the Scheme on this POS land.
- Discuss and explain why there was a need to acquire POS land on a permanent basis.
- Discuss the potential options for the replacement of POS land to be taken up as Order land.

5.1.12 In April 2016, based on the Scheme design at that time, the total loss of POS land was around 1,887m<sup>2</sup>. In discussing potential options with DCiC at that time, the two main options of providing replacement land at Queensway and Brackensdale were discussed. Of these two options, DCiC confirmed a preference for the Queensway land stating through the exchange of written correspondence that it could form *'an attractive green route to the pedestrian crossing and link with Markeaton Park.'*

5.1.13 Following this period the design of the Scheme evolved, leading up to the Preferred Route Announcement (PRA) for the Scheme and following the statutory public consultation. As a result, there was a need to respond to an increase in the loss of POS land and discussions have continued on this basis.

5.1.14 The initial approach was informed by a desktop exercise that sought to identify potential available sites, which was subsequently verified by a site visit. In considering the potential candidate sites, a broad approach was followed which considered general proximity of the land versus the existing POS to be lost, size of land available and land ownership. The search criteria was somewhat constrained by the fact the Scheme (the Kingsway and Markeaton junctions where POS land would be lost) is located within an urban corridor and therefore other than the existing POS, there is more limited land reasonably available that is not actively being used for other purposes. Some of the candidate sites previously considered but discounted are set out in the table below.

**Table 5.1: Previously considered replacement land**

Land Parcel (Candidate Site)	Description	Suitability	Reason discounted
Land Adjacent Brackensdale Avenue	Grassed open space with tree planting to the southern boundary of site	Good. Land owned by DCiC, close to the POS land to be taken at Kingsway and the conditions of the land would support active use as POS.	DCiC considered the land was currently used informally for recreational purposes. It would therefore not meet the tests of DCLG guidance.
Land between Greenwich Drive North and Kingsway	Area of grassed open land with tree planting.	Good, land is currently part of an area of land that forms part of a Green Infrastructure corridor.	Land is enclosed by roads on both sides and is therefore less desirable in qualitative terms. Evidence of informal use could not be ruled out, which would otherwise make the land unsuitable.
Land adjacent to Army Reserves Centre	Area of open grassed land, with some tree planting to the exterior boundaries of the site.	Good, open land, close proximity to the land to be lost at Markeaton.	The land in question is Crown Land and therefore cannot be compulsorily acquired on a permanent basis i.e. the consent of the Crown is required. Due to uncertainties about agreement being reached this option was discounted.

5.1.15 In addition to ongoing correspondence, a further meeting took place with DCiC in January 2019. The purpose of this meeting was to provide an update to DCiC on the latest position with regard to POS loss and to discuss plans showing the potential design treatment of replacement land at Queensway. This meeting helped to inform the final position on POS and to confirm the views of DCiC. Following the finalisation of these plans, this information was shared with DCiC in March 2019. Whilst there is ongoing dialogue on this matter, Highways England consider that agreement in principle has been reached with DCiC on the suitability of the replacement land at Queensway. Agreement reached on POS will be presented in a Statement of Common Ground (SOCG) between Highways England and DCiC during the examination stage.

5.1.16 The POS land to be permanently lost as a result of the Scheme at the Kingsway and Markeaton junctions is presented below, followed by a consideration of how the replacement land meets the tests as set out in the PA 2008 and the associated guidance as referred to above. The Special Category Land Plans (SCL) detailing POS loss both on a permanent and temporary basis, along with areas of land where rights over land will be acquired permanently are provided as **Appendix D**.

**Table 5.2: Existing area of open space to be permanently acquired**

Markeaton	Amount of loss (m <sup>2</sup> )	Description	Designated POS	Reason for loss	Status and current use
SCL Plans (Sheet 4) Plots 4/1a, 4/1e, 4/1g, 4/2a, 4/2e, 4/2f, 4/2g, 4/2h, 4/2i, 4/2j, 4/2k, 4/2l, 4/2o, 4/2p, 4/14 and 4/15.	4,449.02	Comprises two areas of POS at either side of the A38, linked by the existing footbridge. The land to the NW side of the A38 is to the edge of Markeaton Park adjacent to an existing footway immediately next to the carriageway. The land to the SE side of the A38 shares similar characteristics with there being a footway alongside the carriageway. Mature trees bound both areas of POS.	Y	Included for the following main elements: Widening of the A38 carriageway to 3 lanes, Constructing a replacement footbridge Realignment and widening of the A38  Creation of a slip road associated with new junction arrangement	Land is to the outer edge of both areas of POS. The location immediately next to the A38 carriageway means recreational value is low, with low levels of comfort and amenity for users due to the immediate proximity of fast moving vehicular traffic.
SCL Plans (Sheet 3) Plots 3/1u, 3/1y, 3/2l, 3/2m, 3/2n and 3/11.	1,288.91	Area of land immediately adjacent to the northern side of Ashbourne Road and next to the existing access into Markeaton Park, which includes an area bounded by an existing stone wall and the highway verge/visibility splays	Y	Realignment and widening of the A52	Periphery of Markeaton Park. The location immediately next to the A52 carriageway means recreational value is low, with low levels of comfort and amenity for users due to the immediate

		associated with the vehicular access into the park.			proximity of fast moving vehicular traffic.
<b>Total (Markeaton including rounding)</b>	<b>5,738</b>				
<b>Kingsway</b>	<b>Amount of loss (m<sup>2</sup>)</b>	<b>Description</b>	<b>Designated POS</b>	<b>Reason for loss</b>	<b>Status and current use</b>
SCL Plans (Sheet 2) Plots 2/1e, 2/1h, 2/1i, 2/2c, 2/7b, 2/10.	2,050.45	Area of POS to the southern corner of a larger area of POS located off Greenwich Drive South. Comprises grassed open land adjacent to the highway embankment for the A38. Also includes an area of existing POS to the eastern corner of Mackworth Park, which lies adjacent to an area of trees and features an existing cycleway link. Further to this, the area also includes an area of trees/footway and open space in between the existing POS on Greenwich Drive South and the edge of Mackworth Park.	Y (in part)	New embankment associated with reconfiguration of junction	Comprises an existing area of POS (Greenwich Drive South and Mackworth Park) of high value, but a small proportion of loss in comparison to the remaining unaffected POS in these areas. The remaining area (in-between two designated areas of POS) is not designated currently, but proposed POS within the emerging DCiC Local Plan. This open space includes some areas that whilst accessible, do not enable full access to all potential users of the open space as includes existing wooded and

					planted areas and highway embankment.
<b>Total (Kingsway including rounding)</b>	<b>2,050</b>				
<b>Total (combined)</b>	<b>7,788</b>				

5.1.17 The open space land to be lost as a result of the Scheme as detailed above comprises land that is either designated by DCiC as formal POS (or proposed POS) or there is evidential usage by the public for recreational purposes. For the purpose of considering loss, notwithstanding that the impact is associated with both the Kingsway and Markeaton junctions, the issue is dealt with in overall terms, given that both junctions form part of a single scheme i.e. the A38 Derby Junctions Scheme. A typical approach of the 'worst case' scenario has been followed to ensure that the full impacts are taken into account and that suitable replacement land is provided (which in itself can be considered as equally advantageous) to respond to the loss.

5.1.18 In respect of the loss of open space land, prior to presenting the merits of the replacement land, it is appropriate to consider in more detail the value of the existing open space land and the impact on its functionality in land use terms as a result of that loss.

*Kingsway junction*

5.1.19 The land to be lost at Kingsway comprises in part an existing area of POS that is situated off Greenwich Drive South. This POS land is an attractive and enclosed area of managed open space that is characterised by mature planting, particularly along the boundary with the A38. The loss that is proposed would facilitate an embankment area, adjacent to the new Kingsway junction. The area lost would be around 10% of the total extent of the existing POS and would not impact upon the main and direct access into this land from Greenwich Drive South. Moreover, the accessibility to the overall remaining land would be enhanced, based on the other adjacent land to be lost, due to the footpath links that would be created with Mackworth Park to the South and onward links across the new Kingsway roundabout to the west.

5.1.20 This adjacent land comprises the space between the Greenwich Drive South land and Mackworth Park, which currently comprises a mix of vegetated highway embankment land and another mainly wooded area alongside an existing cycleway that runs along the edge of Mackworth Park. This land is proposed POS, but this designation is to be subject to review within the emerging Derby Local Plan (Part 2). As such, its active usage as open space is not clear, but there is a reasonable suggestion of informal usage given its accessibility from the adjacent cycleway and given it offers a different recreational feature and access is possible.

- 5.1.21 It should be noted at this point that although a loss would occur in this area, a new cycleway/footway link would be provided east to west which would as a minimum maintain (if not enhance) the surrounding links. In this respect open access would be maintained between the Greenwich Drive South POS and Mackworth Park, with onward cycleway and footpath links across the new Kingsway junction. The current benefits of accessibility, the function of the open space land and its links with surrounding green infrastructure would thus continue as a result of the Scheme.

*Markeaton junction*

- 5.1.22 A significant proportion of the land to be lost at Markeaton lies to the outer edge of Markeaton Park. This park is one of only two city parks within Derby and is of high value in this regard and based upon its size, features and various opportunities offered for recreational enjoyment. Markeaton Park is currently linked with an additional area of POS land to the opposite side of the A38 via an existing footbridge (which would be rebuilt in a similar position as a result of the Scheme).
- 5.1.23 One important thing to note is that the POS designation associated with both Markeaton Park and the other POS land referred to above continues up to the edge of the carriageway of the existing A38, and includes the existing highway verge. Whilst the loss that occurs takes land from different areas of this existing POS designation much of it has a very similar characteristic in that it is distinct in appearance from more central areas of the park, with the appearance of highway verge comprising linear patches of grassed land bounded by footway access alongside it. Given the current proximity to the A38, it is much more likely used as a means of access into the more valuable open space land to be found within Markeaton Park and in this regard is a 'means to an end' rather than an area that would be likely actively used and enjoyed for recreational purposes. Whilst the areas to be lost are of different sizes and do comprise different features within them or adjacent, the POS land can generally be considered to be of more limited value for these reasons. This would equally apply to the areas around the replacement footbridge, where the impact is limited to the supporting structure and the landing ramps only. Whilst this does result in a net loss to accommodate a replacement structure, the positioning is very similar to that of the existing structure and in this sense has very little impact on the usability of the designated POS land in this area.
- 5.1.24 Given the extent of Markeaton Park and the fact that all of the loss around the Markeaton junction is on the periphery of the designated POS area, there is unlikely to be significant disadvantage caused to the ongoing use and functionality of these areas and their ongoing use for that purpose will not be threatened in the long term.
- 5.1.25 Equally, the Scheme would help to ensure access is maintained into Markeaton Park with a new single in/out vehicular access and as already referred to above through the provision of a new footbridge linking Markeaton Park with the POS land opposite, which would in turn maintain existing green infrastructure links beyond in respect of land to the south-east.

5.1.26 As detailed in the table above, the total losses of open space land across the Kingsway and Markeaton Junctions comprises approximately 7,788m<sup>2</sup>. The table shown below and the accompanying text presents the proposals for replacement land in accordance with the requirements of the PA 2008.

**Table 5.3: Proposed replacement land**

Location and reference	Amount (m <sup>2</sup> )	Description
Land to the NW of the A38 adjacent to Markeaton Park (SCL Plans Sheet 3) Plots 3/1y, 3/2r.	704	Additional land gained due to the realignment of the A38 next to Markeaton Park.
Land to the NW of the A38 adjacent to Markeaton Park (SCL Plans Sheet 4) Plots 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	Land gained from the demolition of the existing footbridge.
Queensway land SCL Plans Sheet 3 and 4 Plots 3/23, 3/24, 3/25, 3/22c, 3/26, 3/27, 4/3, 4/4, 4/5, 4/6, 4/7a, 4/7b, 4/2b, 4/2c, 4/2d, 4/7c, 4/8, 4/9, 4/10, 4/11, 4/12, 4/13a. (Total)	6,212	Total area that includes the pumping station, pond and access track.
Queensway (Adjusted)	5,560	Minus the area of the pumping station and pond feature. (340.78m <sup>2</sup> and 311.84m <sup>2</sup> respectively). The access track provides accessibility a key aspect of POS provision.
<b>Total land</b> (Queensway adjusted and Land adjacent Markeaton Park including rounding)	<b>6,448</b>	
Additional replacement land – Brackensdale Avenue access link to A38 (SCL Sheet 2) Plots 2/1r, 2/1s, 2/2p, 2/2q, 2/2s, 2/2t.	<b>1,384</b>	Additional land proposed in combination with the Queensway land.
<b>Overall Total (including rounding)</b>	<b>7,832</b>	

- 5.1.27 The land proposed as replacement land under the PA 2008 has been assessed against the relevant DCLG guidance and associated planning policy as contained within the NPSNN. The smallest area of standalone land parcels proposed as replacement land are two areas that comprise a total of 888m<sup>2</sup> that are located to the north-west side of the A38 and immediately adjacent to Markeaton Park and includes land that will be made available as a result of the demolition of the existing footbridge. Whilst making a smaller contribution to the amount of POS land to be lost, they are entirely appropriate to be offered in that they are immediately adjacent to the Park. 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 POS land.
- 5.1.28 The main provision for replacement land would take place at Queensway where there is some 5,560m<sup>2</sup> of land available (once the area of a pumping station and a proposed pond are taken off the total land available). This land is otherwise needed for the Scheme comprising widening of the A38 in this location and would result in the demolition of the existing Queensway properties and the clearance of the site.
- 5.1.29 In relation to proximity of the land to be lost, the replacement land is adjacent to and on the other side of the A38 from the most significant amount of POS land to be lost and therefore performs well in relation to the relative proximity point. This new replacement land would be linked with Markeaton Park by a replacement footbridge, thereby providing for safe and unhindered access. Furthermore, the footbridge would link in directly with a new footpath and cycleway/footway link across the replacement land. The land also has the distinct advantage of providing a more consolidated single area of usable area of POS in comparison to the separated linear strips of land that would be lost around the Markeaton junction. It therefore provides an opportunity to provide a new high quality area of POS that links with the adjacent existing POS land. The links to existing POS are therefore excellent, both with Markeaton Park, the adjacent land and other POS land to the south-east.
- 5.1.30 The proposed replacement land at Queensway would also include various features that seek to encourage its use as an attractive area of POS that include a pond and other landscape features. It is intended that discussions will continue with DCiC to agree the detailed treatment of these areas, with agreement being presented in a SOCG that will be submitted during the examination stage. In order to maximise the amount of replacement land that is available, whilst the pond area is proposed to be developed into an attractive landscaped feature, it is excluded from the calculations of what is provided as replacement land. The pumping station is also excluded from the calculations on the basis that it is not a typical feature to be expected within an area of POS, but it is an important part of the infrastructure of the remodelled highway and cannot be reasonably accommodated elsewhere. This would leave sufficient open areas of land, with similar characteristics to the land to be lost, which is typified by green open spaces, tree planting and other vegetation, with accessibility given by footway/cycle links. As already mentioned above, the replacement land at Queensway will be a consolidated area of land, in comparison to the generally

more linear strips of land to be lost and is thus considered to be equally if not more advantageous than the land to be lost.

- 5.1.31 The other area of proposed 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 access link with the A38. The amount of land available at Brackensdale Avenue totals 1,384m<sup>2</sup> and in any event as a result of the Scheme the highway would be 'broken' up and the area landscaped, given that it would no longer serve as a through highway link. The provision of this replacement land also takes account of the presence of the property no 56 Brackensdale Avenue, with a private means of access maintained to the off street parking area that this property currently enjoys.
- 5.1.32 The replacement land at Brackensdale Avenue would lie adjacent to an area of land that (based on discussions with DCiC) is currently used informally as recreational space and as such does not have a formal designation as POS. 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. As the Scheme would result in the closure of the link with the A38 an opportunity exists to enhance an existing area of land used informally for recreational purposes, by linking it with a new area of new formal POS. The applicant considers that this may encourage DCiC to consider designating this existing land as POS, thereby creating a new consolidated area of formal POS. In this respect, the replacement land would offer excellent links with existing POS land located off Greenwich Drive South and Mackworth Park, but the benefits do not place a reliance on the adjacent being designated as POS. The replacement land at Brackensdale Avenue would in any event be located a short distance away (an approximate five minute walk) from the land to be lost at Greenwich Drive South and the land between this area and Mackworth Park. In respect of the other areas of POS land to be lost at Markeaton Park, the replacement land at Brackensdale Avenue is an approximate 10-minute walk from some of the nearest areas of POS land to be lost around Markeaton Park. In respect of relative proximity, therefore, the opportunities for accessing both areas of replacement land are considered to be reasonable for the local population that are likely to access this land.
- 5.1.33 In respect of the overall provision of replacement land, the total land proposed comprises approximately 7,832m<sup>2</sup> against a total loss of approximately 7,788m<sup>2</sup>. Therefore, there is more land that is being replaced than that which is being lost, with a surplus balance of approximately 44m<sup>2</sup>. Whilst the best practice approach of only taking permanent land which is reasonably needed to deliver the Scheme, Highways England have adopted a more robust approach when it comes to the provision of replacement land.
- 5.1.34 In terms of the Queensway replacement land, this area is in any event needed to deliver the Scheme following the demolition of housing and the clearance of the site and therefore there is no separate requirement to acquire the land specifically to deliver replacement POS land. The identification of this land as replacement land, however, ensures the most efficient use of land that would serve more than a single purpose. Equally, as Brackensdale Avenue currently serves an operational use as highway and this function would not continue in any event as a result of the

Scheme, the proposals for replacement land at this location also make the most efficient use of this land, whilst in both cases minimising the impact on additional parties in relation to the acquisition of land.

- 5.1.35 In addition to the position outlined above which seeks to respond to the requirements of the PA 2008 and associated guidance, the NPSNN sets out the policy position that existing open space land should not be developed unless considered surplus to requirements and having regard to a local authority's assessment of need. Furthermore, it also states that the SoS should not grant development consent for loss of open space land unless the local authority (or another independent party) has undertaken an assessment of need that demonstrates it is surplus to requirements, unless the SoS determines the benefits outweigh the loss, including taking account of any positive proposals provided by the applicant for compensatory land.
- 5.1.36 In this respect, and as already outlined above, Highways England has taken a positive and proactive approach to the provision of replacement open space land. This includes providing more open space land than would be lost to the Scheme and providing a new standalone area of proposed POS and enhancing an existing area of open space land. Taking account of the both quantitative and qualitative considerations the compensatory land provided is considered to outweigh the loss and should be afforded significant weight in the consideration of this issue.
- 5.1.37 In respect of the mitigation of any adverse effects on open space land the NPSNN also states that this should be adequately provided for in terms of planning obligations, for example in respect of maintenance and management agreements associated with exchange land and. Any exchange land should be as least as good in terms of size, usefulness, attractiveness, quality and accessibility. Notwithstanding this, the NPSNN also states that alternatively where Sections 131 and 132 of the PA 2008 apply, any replacement should conform to the requirements of those sections.
- 5.1.38 In respect of maintenance and management of the proposed replacement land, it is anticipated that this the pumping station and pond would be managed and maintained by Highways England, with the remaining land being passed to DCiC who would maintain the open land landscaped areas that would form part of the replacement land to be designated as POS. It is considered (as has already been set out above) that the replacement land is equally as good as the land that it would replace in respect of size, usefulness, attractiveness, quality and accessibility, but it should be noted that the NPSNN explicitly states that the alternative tests that should be met are those set out in the PA 2008 where Sections 131 and 132 of the act apply as is the case of the Scheme and as has already been outlined above.
- 5.1.39 In addition to the permanent areas of land to be lost that would be subject to compulsory acquisition, there are also other areas of open space land that would be subject to compulsory acquisition where temporary possession would be taken, or permanent rights over land would be acquired e.g. for maintenance purposes. This is considered in further detail below.

**Table 5.4: Existing areas of public open space to be used temporarily or permanent rights acquired**

Kingsway, Markeaton and Little Eaton	Amount of loss (m <sup>2</sup> )	Description and plot no.	Type of loss	Designated POS	Reason for loss	Status and current use
Mackworth Park (SCL plans Sheets 1 and 2)	75,599.95	Large area of Mackworth Park POS, adjacent to the A38. (Plots 1/2, 1/1c, 1/1d, 1/4a, 2/1a, 2/1d, 2/1e, 2/5, 2/6)	Temporary use	Y	Ecological mitigation that includes the installation of bat and bird boxes. Temporary possession is needed over a large area to ensure full accessibility of the Park.	High Value existing area of POS that forms Mackworth Park. The ecological mitigation works would take place over a short period of time and would not impact upon the use of the park by the public.
Mackworth Park (SCL plan Sheets 1 and 2)	34,601.28	Large area of Mackworth Park POS (1/4b, 2/1b, 2/1c)	Temporary use with permanent rights acquired.	Y	Additional temporary loss associated with the construction of a buried highway runoff attenuation tank and electricity cable connection with permanent rights acquired for maintenance purposes.	Small area of Mackworth Park which would be temporarily inaccessible, during construction, but the land reinstated following the works. Occasional maintenance access would have little impact to the long term usability of this area following construction works.

<b>Kingsway, Markeaton and Little Eaton</b>	<b>Amount of loss (m<sup>2</sup>)</b>	<b>Description and plot no.</b>	<b>Type of loss</b>	<b>Designated POS</b>	<b>Reason for loss</b>	<b>Status and current use</b>
Greenwich Drive South (SCL Plan Sheet 2)	428.25	Part of the Greenwich Drive South POS plus adjacent land that is proposed POS in the Derby Local Plan (Plots 2/1g, 2/7b, 2/10)	Temporary use	Y (in part)	Access to construct embankment alongside the new Kingsway Junction.	High value area of existing POS. Access would be maintained to the remaining areas of the POS during construction and the land would be returned to POS following completion of the works.
Greenwich Drive South (SCL Plan Sheet 2)	3,409.96	Part of the Greenwich Drive South POS plus adjacent land that is proposed POS in the Derby Local Plan (2/1f, 2/7a, 2/8, 2/9)	Temporary use with permanent rights acquired.	Y (in part)	To create a new footpath link between Mackworth Park and Greenwich Drive South and to undertake utility works.	High value area of existing POS. Access would be maintained to the remaining areas of the POS during construction and the land would be returned to POS following completion of the works. Occasional maintenance access would have little impact upon the ongoing use of the land as POS.

Kingsway, Markeaton and Little Eaton	Amount of loss (m <sup>2</sup> )	Description and plot no.	Type of loss	Designated POS	Reason for loss	Status and current use
Markeaton Park (SCL Plan Sheet 3)	12,710.80	Part of the Markeaton Park POS alongside the vehicular access into the park alongside the A52/A38 (Plots 3/1v,3/1y,3/1z, 3/1aa, 3/2n,3/2q, 3/2r, 3/11)	Temporary use	Y	Temporary possession taken to undertake works to the existing internal road access and associated improvement to the vehicular access into Markeaton Park.	High value area of existing POS, but following completion of the works the land will be returned to use as POS with an improved vehicular access into the park and following the works accessibility and usage of the land would not be affected.
Markeaton Park SCL Plan Sheet 3)	2,465.72	Part of the Markeaton Park POS alongside the vehicular access into the park alongside the A52/A38(Plots 3/1w,3/1x)	Temporary use and permanent rights to be acquired	Y	Temporary possession to be taken to undertake utility works, with the land handed back but with permanent rights acquired for maintenance purposes.	Lower value linear strip to the edge of the park with the land to be handed back following works and only occasional interruption of the active use as POS land for maintenance purposes.
Markeaton Park (SCL Plan Sheet 4)	5,608.31	Part of Markeaton Park adjacent to the A38 (Plots 4/1b and 4/1d)	Temporary use and permanent rights to be acquired	Y	Temporary possession to be taken to undertake utility works, with the land handed back but with permanent rights acquired for	Lower value linear strip to the edge of the park with the land to be handed back following construction works and only

Kingsway, Markeaton and Little Eaton	Amount of loss (m <sup>2</sup> )	Description and plot no.	Type of loss	Designated POS	Reason for loss	Status and current use
					maintenance purposes.	occasional interruption of the active use as POS land for maintenance access.
Markeaton Park (SCL Plan Sheet 4)	12,102.88	Part of Markeaton Park adjacent to the A38 (Plots 4/1c, 4/1e, 4/1f, 4/2e, 4/2f, 4/2g, 4/2h, 4/2i, 4/2j, 4/2m, 4/2n, 4/2o, 4/7d, 4/14, 4/15)	Temporary use	Y	Temporary possession to be taken as part of constructing the replacement footbridge and realigned A38.	Lower value linear strip to the edge of the park to the NW of the A38 and the POS to the SE of the A38, with the land to be handed back following the construction works. The connectivity between these two areas would be impacted over the short term, but accessibility would be reinstated and further enhanced following the replacement footbridge being constructed.
Markeaton Park (SCL Plans Sheets 4 and 5)	101,221.86	Large Section of Markeaton Park to the north west of the A38. (Plots 4/1g, 4/1h 4/2a, 5/1, 5/2 and 5/3a)	Temporary use	Y	Temporary possession to be taken for the purpose of environmental mitigation that would include creation of bat roost	High value portion of the park, but only to be taken temporarily and handed back following the completion

Kingsway, Markeaton and Little Eaton	Amount of loss (m <sup>2</sup> )	Description and plot no.	Type of loss	Designated POS	Reason for loss	Status and current use
					areas and translocation of species rich grassland from the Kingsway Local Wildlife Site (LWS).	of the mitigation works, which in itself will enhance the ecological features in the park.
Little Eaton (SCL Plan Sheet 6)	8,017.17	Ford Lane area of POS (Plot 7/1g)	Temporary use	Y	Temporary possession to be taken for ecological mitigation that includes access to the river Derwent to release fish caught from Dam Brook prior to its diversion.	Valuable area of existing POS, but the main reason for possession is to provide access to the river Derwent and thus much of the usage of the area would remain unaffected.

5.1.40 The above table details the various areas of POS land that will be impacted on a temporary basis. The land affected varies from higher value large sections of POS to smaller less valuable areas in respect of their amenity value. In most cases, the possession will not inhibit the use of the land that surrounds it and in this respect, temporary possession and active use of surrounding areas can reasonably co-exist. This land is only to be taken over the short term and returned back to its former condition following the construction works, or in the case of environmental mitigation works, with an enhanced appearance and/or function. There are also a small number of areas where rights over land will be secured on a permanent basis, following temporary possession. Once again, following the construction works, these areas of land will typically be returned to their former condition. The rights over land are to ensure that Highways England can maintain accessibility to associated infrastructure that support the safe operation of the A38. This access for maintenance purposes, is necessary, but will offer no significant disadvantage to the affected landowners. In the case of temporary loss and acquisition of permanent rights, there is no need to provide replacement land under the provisions of the PA 2008.

- 5.1.41 Further information on the powers needed to provide the replacement land which are done so in accordance with Sections 131 and 132 (4) of the PA 2008 are contained in the Statement of Reasons [**TR010022/APP/4.1**] Development Consent Order [**TR010022/APP/3.1**] and associated Explanatory Memorandum [**TR010022/APP/3.2**], along with the Book of Reference [**TR010022/APP/4.3**].

## 6. The Scheme's alignment with national and local policy

### 6.1 Introduction

- 6.1.1 This Chapter presents an assessment of the compliance of the Scheme against national policy, strategy and Local Planning policy documents. Consideration is given to compliance with the overarching national and local strategic transport policies and how the Scheme accords with sustainable development principles along with securing economic growth.
- 6.1.2 An assessment of the compliance of the Scheme with National and local policy in respect of environmental topics is presented in the NPSNN Accordance Table (**Appendix A**) and the topic specific chapters of the ES [TR010022/APP/6.1].
- 6.1.3 The Scheme is being progressed as a Nationally Significant Infrastructure Project. As a result, the NPSNN for National Networks 2014 is the primary national policy document that should guide a decision on the application and should be given the greatest weight. The role of the RIS in delivering improvements to the Strategic Road Network is also considered in this section. The revised NPPF (2019) also provides overarching guidance and in respect of strategic transport matters. As a result, the Scheme has been reviewed against the policies in the NPPF.
- 6.1.4 Consideration has been given to the compliance of the Scheme with the following national policy documents and adopted Local Planning policy documents:

#### National Policy Documents

- The National Policy Statement for National Networks (2014).
- The Roads Investment Strategy (2015).
- The National Planning Policy Framework (2019).

#### Local planning policy documents

- City of Derby Local Plan Review (2006) (DCiC, 2006).
- Derby City Local Plan – Part 1 Core Strategy (2017) (DCiC, 2017).
- Derby Local Transport Plan LTP3 (2011 - 2026) (DCiC, 2011).
- Derbyshire Local Transport Plan (2011 - 2026) (Derbyshire County Council, 2011).
- Erewash Core Strategy (March 2014) (EBC, 2014), noting that there are some policies saved from the previous 2005 Local Plan (EBC, 2014);

### 6.2 The National Policy Statement for National Networks

- 6.2.1 The National Policy Statement for the National Networks hereafter referred to as the 'NPSNN' sets out the Government's policies on delivering nationally significant infrastructure projects on the road and rail networks within England. It is the most relevant planning policy document guiding decision making by the Secretary of State when considering NSIPs. Compliance with some of key the policies and objectives in the NPSNN is collectively considered within the appended NPSNN

Accordance Table (**Appendix A**), with the main overarching issues considered below.

*National need for improvements to the strategic road network*

6.2.2 Paragraphs 2.1 to 2.11 of the NPSNN set out the summary of need for improvements to the road and rail network. The critical need to improve the national networks to address road congestion and support economic growth is identified. Development of the national road network including the A38 Derby junctions would support and promote national and local economic growth and regeneration by reducing congestion and journey times, increasing capacity and improving journey times. The NPSNN recognises that improving transport links is key to facilitating growth and the Scheme would allow for greater movement of people and goods along the strategic highway network with increased efficiency.

6.2.3 Moreover, the Government has concluded that there is an overriding need for development of the national networks in paragraph 2.10 of the NPSNN by confirming that:

*'The Government has therefore concluded that at a strategic level there is a compelling need for development of the national networks – both as individual networks and as an integrated system. The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPSNN on that basis.'*

6.2.4 The A38 Derby Junctions Scheme is a part of the national network and strategically important to the region and beyond. The Scheme should therefore be afforded significant weight in its important contribution to the development of and integration with the national networks. This is a key consideration that offers clear support to the Scheme.

6.2.5 Paragraph 2.2.3 of the NPSNN states that the Government's wider policy is to bring forward improvements and enhancements to the network which will include (amongst other means) junction improvements, new slip roads and upgraded technology to:

*'Address congestion and improve performance and resilience at junctions, which are a major source of congestion.'*

6.2.6 The Scheme is being delivered due to an acknowledged problem with traffic congestion as a result of conflict between strategic traffic movements passing through the area and local trips. As a grade separated junction improvement, the Scheme would deliver congestion relief and increase the resilience of the junctions through adding extra capacity. In this respect, the Scheme directly supports the objectives of paragraph 2.2.3.

*Environmental and social effects*

6.2.7 Section 3 of the NPSNN sets out the Government's wider policies for the national networks, recognising that in addressing need, consideration should be afforded to related policies on economic performance, environment, safety, technology, sustainable transport and accessibility.

- 6.2.8 Under the heading of Environment and Social Impacts, paragraph 3.2 acknowledges that the development of the road networks should be designed to minimise social and environmental impacts and improve quality of life. Paragraph 3.3 outlines that the Government expects applicants to avoid and mitigate environmental and social impacts in accordance with the principles of the NPPF. The potential environmental impacts of the Scheme have been assessed in each individual topic chapter of the ES [TR010022/APP/6.1].
- 6.2.9 As set out above the Little Eaton junction is located in the Erewash Green Belt and in Flood zone 2 and 3 where the risk of flooding is higher. The Derwent Valley Mills World Heritage Site is also located west of the Little Eaton junction. The environmental assessments have identified that the construction and operational phases of the Scheme have the potential to result in significant adverse effects for noise and vibration at some sensitive receptors located close to the Scheme. Consequently, the provisions in the NPSNN in respect of Green Belt, World Heritage sites, flood risk and noise are considered to be of key importance and are considered in more detail below. The compliance of the Scheme with policies in respect of other environmental and social matters are considered in the topic chapters of the ES [TR010022/APP/6.1].

*Green belt*

- 6.2.10 Of the 3 junctions, the Little Eaton junction is the only one located in the Erewash Green Belt. The existing section of the A38 at Little Eaton is also located within the Green Belt. Paragraph 5.164 of the NPSNN states that the fundamental aim of the Green Belt is to prevent urban sprawl, and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 5.164 also states that further information on the protection of the Green Belt can be found within the NPPF. Paragraph 5.170 of the NPSNN sets out that there is a general presumption against inappropriate development within the Green Belt and such development should only be approved in very special circumstances. Notwithstanding this, Paragraph 5.171 acknowledges that:

*'Linear infrastructure linking an area near a Green Belt with other locations will often have to pass through Green Belt land. The identification of a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt and as far as possible, of the need to contribute to the achievement of the objectives for the use of land in Green Belts. '*

- 6.2.11 Paragraph 5.178 states that when located in the Green Belt, National networks infrastructure projects may comprise inappropriate development. There is a presumption against inappropriate development in the Green Belt unless very special circumstances exist. However very special circumstances will not exist unless potential harm to the Green Belt is clearly outweighed by other considerations.
- 6.2.12 Taking the points in the NPSNN paragraphs 5.164 and 5.178 into account an assessment of the Scheme against NPSNN Green Belt policy objectives has been carried out. This assessment considers:
- whether the Scheme contravenes the fundamental aims and objectives of the Green Belt,

- whether the Scheme constitutes inappropriate development in the Green Belt,
- whether there are very special circumstances that support development within a Green Belt location, and
- whether the very special circumstances outweigh any potential harm to the Green Belt.

*Objectives of the green belt*

6.2.13 Paragraph 5.164 of the NPSNN provides that the fundamental aim of the Green Belt is to prevent urban sprawl, and that the essential characteristics of Green Belts are their openness. Linking into and as stated within the NPPF the purposes of the Green Belt are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

6.2.14 The proposed improvements to the Little Eaton junction would not enable or encourage the sprawl of large built up areas. The improvements to the Little Eaton junction do not include new built development such as housing, employment or industrial land uses and are being promoted to increase traffic capacity and make journey time more reliable. The junction improvements do not include provision of new access points directly into new development sites.

6.2.15 The proposed improvements to the Little Eaton junction would not contravene the purpose of the Green Belt to prevent neighbouring towns merging. The Scheme does not include built development such as residential, employment or industrial land that would directly involve the expansion and merging of towns and/or joining of settlements.

6.2.16 The potential visual effects of the Scheme have been taken into account in the landscape character assessment included in Chapter 8: Landscape and Visual Impact Assessment in of the ES [TR010022/APP/6.1]. The assessment concluded that the Scheme would not inherently harm the openness of the Green Belt, noting that the landscape in this area is already affected by the presence of the existing A38 highway infrastructure. The improvements to the Little Eaton junction make use of the existing highway infrastructure, albeit that it would be necessary to make use of some adjacent land in the Green Belt which is previously undeveloped. The use of land within the existing highway boundary has allowed the design to minimise the use of surrounding land, which is outside the highway boundary. The design for the Scheme has been undertaken to minimise footprint of the junction improvements, however it should be recognised that the footprint of the Scheme incorporates the land necessary to deliver the junction improvements e.g. suitable slope gradients for embankments and other essential areas of land needed for landscape mitigation.

6.2.17 There are no historic towns in the vicinity of the Scheme and therefore the Scheme would not affect the setting and special character of historic towns.

6.2.18 It is considered that the Scheme would not conflict with any of the fundamental aims and objectives of the Green Belt, which seek to protect the countryside, maintain the openness of the Green Belt and prevent unrestricted urban sprawl and neighbouring towns merging together.

*Does the Scheme constitute inappropriate development in the green belt?*

6.2.19 Paragraph 5.178 of the NPSNN states that when located in the Green Belt, National networks infrastructure projects may comprise inappropriate development which there is a presumption against. Notwithstanding this, it should also be noted that the NPPF acknowledges at paragraph 146 (c) that local transport infrastructure that can demonstrate a requirement for a Green Belt location can be considered as appropriate development. Whilst the Scheme by its nature is an NSIP, and thus there is a national basis in respect of need, it is also considered that the same principles of paragraph 146(c) equally apply to the Scheme, in that it comprises improvements to an existing highway located within the Green Belt and there is therefore a clear requirement for a Green Belt location. As such, there is no sequential alternative for the Scheme to be located outside of the Green Belt. Accordingly, the scheme is considered to represent appropriate development within the Green Belt.

6.2.20 Moreover, as already considered above, the Scheme does not conflict with the fundamental objectives of Green Belt policy and taking these collective matters into account, the Scheme is considered to represent 'appropriate' development within the Green Belt.

*Do very special circumstances for the green belt location and does this outweigh the harm?*

6.2.21 If it is determined that the Scheme constitutes inappropriate development in the Green Belt then it is considered that very special circumstances for the Scheme exist. The Green Belt designation covers a wide area to the north, east, south and west of the Little Eaton junction. As a result, it would not be feasible to improve the Little Eaton junction using land that is outside of the Green Belt. Given the current alignment of the A38, there are no sequentially alternative options to deliver the Scheme in a non-Green Belt location.

6.2.22 There is overriding national policy support in the NPSNN for the improvement and enhancement of infrastructure to deliver improvements to a strategic and regionally important route. This weighs significantly against the presumption to avoid 'inappropriate' development in the Green Belt. The Scheme is identified by the DfT in the RIS as a committed scheme with secure government funding in place. In addition, policies within the Derby City Local Plan – Core Strategy and the LTP3 acknowledge an overriding the need for improvements to the junctions.

- 6.2.23 The Scheme would deliver significant benefits in respect of relieving of traffic congestion, supporting the integration and improvement of part of the national networks of road infrastructure and supporting development and growth in and around Derby and the surrounding areas. Collectively, these issues should be afforded material weight as very special circumstances, which would outweigh any perceived harm should the Scheme be considered inappropriate development in the Green Belt.
- 6.2.24 Overall, it is considered that the Scheme does not conflict with the five fundamental aims of the Green Belt as set out in the NPPF, nor would there be material harm to the openness of the Green Belt. As acknowledged by the NPSNN in certain circumstances delivering infrastructure improvements would necessitate development within a Green Belt location, as in the case of the Scheme, where there is no viable alternative. Taking into account that the Scheme is located within an existing established corridor of highway infrastructure and that the design seeks to minimise the outward encroachment into the Green Belt, it is considered any impacts would be minimised, so far as has been reasonably possible. If it is determined that the Scheme constitutes inappropriate development in the Green Belt then there are considered to be very special circumstances that exist, which outweigh any perceived harm to the Green Belt.

*World heritage sites*

- 6.2.25 The Derwent Valley Mills WHS is located to the west of the Little Eaton junction and part of the Scheme which is located west of the Midland Mainline railway line is within the WHS and as a result, the policies in the NPSNN for the conservation and protection of world heritage sites are of particular importance. Paragraphs 5.126, 5.127 and 5.133 of the NPSNN concern the conservation of the historic environment and require applicants to undertake an assessment of any potential impacts on significant heritage assets. An assessment of the potential effects to heritage assets has been undertaken as part of the EIA and reported in Chapter 6: Cultural Heritage of the ES [TR010022/APP/6.1]. A Heritage Impact Assessment (HIA) has also been undertaken in respect of the Scheme, which is provided in the ES Appendices (ES Appendix 6.1) [TR010022/APP/6.3].
- 6.2.26 As detailed in the HIA the WHS Management Plan states that transportation within the WHS 'must be managed in an effective and sustainable manner so that this historic fabric, landscape and communities will be protected from environmental damage whilst safeguarding the needs of the residents and other users of the transport system, including visitors' (WHS Management Plan, para 11.1.1, p. 45).
- 6.2.27 The WHS Management Plan also acknowledges that 'many of the transport links within the property have a clear link to its OUV. The canal, railway and the A6 have played a key role in its development' (WHS Management Plan. Para.11.2.1, p46). Similarly the Scheme would ensure that transportation links continue to have a role within the development of Derby.

- 6.2.28 In respect of the policy objectives of the WHS Management Plan, the HIA concludes that “The design of the Scheme has been developed with regard to and accords with the relevant aims and policies set out in the 2014 WHS Management Plan.” It goes on to conclude that: “The Scheme has been assessed as having a slight adverse effect on the OUV of the WHS (i.e. a negligible impact upon an asset of very high value). In national policy terms, this would be categorised as being of less than substantial harm to the WHS”.

*Flood risk*

- 6.2.29 Parts of Little Eaton junction are located in flood zone 2 and 3, while the Kingsway and Markeaton junctions are predominantly located in flood zone 1 (although parts of Kingsway junction are located within flood zone 3 due to flooding risks associated with Bramble Brook). Policy 5.91 in the NPSNN sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The policy goes on to state that where development is necessary, it should be made safe without increasing flood risk elsewhere. Policies 5.92 to 5.94 in the NPSNN require that flood risk assessments are undertaken for Schemes located flood zones 1, 2 and 3.
- 6.2.30 Due to flood risks associated with Bramble Brook at Kingsway junction, the Scheme design includes flood storage areas which appropriately manage flood risk. The Scheme at Little Eaton junction would unavoidably take place within the floodplain as the use of a location outside the floodplain is not available. The Scheme has been designed to ensure that flood risk to people and property would be managed satisfactorily. Flood modelling and flood risk assessments [TR010022/APP 7.1] have been undertaken for each of the junctions to demonstrate the potential impacts of the Scheme and identify and design appropriate mitigation measures. The Scheme design includes suitable floodwater storage mitigation and floodplain compensation provisions. The methodology and findings of the flood risk assessments are also presented in ES Chapter 13: Road Drainage and Water Environment [TR010022/APP 6.1].

*Noise and vibration*

- 6.2.31 Paragraphs 5.189, 5.190 and 5.191 of the NPSNN require that a noise assessment is undertaken where a development is subject to an EIA or may result in significant noise impacts. A noise assessment has been carried out in respect of the Scheme and is presented in Chapter 9: Noise and Vibration of the ES [TR010022/APP 6.1]. The assessment includes consideration of mitigation such as construction working practices and noise barriers which has been embedded into the design for Scheme. The conclusion of the noise assessment is that significant adverse construction noise and vibration annoyance effects are anticipated at the closest receptors to the Scheme. This includes receptors between Kingsway junction and Kedleston Road junction, at the Ford Farm Mobile Home Park and adjacent to the works at the floodplain compensation area to the west of Little Eaton junction. Significant construction traffic effects are also anticipated in a small number of locations during some traffic management scenarios. This would be due to anticipated re-routing of local traffic. During the operational phase, it is anticipated that there would be a slight increase in operational traffic flows and therefore traffic noise.

- 6.2.32 Only one receptor the Royal School for the Deaf is anticipated to experience a moderate (significant) increase in traffic noise. This effect would be restricted to the north east façades of Lydia House which are the worst affected and used by boarding pupils during the week, and at the Karten building which is used for offices and meeting rooms. Reductions in operational traffic noise are anticipated at a number of other receptors along the A38.
- 6.2.33 Conformance of the Scheme with the policies in the NPSNN in relation to topic based chapters of the ES [TR010022/APP/6.1] is provided in this Planning Statement. Where an assessment predicts that adverse effects may occur, then either the design of the Scheme has been modified or mitigation measures have been put in place to reduce the significance of effect wherever possible.
- 6.2.34 While best endeavours have been made to design the Scheme and embed mitigation, it has not been possible to avoid significant adverse local effects for all aspects of the Scheme.
- 6.2.35 Paragraph 3.4 of the NPSNN recognises that some developments will have adverse impacts on noise, emissions, landscape and visual amenity, biodiversity, cultural heritage and water resources. The paragraph goes on to state that whilst applicants should deliver developments in accordance with Government policy respecting environmental sensitivity (including recognising opportunities to deliver benefits) it is acknowledged that:

*'some adverse local effects of development may remain.'*

#### *Air quality*

- 6.2.36 Paragraphs 3.6 to 3.8 of the NPSNN relate to emissions, with paragraph 3.6 acknowledging that transport will play a key role in supporting the Government's legally binding carbon targets and other environmental targets. Notwithstanding this, paragraph 3.8 confirms that: 'The impact of road developments on aggregate levels of emissions is likely to be very small.' The emissions associated with the construction and operation phases of the Scheme have been assessed and are presented in Chapter 5: Air Quality and Chapter 14: Climate of the ES [TR010022/APP/6.1]. The Air Quality assessment has considered the generation of emissions during the construction and operation phases and concluded that the Scheme would not result in significant adverse effects. The climate assessment presents an estimate of the carbon emissions associated with the construction and operational phases of the Scheme. The climate assessment concludes that in the context of relevant UK carbon budgets, the emissions associated with the Scheme during construction and operation are not deemed significant.

#### *People and communities*

- 6.2.37 Under the heading of Sustainable Transport, paragraph 3.17 of the NPSNN acknowledges the direct role of the national road network in helping both pedestrians and cyclists, with the Government expecting applicants (where possible) to address the needs of both cyclists and pedestrians in the design of new Schemes. Furthermore, the Government expects applicants to identify opportunities to invest in infrastructure in locations where the national road networks severs communities and acts as a barrier to cycling and walking.

- 6.2.38 Consideration has been given to the inclusion of suitable pedestrian and cycling facilities in the design of the Scheme. The objective of the design was to provide at least the equivalent amount of pedestrian and cycling facilities as those currently present at the A38 Derby Junctions. An assessment of the existing and facilities for pedestrians and cyclists and the effect of the Scheme is presented in Chapter 12: People and Communities of the ES [TR010022/APP/6.1].
- 6.2.39 Under paragraph 3.19 of the NPSNN, Accessibility, it is stated that the Government is committed to creating a more accessible and inclusive transport network. Paragraphs 3.20 and 3.21 explain the Government's strategy for improving accessibility for all with applicants being expected to (wherever possible) take account in their design all those who use or are affected by national networks infrastructure including disabled users. In this regard, applicants are expected to comply with any obligations under the Equalities Act 2010. The design for the Scheme takes into account that the junctions should provide an accessible and inclusive transport network and to make provision for disabled users. Again, Chapter 12: People and Communities of the ES [TR010022/APP/6.1] includes consideration of the Scheme and its accessibility to disabled users. During construction, suitable footpath diversions would be provided for use by a range of pedestrians and other non-motorised users. During operation, new and improved facilities would improve connectivity for pedestrians and cyclists at Kingsway and Markeaton junctions increasing opportunities for active travel for all. This is a beneficial impact that can be shared by groups with protected characteristics including children, young people, older people and people with disabilities. An Equalities Impact Assessment has also been produced and forms part of the DCO submission [TR010022/APP/6.8].

*Assessment principles*

- 6.2.40 Section 4 of the NPSNN provides the principles for assessment of schemes and the general policies in accordance with which applications for national network infrastructure should be determined. Paragraph 4.2 confirms that subject to the provisions of the NPSNN (and that of the 2008 Planning Act):
- 'There is a presumption in favour of granting development consent for national network NSIPs that fall within the need for infrastructure established in this NPS.'*
- 6.2.41 The Scheme is an NSIP, forming part of the national networks and as such there is a presumption in favour of granting development consent.
- 6.2.42 Paragraph 4.1 of the NPSNN, details that in considering any development, in particular weighing against any adverse impacts, the Examining Authority and the Secretary of State should take into account:
- 'its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;*
- its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.'*

- 6.2.43 Paragraph 4.5 of the NPSNN, advises that applications for road and rail projects should normally be supported by a business case based upon DfT business case and WebTAG guidance. This evidence is important for ‘weighing’ the adverse impacts and benefits of the development. Further to this paragraph 4.6 advises that road and rail projects should be supported by a local transport model to ensure that sufficiently accurate detail of the impacts of a project are reported.
- 6.2.44 An economic appraisal has been carried out in respect of the Scheme, a summary of which is included in Chapter 4 of this Planning Statement. The purpose of the economic assessment is to ensure that the Scheme provides an adequate level of value for money. The economic assessment has been undertaken using the TUBA economic appraisal program and COBALT accident appraisal program. The economic assessment takes into account the benefits and disbenefits associated with the Scheme and attributes a monetised cost to each benefit and disbenefit based on the findings of the traffic and environmental assessments. A positive cost is presented where a particular aspect of the Scheme would result in a benefit e.g. an improvement in air quality and a negative cost is presented where the Scheme would have a negative effect e.g. an increase in noise levels which would result in an adverse effect at receptors. This method takes account of the effect of various criteria including; the effect of noise, air quality, greenhouse gases, traffic accidents, business transport users, commuters and other transport users, indirect taxes, government funding and journey reliability. The total value of these monetised benefits is calculated and compared with the cost for the construction and implementation of the Scheme to obtain a ratio. This ratio is often referred to as the BCR and provides an indication of whether the Scheme presents a sufficient level of benefits to be considered as good value for money.
- 6.2.45 The BCR for the Scheme has been calculated as part of the economic assessment as set out within Chapter 4 of this Planning Statement. The BCR is a comparison of the cost to construct and implement the Scheme compared with the cost of any derived benefits from the Scheme. The economic assessment concluded that the Scheme would derive a BCR of 2.6. This ratio indicates that the Scheme may result in cost benefits that are 2.6 times greater than the funding necessary to construct and implement the Scheme. The cost of 2.6 is categorised as providing high value for money.
- 6.2.46 Paragraph 4.11 describes the fact that the NPSNN deals with linear infrastructure and that these types of infrastructure differ from other forms in that:
- ‘These networks are designed to link together separate points. Consequently, benefits are heavily dependent on both the location of the network and the improvement to it.*
- Linear infrastructure is connected to a wider network, and any impacts from the development will have an effect on pre-existing sections of the network.*
- Improvements to infrastructure are often connected to pre-existing sections of the network. Where relevant, this may minimise the total impact of development, but may place some limits on the opportunity for alternatives.’*

6.2.47 Paragraph 4.13 of the NPSNN relates to the location of new infrastructure development stating that:

*'This NPS does not identify locations at which development of the road and rail networks should be brought forward. However, the road and rail networks provide access for people, business and goods between places and so the location of development will usually be determined by economic activity and population and the location of existing transport networks.'*

6.2.48 Under the heading of EIA, paragraphs 4.15 to 4.25 summarise the approach to undertaking EIA for NSIPs as directed by the National Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Paragraph 4.15 refers to the fact that significant effects should be reported within an ES [TR010022/APP/6.1] and details measures for avoiding or mitigating adverse impacts. It also refers to the fact that in the NPSNN the terms 'effects' 'impacts' or 'benefits' should accordingly be understood to mean likely significant effects, impacts or benefits. This approach has been taken into account when undertaking the EIA process and producing the ES.

6.2.49 Paragraphs 4.26 and 4.27 of the NPSNN relate to alternatives with the former stating that applicants should comply with all legal and any policy requirements as set out within the NPSNN. The EIA Directive requires that projects with significant environmental effects include an outline of the main alternatives considered and an explanation of the main reason for the applicant's choice taking into account environmental effects.

6.2.50 Paragraph 4.27 of the NPSNN explains that all projects should be subject to an options appraisal which should consider viable modal alternatives and may also consider other options. It also states that where projects have been subject to full options appraisal in achieving their status within road or rail investment strategies, option testing need not be considered by the Examining Authority or the decision maker. For national road and rail schemes, proportionate consideration of alternatives is undertaken as part of the investment decision-making process. Accordingly, the Examining Authority and the decision maker need only be satisfied that this assessment has been undertaken. Alternative design iterations have been considered during the development of the Scheme design. The design iterations and reasons for rejecting each option are set out in Section 3 of this Planning Statement along with the Consultation Report [TR010022/APP/5.1] and Chapter 3: Scheme History and Assessment of Alternatives of the ES [TR010022/APP/6.1].

6.2.51 Under the title of Criteria for Good Design for National Network Infrastructure, paragraph 4.28 of the NPSNN confirms that applicants should include design as an *'integral consideration from the outset of a proposal.'* Paragraph 4.29 explains that visual appearance is a key factor in considering the design of new infrastructure along with functionality, fitness for purpose and, sustainability and cost further stating that:

*'Applying "good design" to national network projects should therefore produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.'*

6.2.52 Paragraph 4.30 of the NPSNN goes on to explain that:

*'It is acknowledged however, that given the nature of much national network infrastructure development, particularly SRFIs, there may be a limit on the extent to which it can contribute to the enhancement of the quality of the area.'*

6.2.53 Paragraph 4.32 of the NPSNN explains that Scheme design will be a material consideration in decision making with the Secretary of State being satisfied that projects are sustainable and as aesthetically sensitive, durable, adaptable and resilient as can be reasonably expected, having regard to regulatory and natural constraints.

6.2.54 The Scheme design, aesthetics and appearance along with any landscape mitigation is set out in Chapter 7: Landscape and Visual Impact Assessment of the ES [TR010022/APP/6.1].

6.2.55 Under the title of Climate Change Adaptation paragraph 4.36 confirms that Section 10 (3) of the Planning Act requires the SoS to have regard to the desirability of mitigating, and adapting to climate change in designating an NPSNN.

6.2.56 Paragraph 4.38 of the NPSNN, explains that adaption is necessary to deal with the potential impacts of climate change and that new development should be planned to avoid increased vulnerability to the range of impacts associated with climate change.

6.2.57 Paragraph 4.40 of the NPSNN acknowledges that new national network infrastructure will need to remain operational over a period of several decades and therefore climate change should be taken into account in the planning design and operation of this infrastructure. Further to this, paragraph 4.41 explains that transport infrastructure with safety critical elements and a lifespan of greater than 60 years should apply the UK Climate Change projections 2009.

6.2.58 The effects of climate change have been considered as part of the EIA for the Scheme. The methodology and findings of the assessment are presented in Chapter 14: Climate of the ES [TR010022/APP/6.1].

6.2.59 Paragraph 4.49 of the NPSNN relates to pollution control and other environmental protection advising that the planning and pollution control systems are separate but complimentary. Paragraph 4.50 of the NPSNN, explains that in deciding an application, the Examining Authority and the Secretary of State should focus on:

*'Whether the development is an acceptable use of land, and the impacts of that use, rather than the control of processes, emissions or discharges into themselves.'*

- 6.2.60 Paragraph 4.50 of the NPSNN explains that the Secretary of State should be satisfied that development consent can be granted having taken full account of environmental impacts. This matter is considered further in the Consents and Agreements Position Statement, which forms part of the DCO submission [TR010022/APP/3.3]. Full account has been taken of the potential environmental impacts associated with the Scheme by undertaking an EIA, with the findings presented in the ES [TR010022/APP/6.1]. The scope of the assessment was agreed with stakeholders before undertaking the assessments and a Scoping Opinion was sought from the Planning Inspectorate [TR010022/APP/6.5].
- 6.2.61 Under the title of Road Safety paragraph 4.60 of the NPSNN states that new highways developments provide an opportunity to make significant safety improvements and that with good design highway developments can potentially generate significant accident reduction benefits.
- 6.2.62 Paragraph 4.64 of the NPSNN sets out the importance of safety stating that applicants should be able to demonstrate their scheme's consistency with the Highways Agency's<sup>2</sup> Safety Framework for the Strategic Road Network and the national strategic framework for Road Safety. This should include all reasonable steps to minimise death and injury arising from their development along with contributions to an overall reduction in road casualties, unplanned incidents and improvements in road safety for walkers and cyclists.
- 6.2.63 The Scheme provides a number of safety improvements and it is anticipated that this would lead to a reduction in accidents, as mentioned earlier. This is reflected in the economic appraisal report, which demonstrates that the Scheme would result in a benefit for safety. The design for each junction has been carried out in accordance with standards set out in the Design Manual for Roads and Bridges (DMRB). Where the design departs from the DMRB standard then these elements have been reviewed and approved by Highways England. The Highways Agency's Safety Framework for the Strategic Road Network and the national strategic framework for Road Safety have been adhered to.
- 6.2.64 Paragraphs 4.79 to 4.82 of the NPSNN relate to health with paragraph 4.79 stating that road networks have the potential to affect the health, well-being and quality of life of the population through impacts such as traffic, noise, vibration, air quality and emissions amongst other things. Paragraph 4.81 states that where a project has significant impacts that could affect people, the ES should identify and set out the assessment of any significant health impacts. Further to this, paragraph 4.82 states that the applicant should (as appropriate) identify measures to avoid, reduce or compensate for adverse health impacts, which should include the cumulative impacts on health. Chapter 12: People and Communities of the ES presents the findings of the assessment of health and wellbeing resulting from the Scheme [TR010022/APP/6.1].

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<sup>2</sup> Highways Agency was replaced by Highways England in April 2015. The Secretary of State appointed Highways England (the "Licence holder") as a strategic highways company by way of an Order in accordance with Section 1 of the Infrastructure Act 2015. The Licence came into force on 1 April 2015.

*Consideration of generic impacts*

- 6.2.65 Section 5 of the NPSNN refers to generic impacts with paragraph 5.1 stating that some impacts will be relevant to any national networks infrastructure. Paragraphs 5.2 states the importance of maintaining sufficient relevant information to support decision making, particularly where formal assessment (such as EIA) is required. To avoid delay, early discussion with statutory environmental bodies is encouraged. Discussion with statutory environmental bodies and environmental organisations was carried out when undertaking the assessments as part of the EIA.
- 6.2.66 The topics covered within Section 5 of the NPSNN include the following:
- Air quality.
  - Carbon emissions.
  - Biodiversity and ecological conservation.
  - Waste management.
  - Civil and military aviation and defence interests.
  - Coastal change.
  - Dust, odour, artificial light, smoke, steam.
  - Flood risk.
  - Land instability.
  - The historic environment.
  - Landscape and visual impacts.
  - Land use including open space, green infrastructure and Green Belt.
  - Noise and vibration.
  - Impacts on transport networks.
  - Water quality and resources.
- 6.2.67 Compliance with the relevant policies and objectives in the NPSNN is set out in part within the topic-based chapters of the ES [TR010022/APP/6.1], but in greater detail within the NPSNN Accordance Table presented as **Appendix A** to this Planning Statement.
- 6.2.68 The accordance table as presented in **Appendix A** indicates that, based on the findings of the ES [TR010022/APP/6.1], there are a few significant impacts from the Scheme, notwithstanding the application of recognised mitigation. The main matters are summarised below with further information also provided within Chapter 16: Summary of Residual Effects of the ES [TR010022/APP/6.1]:

- A significant adverse effect is predicted for construction noise and vibration annoyance effects at the closest receptors to the construction works between Kingsway junction and the Kedleston Road junction, and at Little Eaton junction and works at the floodplain compensation area to the south of the A38 (west of the River Derwent). This is due to the close proximity of receptors to construction activities. To reduce the effect the noise assessment includes a range of mitigation measures which are detailed in Chapter 9: Noise and Vibration of the ES [TR010022/APP/6.1] and would be set out in the Construction Environmental Management Plan (CEMP), as based upon the OEMP [TR010022/APP 6.12]. Such measures would include selection of quiet and low vibration construction equipment, review and construction programme, provision of enclosures around static plant and the use of less intrusive vehicle reverse warning signals. Notwithstanding the application of appropriate mitigation, the effects would remain as significant adverse at these identified receptors.
- It is anticipated that the Scheme would result in significant adverse effects at the Royal School for the Deaf during the operation of the Scheme due to an increase in traffic noise. This effect would be restricted to a limited number of facades of Lydia House and the Karten building. Acoustic mitigation in the form of a noise barrier would be implemented along the Scheme boundary with the Royal School for the Deaf. Notwithstanding the application of appropriate mitigation, the effects would remain significant adverse.

### 6.3 The National Planning Policy Framework

- 6.3.1 The NPPF was first published in March 2012 with the current version produced in February 2019. The NPPF sets out the Government's planning policies for England and how they should be applied. The NPPF is a material consideration when determining planning applications. The NPPF highlights in paragraph 5 that the NPPF does not contain specific policies for nationally significant infrastructure projects (NSIP) and that such projects should be determined in accordance with the Planning Act 2008 (as amended), the relevant National Policy Statement and any other policy documents which are considered to be of relevance (which may include relevant aspects of the NPPF). As such, relevant parts of the NPPF are considered below.

#### *Sustainable development*

- 6.3.2 Chapter 2 of the NPPF relates to achieving sustainable development and paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The paragraph goes on to state that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

6.3.3 The NPPF sets out in paragraph 8 that there are three overarching objectives to achieving sustainable development, all of which are interdependent. The objectives are:

*'a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

6.3.4 During the operational phase, the Scheme would fulfil the economic objective of sustainable development by providing the reliable infrastructure required to help build a strong, responsive and competitive economy which would support economic growth by reducing congestion and improving journey times and journey reliability along the route. This would assist the movement and transportation of goods and the workforce along the route and unlock/facilitate the development of sites in the Derby and surrounding areas.

6.3.5 The Scheme would fulfil the social objective of sustainable development by supporting strong vibrant and healthy communities. The junction improvements would separate local and strategic traffic to improve flow of traffic, reduce congestion and improve journey times. The design includes new areas of public open space to ensure that there is no net loss in public open space. Landscaping to integrate the junctions with the surrounding landscape along with areas of biodiversity and habitat creation are included in the Scheme design. As a minimum, the same amount of pedestrian and cycle routes would be provided at the existing junctions in order to maintain connectivity between communities and to provide the opportunity make use of sustainable methods of transport. The setting of these routes would be improved to provide safe routes for travel and would promote an active and healthy means of travel. It is considered that the integration of these aspects to the design of the Scheme contribute towards the health, social and cultural well-being of the community and fulfil the social objective of sustainable development.

- 6.3.6 It is considered that the Scheme would reflect the environmental objective of sustainable development. The effect of the junction improvements on the environment has been assessed by undertaking an EIA which takes into account the baseline conditions and the effects of the proposals. Where necessary the design of the Scheme has been revised to preserve or enhance the environment. Where necessary mitigation is proposed to reduce the potential effect on the environment. The design seeks to avoid sensitive receptors as a starting position, however where it has not been possible to avoid sites of biodiversity value for example then areas of new habitat would be created. Opportunities to enhance the environmental aspects of the Scheme have been taken by integrating suitable planting and landscaping to provide biodiversity enhancements. Where appropriate, surface water drainage would utilise sustainable drainage system features. The design integrates measures to adapt to climate change. This includes the use of suitable materials to adapt to the changing climate and to accommodate increased rainfall patterns and flood events.
- 6.3.7 The Scheme has been developed to meet an identified need to improve the existing strategic highway network to provide additional capacity and overcome congestion and reduce delays at the junctions and to accommodate and support growth in the number of vehicle movements along the strategic route. The need to maintain and enhance the strategic road network is supported in the NPSNN, which is the overarching policy document in respect of the Scheme and should therefore be afforded the greatest material weight.
- 6.3.8 It is considered that the Scheme meets the requirements of the economic, social and environmental objectives of sustainable development as set out in paragraph 8 of the NPPF and as such meets with the core objectives of delivering sustainable development.
- A strong and competitive economy*
- 6.3.9 Chapter 6 of the NPPF concerns building a strong and competitive economy. Paragraph 80 states that:
- 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'*
- 6.3.10 The Scheme would strengthen the existing strategic road network and would reduce congestion and journey times. It would make journey times more reliable and provide confidence in the network for commuters and business users transporting goods and providing services in the area. The Scheme would therefore assist in creating the conditions in which businesses have the confidence to invest and expand. A number of innovative global businesses are located in and around Derby and the Scheme would potentially support economic growth and productivity of these and other businesses in the region.

### *Sustainable transport*

- 6.3.11 Chapter 9 of the NPPF is titled Promoting Sustainable Development and states in paragraph 102 that transport issues should be considered at the earliest stages of development proposal in order for:
- 'a) the potential impacts of development on transport networks can be addressed;*
  - b) opportunities from existing or transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
  - c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
  - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
  - e) patterns of movement, streets, parking and other transport considerations are integral to the design of Schemes, and contribute to making high quality places.'*
- 6.3.12 The potential impact of the Scheme has been assessed in detail in an EIA, the methodology and findings of which have been reported in the ES [TR010022/APP/6.1]. The Scheme includes safer and more appealing routes for use by pedestrians and cyclists to promote non-motorised methods of travel between local communities. While the primary function of the design is to improve the strategic highway network, the design also incorporates measures to assimilate the junction improvements with the local landscape and environment and provide a sense of a high quality place and setting.

### *Green belt*

- 6.3.13 Chapter 13 of the NPPF (Protecting Green Belt Land) sets out that the Government attaches great importance to the Green Belt and that the fundamental aim of this designation is to prevent urban sprawl by keeping land permanently open. The Little Eaton junction is located within the Erewash Green Belt and so Green Belt policy is a relevant consideration. The Kingsway and Markeaton junctions are not located within the Green Belt.
- 6.3.14 Paragraph 134 of the NPPF states that the Green Belt serves five purposes:
- 'a) to check the unrestricted sprawl of large built-up areas;*
  - b) to prevent neighbouring towns merging into one another;*
  - c) to assist in safeguarding the countryside from encroachment;*
  - d) to preserve the setting and special character of historic towns; and*
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*
- 6.3.15 Paragraph 143 of the NPPF provides that:
- 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

- 6.3.16 Paragraph 146 of the NPPF provides that there are certain types of development that are not inappropriate in the Green Belt stating that:

*‘Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.’*

- 6.3.17 As has already been detailed in Section 6.2.10, the Scheme has been measured against the objectives of Green Belt policy as presented within the NPSNN, which in itself refers to the NPPF. The Scheme is considered a necessary form of development within the Green Belt and does not fundamentally conflict with the purposes of Green Belt policy as referred to above.

*Flood risk*

- 6.3.18 Chapter 14 of the NPPF provides the overarching policy in respect of flooding. A detailed analysis of the Scheme in respect of the policy in Chapter 14 of the NPPF is included in Chapter 13: Road Drainage and the Water Environment of the ES [TR010022/APP 6.1]. In summary, Markeaton junction is predominantly located in flood zone 1 as a result there is a low risk of flooding at these junctions. Parts of Kingsway junction are located within flood zone 3 due to flooding risks associated with Bramble Brook. Parts of Little Eaton junction is located in flood zones 2 and 3 where there is a higher risk of flooding. A flood risk assessment has been carried out for each junction and concludes that the Scheme would have a negligible effect in respect of flood risk following the application of the defined flood risk mitigation measures. It is considered that the Scheme accords with the policy objectives in respect of flooding as set out in Chapter 14 of the NPPF.

*Conserving and enhancing the natural environment*

- 6.3.19 Chapter 15 of the NPPF provides that planning decisions should prevent new and existing development from contributing to unacceptable levels of air pollution and that wherever possible development should help to improve local environmental conditions such as air quality. An air quality assessment has been carried out in respect of the Scheme and is included in Chapter 5: Air Quality of the ES [TR010022/APP 6.1]. The assessment concludes that the Scheme would not result in significant adverse effects to local air quality including NO<sub>2</sub> and PM<sub>10</sub> concentrations, thereby complying with the objectives as set out within Chapter 15 of the NPPF.

*Conserving and enhancing the historic environment*

- 6.3.20 Chapter 16 of the NPPF concerns the conservation and enhancement of the historic environment and provides in Paragraph 189 that the significance of heritage assets should be described. In paragraph 196, the NPPF requires that the harm to a heritage asset should be weighed against the public benefit of the Scheme. An assessment of the Scheme is presented in Chapter 6: Cultural Heritage of the ES [TR010022/APP 6.1]. The chapter concludes that the effect of the Scheme on the Derwent Valley Mills World Heritage Site (WHS) located west of the Little Eaton junction and other heritage assets in the surrounding area is no more than slight and as such is considered to accord with the provisions in Chapter 16 of the NPPF.

### Conclusion

- 6.3.21 To conclude it is considered that the Scheme accords with the relevant aims and objectives of the NPPF in so far as they are relevant to the Scheme.

## 6.4 Local Planning Policy

- 6.4.1 Consideration is also given in this chapter to the compliance of the Scheme with the relevant transport, economic and sustainability planning policies operating at the local level. The compliance of the Scheme with the environmental policies of the relevant adopted Development Plans is set out in detail in the topic chapters of the ES [TR010022/APP/6.1]. Notwithstanding this, a summary of the policy analysis is included below for the key environmental issues for the Scheme, which includes: effects of the Scheme on the Green Belt, air quality, noise, the Derwent Valley Mills WHS and flood risk.

### *Derby City Local Plan – Part 1 Core Strategy (2017)*

- 6.4.2 The Core Strategy was adopted in January 2017 and forms the first part in the new Derby City Local Plan. Once adopted the Site Allocations and Development Management Policies document will form the second part of the Local Plan. The Core Strategy sets the overall strategic direction for planning in the administrative area of the Derby City area up to 2028.
- 6.4.3 Paragraph 1.3 of the Core Strategy states that
- ‘A key part of setting the strategic direction is establishing how much major new development and other investment is needed to meet the needs of the City in the future and where it should be located in order to be sustainable.’*
- 6.4.4 Chapter 2 of the Core Strategy is titled ‘Derby in Context’ which states that Derby’s road network includes a series of routes that extend outwards from the centre to join the ring road. The chapter goes on to state that despite the presence of the existing transport infrastructure, traffic congestion during peak periods is a key issue causing delay for general traffic as well as buses as well as having other negative social and environmental impacts.
- 6.4.5 The Scheme would help to deliver a solution for an existing problem of traffic congestion through the grade separation of the Kingsway, Markeaton and Little Eaton junctions.
- 6.4.6 Chapter 3 sets out the Vision of what Derby would be like in 2028 at the end of the current Plan period. Paragraph 3.22 states that Derby will have an effective and sustainable transportation system, especially to and from the City Centre, between the main residential, business and service areas and beyond the city. Chapter 3 provides the Spatial Objectives that will be used to achieve the Vision. Objective 12 sets out that best use will be made of existing infrastructure and includes a commitment to invest in new infrastructure. Paragraph 13 provides that transport links will be enhanced.
- 6.4.7 The A38 is an existing strategic corridor running through Derby and Highways England have secured the necessary funding to offer investment and deliver much needed improvements to this existing road infrastructure route in accordance with Spatial Objective 12.

- 6.4.8 Chapter 4 provides the Strategy for Derby and states in paragraph 4.9 that the Core Strategy will support a thriving local economy that delivers sustainable growth and sets out the location for employment uses. Paragraph 4.11 states that all development will be expected to deliver high levels of sustainability, adaptation to the effects of a changing climate and reduce carbon emissions and energy use. Paragraphs 4.36 to 4.38 provide the long-term overarching strategy in respect of transport and set out that the strategy is to provide for a balanced approach for all areas of transport. Paragraph 4.36 describes that DCiC aim to make the best use of the existing transport assets maintaining the roads and managing traffic using the roads while also investing in measures to support sustainable transport modes other than the private car. Notwithstanding this, paragraph 4.38 states that there will inevitably be a need for capacity increases and new road infrastructure. The Core Strategy identifies a number of such schemes including the improvements to the A38 Derby junctions to create additional capacity to reduce some of the existing problems on the road network. The Core Strategy recognises that schemes such as the A38 Derby Junctions are essential for enabling the development of housing and employment sites along with economic growth in the west of the city.
- 6.4.9 Chapter 5 provides the Core Principles of the Core Strategy and states in policy CP1 (a) that there will be a presumption in favour of sustainable development as set out in the NPPF. The policy states that the Council will work with applicants to secure development that improves the economic, social and environmental conditions in the area. The explanatory text in paragraph 5.1.1 which supports Policy CP1(a) states that the presumption in favour of sustainable development is at the heart of the NPPF and is a golden thread running through the Plan. Paragraph 5.1.2 provides that DCiC is keen to demonstrate that Derby is open for business and will consider all proposals for new development which is in accordance with this policy. As set out above, it is considered that the Scheme accords with the overall economic, social and environmental objectives of sustainable development as set out in the NPPF.
- 6.4.10 Policy CP23 concerns the delivery of a sustainable transport network and states that the Council will ensure that people living, working and travelling within Derby will have viable travel choices and an effective, efficient and sustainable transport network which meets the needs of residents and businesses while supporting economic growth. This policy goes on to state that the Council will support proposals subject to certain criteria, which includes:
- ‘1. Promoting greater travel choice and equality of opportunity for all. This includes promotion of high quality walking, cycling and public transport networks while also maintaining appropriate access for car users and the movement of goods,*
  - 2. includes initiatives to manage down traffic impacts, promote sustainable transport and the development of accessible sites,*
  - 3. contribute to better safety, security and health for all by improving road and rail safety, improving security on transport networks and promoting active travel,*

*4. contribute to tackling climate change by developing low-carbon travel and lifestyle choices, including the provision of infrastructure to support the use of low carbon vehicles, active travel and reducing the need to travel through the provision of improved IT infrastructure,*

*5. support growth and economic competitiveness by delivering reliable and efficient transport networks that will enhance connectivity to, from and within the City,*

*6. ensure that investment in transport contributes to the enhancement of the urban and natural environment.'*

6.4.11 It is considered that the Scheme conforms with the objectives of policy CP23. The Scheme would provide greater travel choice by creating more capacity and reducing congestion along the strategic and local highway network and would reduce journey times while also retaining and enhancing local pedestrian and cycling routes. The Scheme would improve the strategic and local highway network and also make Derby more accessible. The route could be used by electric cars and buses and would maintain or replace existing pedestrian and cycling routes. By providing additional capacity in the highway network, the junction improvements would support economic growth by making the route more reliable and improving journey times for commuters, businesses users and the transport of goods. The design is such that the Scheme would enhance a number of aspects of the urban and natural environment.

6.4.12 Paragraph 5.23.3 provides the supporting text for Policy CP23 and states that:

*'It is likely that the levels of growth needed in the City will lead to an increase in car use and congestion in some areas. The Council will continue to try to manage this and create the most efficient transport network possible, making the best use of the existing network and considering capacity improvements where this is the appropriate option. It will continue to require on and off-site mitigation and resist development that has an unacceptable impact on road safety, congestion or air quality.'*

6.4.13 Paragraph 5.23.3 acknowledges that economic growth in Derby will lead to an increase in car use and may result in congestion but that this may be overcome by providing capacity improvements where appropriate. The Scheme is considered to be consistent with this policy approach, as it will add capacity to the A38 network and improve efficiency.

6.4.14 Policy CP24 is titled Transport Infrastructure and states that the Council will work with partners to deliver long term transport initiatives:

*'The Council will work with partners to deliver the Council's long-term transport strategy in association with the Local Transport Plan and support the implementation of strategic proposals and initiatives that help create an economically and environmentally sustainable transport network.*

*Initiatives will include:*

*(a) supporting the implementation of Highways England's A38 Derby Junctions Grade Separation Scheme.'*

- 6.4.15 Policy CP24 demonstrates a strong policy emphasis at the local level in support of the Scheme. The supporting text for policy CP24 sets out in paragraph 5.24.1 that the Council will partner with organisations such as Highways England to deliver schemes such as the A38 Derby Junctions. The existing issues associated with the A38 route are considered further in paragraph 5.24.4 which states that:

*'The A38 carries heavy flows of north-south long distance traffic. Also, where it passes through Derby, significant volumes of local traffic cross or join and leave the A38. This results in congestion and delays at the A38/A5111 Kingsway roundabout, the A38/A52 Markeaton roundabout and the A38/A61 Abbey Hill roundabout [now named Little Eaton Junction]. Highways England has carried out improvements to these junctions as part of their national 'pinch point' Scheme. These have served to improve traffic flow. Longer-term proposals also exist for the 'grade separation' of these three roundabouts. There is no definite timescale for this work, but it is anticipated that it will be in the lifetime of the Plan. The Council will ensure that any land needed to implement these Schemes will be protected.'*

- 6.4.16 Paragraph 5.24.4 of the Core Strategy acknowledges that improvements to the A38 Derby junctions are necessary and provides support for the use of the land that is necessary to deliver the Scheme. The Scheme would deliver the long-term objective of policy CP24 and ensure that it is brought forward within the plan period.

*City of Derby Local Plan Review (2006) (DCiC, 2006)*

- 6.4.17 A number of policies within the CDLPR have been saved until such a time as they are replaced by Part 2 of the Derby City Local Plan which would be titled the Site Allocations and Development Management Policies. As such, the saved policies within the CDLPR form part of the statutory Development Plan. The planning vision set out in the CDLPR states:

*'The City Council will seek to ensure that development promotes the economic, social and environmental wellbeing of Derby and contributes to improving the quality of life for its citizens.'*

- 6.4.18 It is considered that the Scheme accords with this vision by improving journey times for commuters, business users and the transport of goods. The Scheme would reduce congestion and make journey times more reliable. As a result, it is anticipated that the junction improvements would assist in promoting economic growth and environmental and social wellbeing.
- 6.4.19 The CDLPR sets out the statement of Key Planning Objectives of the Council which includes promoting sustainable patterns of development, promoting economic, social and environmental regeneration and facilitating an integrated approach to transport which helps to achieve a more efficient, accessible and safe network.
- 6.4.20 It is considered that the Scheme conforms with the principles of this approach and would assist the Council in meeting these overarching policy objectives.

- 6.4.21 Chapter 12 of the CDLPR concerns Transport. There are no saved policies specifically relating to improvements to the A38 Derby junctions or the strategic highway network. Policy T3 – *Highways Agency Schemes* is no longer saved however it is important to note the policy stated previously that: *Planning permission will not be granted for development that will prejudice improvements to the junctions of the A38(T) with the A5111(T) and the A38(T) with the A52(T), identified by the A38 Derby Junctions Study.*
- 6.4.22 The supporting text for policy T3 in the CDLPR acknowledged the “*serious peak hour congestion where the A38 (T) meets the A5111 (T) at Kingsway, and, the A38 (T)/A61 junction at Abbey Hill.*” Policy T3 showed that issues with capacity along the A38 (T) junctions had been identified as a constraint previously.
- 6.4.23 Policy T15 concerns the protection of Footpath, Cycleways and Routes for Horse riders. The policy sets out that the City Council will seek to protect and improve existing footpaths, cycling and horse-riding routes throughout the Plan area. The Scheme would either retain or provide replacement routes for use by pedestrians and cyclists. There are no equestrian routes in the vicinity.  
*Derby Local Transport Plan LTP3 (2011 - 2026) (DCiC, 2011)*
- 6.4.24 Adopted in April 2011, the LTP3 provides the long-term strategy and implementation plan and proposals for the delivery of the objectives within the strategy.
- 6.4.25 Chapter 2 of the LTP3 describes the current transport setting in Derby and it is acknowledged in paragraph 2.11 that the A38 is a regionally important strategic route from Birmingham and the West Midlands to Derby and the M1 at Junction 28 located to the east. Paragraph 2.23 recognises that the A38 is a strategic route and that a Scheme for the grade separation of the junctions is necessary to ensure that future economic growth in Derby is not restricted stating (emphasis added):  
*‘It is important that proposals for a Scheme to grade separate junctions along the A38 at Abbey Hill [now named Little Eaton junction], Markeaton and Kingsway are implemented in the future. The A38 Derby Junctions Scheme will separate local and long distance traffic reducing delays and congestion allowing us to better manage our local network and improve linkages across the A38 for public transport, pedestrians and cyclists. If the Scheme cannot be funded and delivered it is likely that any future development to the west of the city will be severely restricted.’*
- 6.4.26 Chapter 4 of the LTP outlines the transport goals and objectives that the Council aims to achieve. The potential for improvements are recognised again in Chapter 4 in paragraph 4.15 of the LTP which states that the Highways Agency (now Highways England) has a Scheme to grade separate three A38 Derby junctions stating (emphasis added):  
*‘Grade separation will provide significant congestion relief and road safety benefits as well as improving facilities for pedestrians and cyclists. The Scheme is in development but will not be implemented until the period after 2015. Without the grade separation there will be significant constraints on development in the north and west of the city.’*

- 6.4.27 It is identified in the LTP that the A38 Derby junctions forms part of a strategic route where local and long distance traffic mix which causes delays and congestion and poses a constraint to the future development of the city and economic growth. The LTP identifies the importance of implementing a Scheme in order to release the development and economic potential which exists in the area.
- 6.4.28 The grade separation of the A38 Derby junctions is recognised in paragraph 5.3 of the LTP as a Scheme that would make best use of the available road capacity and is supported by new infrastructure. As a result, the provisions in the LTP identify that existing infrastructure is improved to provide additional capacity along the highway network.
- 6.4.29 Paragraphs 6.10 and 6.30 of the LTP, list the major schemes that have been identified as important to the city of Derby. The A38 Derby junctions are recognised in these paragraphs of the LTP as a Scheme that would release land for development in and around the city for future development. The LTP states that the Scheme is critical to facilitate housing growth in the west of the city.

*Derbyshire Local Transport Plan (2011 - 2026) (Derbyshire County Council, 2011)*

- 6.4.30 Adopted in April 2011 the Derbyshire Local Transport Plan (DLTP) provides the pathway towards transport investment, which will result in a more sustainable and healthy transport system and which will also support the local and sub-regional economy. Part 1 of the DLTP sets out the long-term view for transport during the Plan period of 2011 to 2026.
- 6.4.31 Part 1 of the DLTP identifies the challenges for Derbyshire in relation to achieving transport goals, which will drive the development and delivery of the DLTP during the Plan period. Part 1 of the DLTP sets out the transport goals and challenges for Derbyshire, which comprise:

*'Supporting a resilient local economy*

*Tackling climate change*

*Contributing to better safety, security and health*

*Promoting equality of opportunity*

*Improving quality of life and promoting a healthy natural environment.'*

- 6.4.32 Part 1 (chapter 2.1) provides the transport vision for the DLTP:

*'At the heart of our vision is a transport system that is both fair and efficient. Healthier lifestyles, safer communities, a safeguarded and enhanced natural environment and better access to jobs and services will be the result. To get there, we will improve the choice and accessibility of transport whilst integrating economic, social and environmental needs.'*

- 6.4.33 The DLTP also recognises in Part 1 (chapter 2.1) that to achieve the transport vision and goals two key principles will be adopted. These are:

*'To adopt sustainable development<sup>1</sup> as the common purpose of our transport strategy.*

*To take a holistic approach in all we do, integrating economic, social and environmental needs.'*

- 6.4.34 Chapter 10 provides the delivery guide for the approach to new infrastructure. The A38 Derby Junctions Scheme is recognised in chapter 10 (section 10.2) as a project that will be implemented by Highways England after 2015. The DLTP states in section 10.2 that

*'These A38 junctions represent a major constraint for the County, and their improvement is important to the County's wider economic prosperity, as well as linking with possible housing developments in the Derby Housing Market Area.'*

- 6.4.35 The A38 Derby Junctions Scheme is therefore recognised in the DLTP as being important to delivering economic growth within Derby and essential to enabling future residential development in and around the city. The Scheme directly responds to this policy objective and provides the conditions to enable future economic growth and much-needed new homes to be constructed.

*Erewash Core Strategy (March 2014)*

- 6.4.36 The ECS provides the broad strategy to set out where new homes, jobs and infrastructure will be located within the Borough. The aim of the strategy ECS is to focus development towards existing urban areas and promote regeneration. The ECS supports the drive for sustainable development that is set out in the NPPF.

- 6.4.37 Chapter 2 of the ECS sets out the vision for Erewash in 2028, at the end of the Plan period. The ECS states in paragraphs 2.4.2 to 2.4.9 that during the Plan period Erewash should have a good range of job opportunities, skills and homes for healthy and involved communities and that the Borough will have accommodated sustainable growth with development being the facilitator of positive change. There will be a strong vibrant local economy along with focused redevelopment. Housing stock will be provided and upgraded. The existing Little Eaton Junction is located in the Erewash Green Belt and paragraph 2.4.8 acknowledges that the majority of the Erewash Countryside is allocated within the Green Belt. Paragraph 2.4.9 sets out the vision for transport and states that:

*'Improved road links and integrated public transport infrastructure and networks will have created improved access to excellent public services. The Borough will be easily accessible by a choice of modes of travel, with the creation of enhanced opportunities increasing usage of local cycling and walking facilities, helping to enhance recreational and leisure opportunities resulting in a healthier population.'*

- 6.4.38 The spatial objectives to deliver this vision are set out in section 2.5 of the ECS. The objectives includes environmental responsible development, high quality new homes, economic prosperity, vibrant town centres, regeneration, an excellent transport system and protecting natural assets.

- 6.4.39 Section 3 present the policies which will deliver the vision and objectives of the ECS. Policy A reflects the emphasis of the NPPF and states that there will be a presumption in favour of sustainable development to secure development that improves economic, social and environmental conditions. As already set out earlier, it is considered that the Scheme fulfils the economic, social and environmental roles of sustainable development as set out in the NPPF.

6.4.40 Policy 3 in the ECS concerns the Green Belt and states that the Nottingham - Derby Green Belt will be retained. The Little Eaton junction is located in the Erewash Green Belt. This policy states that consideration will be given to the following objectives when considering proposals for development in the Green Belt.

*'a) the statutory purposes of the Green Belt;*

*b) maintaining the strategic openness of the Green Belt between the towns of Ilkeston and Long Eaton and the Derby urban area;*

*c) ensuring the continued separation of neighbouring towns and rural settlements within Erewash Borough;*

*d) safeguarding valued countryside; and*

*e) preserving the setting and special character of Erewash towns and rural settlements.'*

6.4.41 The criteria set out in Policy 3 are similar to those in paragraph 134 of the NPPF which have been considered and addressed in section 6.2.10 and 6.4.17 and are therefore not repeated in detail here.

*Erewash Local Plan 2005 Saved policies (2014)*

6.4.42 Originally adopted in 2005, the saved policies of the EBLP form part of the adopted Development Plan but are significantly out of date and contain little of direct relevance to the Scheme. Accordingly, they are not considered further.

## 7. Conclusion

- 7.1.1 It is considered that there is a strong and overriding need for the Scheme. The A38 Derby junctions (Markeaton, Kingsway and Little Eaton junctions) currently experience congestion and delays to journey times as a result of combined use by strategic and local traffic. Derby and the surrounding area are expected to accommodate significant housing and employment growth and as a result traffic demand on the A38 through Derby is 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. The Scheme to grade separate the Kingsway, Markeaton and Little Eaton junctions would improve average journey times to benefit both local and strategic (long distance) traffic.
- 7.1.2 The need for the Scheme is recognised by Central Government in the Roads Investment Strategy published by the Department for Transport. The A38 Derby Junction Scheme is included as a committed Scheme in the Highways England Roads Investment Strategy which provides the long term programme for improvement of motorways and Major A roads.
- 7.1.3 The capacity issues associated with the existing A38 Derby junctions and requirement for improvements to the junctions is acknowledged in a number of Local Development Plan documents including the Derby City LTP3, DCC Local Transport Plan, the City of Derby Local Plan Review and the Derby City Local Plan Part 1 – Core Strategy. It is collectively acknowledged in these Development Plan documents that the A38 Derby junctions are currently congested and that this may constrain economic growth and the construction of new homes in the future.
- 7.1.4 The Scheme would provide journey time benefits to all vehicles, including local traffic and those travelling along this strategic route during peak and off-peak periods. 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 junction improvements offer the potential to remove conflicts between walkers and cyclists and vehicles using the A38 to the benefit of both.
- 7.1.5 The economic assessment of the Scheme is summarised in Section 4 and demonstrates that the Scheme would provide high value for money.
- 7.1.6 Consideration has been given to whether the Scheme accords with the relevant policies in the NPSNN and the NPPF. Detailed consideration of whether the Scheme accords with the provision of the NPSNN is set out in the Accordance Table, which forms **Appendix A** to this report and the environmental topic chapters of the ES [TR010022/APP 6.1].
- 7.1.7 The Scheme design includes measures to reduce the potential effects of the Scheme on the receiving environment. Design measures include acoustic barriers, landscape planting and provision of suitable surface water management and areas for floodwater storage and floodplain compensation.

- 7.1.8 The NPSNN places a strong emphasis on the need to improve and integrate the strategic highway network and the Scheme would deliver against this national objective. The Scheme also fulfils the economic, environmental and social roles of sustainable development as set out in the NPPF.
- 7.1.9 The Little Eaton junction is located in the Erewash Green Belt. Consideration has been given to the conformity of the Little Eaton Junction improvements with the Green Belt policy in the NPSNN, NPPF and EBC Core Strategy. It is considered that the presence of the existing highway, design of the Scheme and landscaping are such that the Scheme would not contravene the purposes of the Green Belt set out in the NPSNN, NPPF and EBC Core Strategy and that the Scheme can be considered as appropriate development. If it is deemed that the Scheme constitutes inappropriate development then very special circumstances exist for the Scheme, which outweigh any perceived harm to the Green Belt.
- 7.1.10 The noise assessment has determined that the Scheme would result in significant adverse effects at a number of locations during the construction phase. These effects would however be temporary in nature. Some significant adverse effects would also occur at some facades of buildings within the Royal School for the deaf during the Scheme operational phase. The effects of noise from the Scheme may result in some policy conflicts, but given the significant overriding policy compliance with the policies considered in this statement, this is considered to be acceptable in overall terms.
- 7.1.11 The Derwent Valley Mills WHS is located west of the Little Eaton junction. The design for the Scheme is such that there are no predicted significant effects nor national or local policy conflicts in respect of the WHS.
- 7.1.12 Parts of Little Eaton junction is located in an area designated as flood risk zone 2 and 3, whilst parts of Kingsway junction are located in flood zone 3. Flood risk assessments have been carried out and flood mitigation would be provided as part of the Scheme design. As a result, no significant adverse effects are predicted in respect of flood risk and thus the Scheme is considered to accord with policy in this respect.
- 7.1.13 While it is predicted that the Scheme may result in significant adverse effects in respect of noise during the construction and operation, it should be recognised that the effects occur at a limited number of receptors. The Scheme would not result in significant adverse effects nor contravene national or local planning policy in respect of any other aspects of the environment.
- 7.1.14 The need for the Scheme is demonstrated at a national level by the inclusion of the A38 Derby Junctions improvements in the Road Investment Strategy published by the Department for Transport. The benefits of the Scheme are a reduction in congestion and improvement in journey times for both local and strategic traffic. The Scheme would also support development and economic growth in Derby as acknowledged in the adopted local development plan. Paragraph 4.2 of the NPSNN shows support for schemes of this nature and states that *there is a presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in this NPS*. In addition, it is considered that benefits of the Scheme to users of the A38 Derby

junctions and the economy are such that they outweigh the effects of the Scheme at a limited number of receptors.

- 7.1.15 Whilst the Scheme would result in the loss of existing open space land on a permanent basis, suitable replacement land has been identified in accordance with the requirements of Sections 131 and 132 of the PA 2008. This land to be offered in exchange will ensure that a positive balance of land will be maintained i.e. more land is being offered as replacement land than will be lost. The replacement land is considered to be as equally advantageous as the land to be lost. Where temporary loss occurs or permanent rights are being acquired these works will not adversely affect the active use of the adjacent unaffected areas of open space and following completion of the works, the areas will return to active use for recreational purposes. As such, replacement land is not needed for the temporary loss. Where permanent rights are being acquired, the order land burdened with the order rights will be equally as advantageous as prior to those rights being acquired.
- 7.1.16 There is an identified need for the junction improvements to address congestion and journey time reliability along the route. The Scheme would provide additional capacity along the route and benefit local and strategic traffic by reducing journey times. The improvements to the A38 Derby junctions are a committed Scheme in the Roads Investment Strategy, which is supported by the NPSNN and complemented by Local Planning policy. It is considered that the Scheme accords with the relevant national and local transport, sustainability and economic planning policy objectives and should be granted development consent.

## Appendix A – National Policy Statement for National Networks Accordance Table

**Table 1: National Policy Statement National Networks Chapter 3**

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>3</b>		
3.2 <b>(Environment and social impacts)</b>	The Government recognises that for development of the national road and rail networks to be sustainable these should be designed to minimise social and environmental impacts and improve quality of life.	<p>The Scheme involves improvement (grade separation) to three junctions along the A38 (Kingsway, Markeaton and Little Eaton junctions). In keeping with the objectives of Road Investment Strategy (RIS) 2015 - 2020, the intention of the Scheme design is to improve economic competitiveness, remove the existing constraints to economic growth and the construction of new homes in the area and improve the environment and quality of life by reducing congestion in the surrounding urban areas and on the A38 inter-regional road and effectively delivering a safer, smarter and sustainable strategic road network.</p> <p>An assessment of the potential effects of the Scheme on the community is presented in Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/6.1]. The assessment considers the potential impacts of the Scheme for pedestrians and cyclists during the construction and operation of the Scheme, the effect to private assets, community land and severance of communities and human health.</p> <p>The Scheme design incorporates mitigation measures that would minimise the effects upon pedestrians and cyclists during Scheme operation as set out in Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/6.1]. The Scheme would provide connectivity between communities and provide enhanced facilities for use by pedestrians and cyclists. The assessment for people and communities concluded that moderate adverse effects may occur during the construction phase at three public rights of way as a result of severance and increased journey times for pedestrians and cyclists.</p> <p>The Scheme has been designed to avoid or reduce (or 'design-out') environmental impacts. Assessments have been undertaken for a range of topics in order to consider the potential environmental impacts associated with the Scheme. Assessments have been undertaken in respect of air quality,</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
3		
3.3	<p>In delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance. Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes.</p>	<p>cultural heritage, landscape and visual impacts, biodiversity, noise and vibration, geology and soils, material assets and waste, people and communities, road drainage and water, climate, and cumulative effects. The findings of these assessments are contained within the Environmental Statement [TR010022/APP/6.1].</p> <p>The Scheme has been designed to avoid or reduce (or 'design-out') environmental and social impacts, whilst mitigation measures to minimise effects have been embedded in the Scheme design.</p> <p>An Environmental Impact Assessment (EIA) has been carried out, and is reported in the Environmental Statement [TR010022/APP/6.1] which assesses the likely significant environmental impacts of the Scheme (including those on local communities). Appropriate mitigation measures have been identified for any likely significant adverse environmental effects. The residual significant environmental effects (following mitigation) are described in each topic chapter of the Environmental Statement. The social impacts (both adverse and beneficial) that are associated with the Scheme are set out in Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/6.1].</p> <p>More specifically, the environmental and social benefits of the Scheme are summarised in Table 12.19 of Chapter 12 People and Communities of the Environmental Statement [TR010022/APP/6.1]. The main beneficial effects of the Scheme for people and communities include new or improved pedestrian and cyclist crossing facilities, which would improve access, reduce severance, improve journey times and in some cases provide greater amenity value. The Scheme would improve traffic movements, and result in an overall reduction in severance for motorised users, including users of public transport. In some cases, minor and moderate adverse effects are anticipated during Scheme construction due to the re-routing of pedestrian and cycle routes, but these would reduce to minor adverse or slight beneficial during the operation of the Scheme.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
3		
3.17 <b>(Sustainable transport)</b>	There is a direct role for the national road network to play in helping pedestrians and cyclists. The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions.	<p>The mitigation measures that aim to minimise environmental and social effects are detailed in the Environmental Statement [TR010022/APP/6.1] – mitigation measures are detailed within the Outline Environmental Management Plan (OEMP) [TR010022/APP/6.12] and illustrated on the Environmental Masterplans (Figures 2.12a to 2.12h [TR010022/APP/6.2]). Alternatives that have been considered and reasons for selecting the preferred Scheme design are detailed in Chapter 3: Scheme History and Assessment of Alternatives of the Environmental Statement [TR010022/APP/6.1].</p> <p>This matter is considered in Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/6.1] and identifies the existing safety and severance issues for pedestrians and cyclists using the existing footway and cycleway network and road network.</p> <p>The assessment sets out at Section 12.9 the mitigation and enhancements that would be provided as part of the Scheme and which include:</p> <ul style="list-style-type: none"> <li>• A new shared pedestrian and cycle route across Kingsway junction.</li> <li>• The realignment and improvement of existing rights of way including parts of the National Cycle Network.</li> <li>• Upgrading uncontrolled crossings to controlled toucan crossings and the provision of new crossings as appropriate to the Scheme.</li> <li>• Closure of dangerous routes.</li> <li>• Diversion of PRoW Breadsall FP3.</li> <li>• All other existing routes for pedestrians and cyclists would be retained and appropriate crossings of the Scheme incorporated into the design.</li> </ul> <p>Regular liaison with walking and cycling groups has taken place during the development of the Scheme design – such consultation will continue in the detailed design stage.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
3		
3.21 (Accessibility)	Applicants are reminded of their duty to promote equality and to consider the needs of disabled people as part of their normal practice. Applicants are expected to comply with any obligations under the Equalities Act 2010.	<p>In addition to accessibility improvements, Chapter 12 People and Communities of the Environmental Statement [TR010022/APP/6.1] identifies that the Scheme would reduce the conflict between walkers, cyclists and motorised vehicles, as the junctions would be grade separated. Appropriate provisions have been made for pedestrian and cyclists crossing facilities.</p> <p>In defining the Scheme design, the provisions of the Equality Act 2010 have been considered where required in order to take appropriate account of the needs of disabled users (for example considering the gradient of footbridge ramps). Where appropriate signalised crossings are included in the design. Detail such as tactile paving would be included during the detailed design.</p> <p>An Equalities Impact Assessment (EqIA) has been undertaken in respect of the Scheme to determine the use of the junctions by different user groups e.g. of varying age, ability etc. [TR010022/APP/6.8].</p> <p>The walker and cyclist strategy and design proposals have considered the findings of the EqIA. The walker and cyclist strategy underwent regular reviews during the design development process in order to ensure that the Scheme maintains access to all sections of the community, for both able-bodied and those with disabilities.</p> <p>The strategy has been confirmed and reported in Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/6.1]. The strategy has been developed giving consideration to the design methods such as the footbridge and footway ramp gradients. As detailed above, the use of tactile paving will be considered during the detailed design stage in order to provide suitable access for the able bodied and also for those with disabilities.</p> <p>A range of community consultation activities were undertaken during the development of the Scheme design as set out in the Statement of Community Consultation, which is enclosed in the Consultation Report <b>Appendix F</b> [TR010022/APP/5.2]. In planning for the consultation events, each venue was</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
3		
		assessed by Highways England in respect of its accessibility to disabled people. In addition, two of the events were supported by a British sign language interpreter and a portable loop system for the hard of hearing.
3.22	Severance can be a problem in some locations. Where appropriate applicants should seek to deliver improvements that reduce community severance and improve accessibility.	<p>High vehicle flows on the A38 and the connecting roads at the Kingsway, Markeaton and Little Eaton junctions is a source of severance for both motorised vehicle users as well as pedestrians and cyclists, affecting access across the A38 and connecting roads and communities.</p> <p>The impact of the Scheme on severance is assessed in Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/6.1]. Local trips (including buses) would benefit from the proposed grade separation of the junctions. The overall increase in the capacity of these junctions and the reduced conflicts between local trips and strategic movements using the A38 would improve the reliability of bus services into and out of the city.</p> <p>The Scheme would also reduce conflicts between pedestrians, cyclists and vehicles using the A38 to the benefit of all these three user types. Once operational, the Scheme would result in an overall reduction in severance and benefit pedestrians, cyclists and vehicles users.</p>

**Table 2: National Policy Statement National Networks Chapter 4**

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>4</b>	<b>ASSESSMENT PRINCIPLES</b>	
4.5 <b>(General principles of assessment – Business Case)</b>	Applications for road and rail projects (with the exception of those for SRFIs...) will normally be supported by a business case prepared in accordance with Treasury Green Book principles. This business case provides the basis for investment decisions on road and rail projects. The business case will normally be developed based on the Department's Transport Business Case guidance and WebTAG guidance. The economic case prepared for a transport business case will assess the economic, environmental and social impacts of a development. The information provided will be proportionate to the development. This information will be important for the Examining Authority and the Secretary of State's consideration of the adverse impacts and benefits of a proposed development. It is expected that NSIP schemes brought forward through the development consent order process by virtue of Section 35 of the Planning Act 2008, should also meet this requirement.	<p>An Economic Business Case and a Transport Economic Assessment have been carried out in respect of the Scheme and a summary of the findings are presented in Chapter 4 of the Planning Statement.</p> <p>The economic assessment for the Scheme has been undertaken using outputs from the proposed Scheme's traffic model, the TUBA economic appraisal programme and the COBOLT accident assessment program. A 60 year appraisal period of 2024 to 2083 has been adopted. The traffic flows, times and distances have been extracted from the forecasting traffic model and have been used in the economic appraisal to produce a monetised cost benefit analysis.</p> <p>Various impacts emanating from the Scheme have been monetised in order to calculate a Benefit to Cost Ratio which indicates whether the Scheme will provide overall value for money. The impacts of the Scheme have been monetised for various environmental aspects associated with the Scheme, along with the impact on accidents, business transport users, commuting, taxes, local government funding and journey reliability. The economic assessment determined that the scheme will have a Benefit Cost Ratio of 2.6 and as a result it is considered that the scheme will provide high value for money.</p> <p>The Transport Economic Assessment has been carried out following the Department for Transport's WebTAG guidance and HM Treasury's Green Book. The Transport Economic Assessment concluded that the Scheme is considered to present high overall value for money.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>4</b>	<b>ASSESSMENT PRINCIPLES</b>	
4.6 <b>(local transport model)</b>	Applications for road and rail projects should usually be supported by a local transport model to provide sufficiently accurate detail of the impacts of a project. The modelling will usually include national level factors around the key drivers of transport demand such as economic growth, demographic change, travel costs and labour market participation, as well as local factors. The Examining Authority and the Secretary of State do not need to be concerned with the national methodology and national assumptions around the key drivers of transport demand. We do encourage an assessment of the benefits and costs of schemes under high and low growth scenarios, in addition to the core case. The modelling should be proportionate to the scale of the scheme and include appropriate sensitivity analysis to consider the impact of uncertainty on project impacts.	A local transport model has been developed for the Scheme and is considered to be proportionate to the scale of the Scheme. The transport model includes consideration of key drivers of transport demand. The assessment of the benefits of the Scheme have been based on a forecast core growth scenario with sensitivity tests using Low Growth and High Growth assumptions. Further detail is presented in Chapter 4 of the Planning Statement.
4.15 <b>(Environmental Impact Assessment)</b>	All proposals for projects that are subject to the European Union's Environmental Impact Assessment Directive and are likely to have significant effects on the environment, must be accompanied by an ES, describing the aspects of the environment likely to be significantly affected by the project. The Directive specifically requires an environmental impact assessment to identify, describe and assess effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 sets out the	<p>The Scheme has been screened as a relevant project under Annex II of the EIA Directive (2011/92/EU) (as amended) due to the works requiring an area of over 1 ha in size. In addition, it has been confirmed that the Scheme constitutes a Nationally Significant Infrastructure Project (NSIP). An EIA has been carried out. The methodology and findings of the EIA are presented in the Environmental Statement [TR010022/APP/6.1] which has been prepared with due regard to Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>In accordance with Schedule 4, the Environmental Statement includes a description of the development, the reasonable alternatives, a description of the current state of the baseline environment, consideration of the relevant environmental aspects of the development, including: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
4	<b>ASSESSMENT PRINCIPLES</b>	
	information that should be included in the ES [TR010022/APP/6.1] including a description of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project, and also the measures envisaged for avoiding or mitigating significant adverse effects. Further guidance can be found in the online planning portal... In this NPS, the terms 'effects', 'impacts' or 'benefits' should accordingly be understood to mean likely significant effects, impacts or benefits.	<p>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.</p> <p>Chapters 5 to 15 of the Environmental Statement [TR010022/APP/6.1] present the methodology and findings of the assessments for each environmental topic. Each of the environmental topic based chapters follows the same basic structure and includes a description of the methodology for each assessment, the measures envisaged to avoid and reduce identified significant adverse effects on the environment, after which likely significant effects of the Scheme on the environment are identified.</p>
4.16	When considering significant cumulative effects, any environmental statement should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence)...	<p>Chapter 15: Assessment of Cumulative Effects in the Environmental Statement [TR010022/APP/6.1] presents an assessment of cumulative and combined effects. The cumulative effects assessment considers the combination of activities associated with the Scheme together with other development projects. For example, impacts caused by the Scheme may be exacerbated by the activities from other major projects nearby or non-significant individual impacts at different sites collectively may give rise to an overall significant effect in the region.</p> <p>In-combination effects assessment considers effects that could arise from the accumulation of different impacts due to the Scheme at a specific location. For example, construction noise and visual intrusion affecting a single receptor – individually these may not be significant, but the accumulation of different effects may give rise to an overall significant effect.</p> <p>A summary of the findings of the assessment for cumulative and in combination effects are presented in Section 15.12 of Chapter 15: Assessment of Cumulative Effects of the Environmental Statement [TR010022/APP/6.1]. Temporary moderate adverse combined visual, noise, air quality, dust and severance effects are anticipated for receptors closest to the Scheme during the construction phase,</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
4	<b>ASSESSMENT PRINCIPLES</b>	
		<p>including a number representative properties, public open space and public rights of way.</p> <p>Temporary and permanent moderate adverse combined effects are also anticipated due to visual, noise, air quality and severance effects at representative residential properties, educational facilities and public right of way during the operation phase of the Scheme.</p>
4.18	In some instances it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case.	<p>The Environmental Statement [TR010022/APP/6.1] provides details of any elements of the Scheme that have not been finalised, and the reasons why this is the case (together with the associated implications for the environmental assessment).</p> <p>The environmental assessments are based on the Limits of Deviation (LoD) which are set out in Chapter 2: The Scheme of the Environmental Statement [TR010022/APP/6.1].</p> <p>The LoD are also set out as powers sought within the Development Consent Order (DCO) [TR010022/APP/3.1] and explained further within the Explanatory Memorandum [TR010022/APP/3.2].</p> <p>Assumptions applied in the assessment and any limitations encountered during the assessment, are presented within the environmental topic chapters of the Environmental Statement [TR010022/APP/6.1].</p>
4.19	Where some details are still to be finalised, applicants are advised to set out in the ES, to the best of their knowledge, what the maximum extent of the development may be (for example in terms of site area) and assess the potential adverse effects which the project could have to ensure that the impacts of the project as it may be constructed have been properly assessed.	The assessments carried out and reported in the Environmental Statement take into account the maximum possible extent of the Scheme such that the assessments have been carried out based on the Scheme design, which represent the maximum footprint of the Scheme. A description of the Scheme and Limits of Deviation (LoD) are set out in Chapter 2: The Scheme of the Environmental Statement [TR010022/APP/6.1]. The limitations of the environmental assessments are set out in the respective environmental topic chapters of the Environmental Statement.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>4</b>	<b>ASSESSMENT PRINCIPLES</b>	
4.21	In cases where the EIA Directive does not apply to a project, and an environmental statement is not therefore required, the applicant should instead provide information proportionate to the project on the likely environmental, social and economic effects.	The Scheme is subject to an EIA under the Infrastructure Planning (EIA) Regulations 2017, as reported within an Environmental Statement [TR010022/APP/6.1].
4.22 <b>(Habitats Regulations Assessment)</b>	The applicant should seek the advice of Natural England and, where appropriate, for cross-boundary impacts, Natural Resources Wales and Scottish Natural Heritage to ensure that impacts on European sites in Wales and Scotland are adequately considered.	Natural England has been consulted on the Habitat Regulations Assessment (HRA) - No Significant Effects Report (NSER) produced for the Scheme. The report [TR010022/APP/6.10] concludes that there would be no significant effects on European Sites from the Scheme i.e. no effective pathways between the Scheme and European Sites. Natural England has provided a written screening response confirming agreement with the findings of the NSER.
4.23	Applicants are required to provide sufficient information with their applications for development consent to enable the Secretary of State to carry out an Appropriate Assessment if required. This information should include details of any measures that are proposed to minimise or avoid any likely significant effects on a European site. The information provided may also assist the Secretary of State in concluding that an appropriate assessment is not required because significant effects on European sites are sufficiently unlikely that they can be excluded.	The HRA - NSER [TR010022/APP/6.10] confirmed that there would be no significant effects on European Sites due to no effective pathways being present between the Scheme and European Sites. An Appropriate Assessment was, therefore, not required. This has been formally agreed and confirmed with Natural England.
4.26 <b>(Alternatives)</b>	Applicants should comply with all legal requirements and any policy requirements set out in this NPS on the assessment of alternatives. In particular:  <input type="checkbox"/> The EIA Directive requires projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's	Chapter 3: Scheme History and Assessment of Alternatives in the Environmental Statement [TR010022/APP/6.1] includes details of the Scheme design options that have been considered and assessed prior to the selection of the preferred design. It includes reasons why the rejected options were deemed not acceptable. Any other specific policy requirements are considered in the Planning Statement to which this Accordance Table is appended.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
4	<b>ASSESSMENT PRINCIPLES</b>	
	<p>choice, taking into account the environmental effects.</p> <p><input type="checkbox"/> There may also be other specific legal requirements for the consideration of alternatives, for example, under the Habitats and Water Framework Directives.</p> <p><input type="checkbox"/> There may also be policy requirements in this NPS, for example the flood risk sequential test and the assessment of alternatives for developments in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB).</p>	
4.27	<p>All projects should be subject to an options appraisal. The appraisal should consider viable modal alternatives and may also consider other options (in light of the paragraphs 3.23 to 3.27 of this NPS). Where projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies or other appropriate policies or investment plans, option testing need not be considered by the examining authority or the decision maker. For national road and rail schemes, proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken.</p>	<p>Modal options and alternatives have been considered. A number of design options were considered for the improvements to each of the A38 Derby junctions prior to the definition of the Preferred Route. The design options considered were subject to sifting and analysis in order to determine the preferred options.</p> <p>The options that have been considered are described in Chapter 3: Scheme History and Assessment of Alternatives in the Environmental Statement [TR010022/APP/6.1] and also in Chapter 3 of this Planning Statement.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>4</b>	<b>ASSESSMENT PRINCIPLES</b>	
4.28 - 4.29 <b>(Criteria for “good design” for national network Infrastructure)</b>	<p>Applicants should include design as an integral consideration from the outset of a proposal.</p> <p>Visual appearance should be a key factor in considering the design of new infrastructure, as well as functionality, fitness for purpose, sustainability and cost. Applying “good design” to national network projects should therefore produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.</p>	<p>The design has been undertaken in collaboration with Highways England, the relevant highway and planning authorities and the local community. The environmental design is aimed at minimising the use of resources to provide a functional and effective transport solution, while supporting sustainability principles and maximising visual enhancement within the Scheme constraints.</p> <p>Visual appearance was a key factor at an early stage in the development of the Scheme design. The visual appearance of the Scheme was discussed during design development workshops at an early stage of the project. The visual appearance of the Scheme was developed by landscape architects in collaboration with design engineers to ensure that the loss of mature trees and vegetation would be minimised during construction. Embankments would be constructed at a suitable gradient not only to support the highways and structures, but also to accommodate suitable landscape planting and maintenance. The position of Markeaton footbridge was revised in order to minimise effects upon mature trees – refer to Chapter 3: Scheme History and Assessment of Alternatives of the Environmental Statement [TR010022/APP/6.1].</p>
4.33	<p>The applicant should therefore take into account, as far as possible, both functionality (including fitness for purpose and sustainability) and aesthetics (including the scheme's contribution to the quality of the area in which it would be located). Applicants will want to consider the role of technology in delivering new national networks projects. The use of professional, independent advice on the design aspects of a proposal should be considered, to ensure good design principles are embedded into infrastructure proposals.</p>	<p>The Scheme design has taken into account (as far as realistically possible) the aesthetics of the design, whilst balancing the need to deliver a functional, value for money and safe highway design.</p> <p>The aesthetics of the Scheme has been incorporated into the Scheme design from an early stage in the design process. The design of the Scheme has been arranged to minimise the removal and loss of existing mature vegetation and trees. The Scheme design also incorporates embankments with a gradient that are suitable landscape planting and maintenance. Landscaping has been included as a design consideration from an early stage in the design process. Where applicable, technology has been included into the design in areas such as of lighting and signage.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
4	<b>ASSESSMENT PRINCIPLES</b>	
		A landscape planting design has been developed and incorporated into the Scheme design to take account of the aesthetics of the Scheme and its setting. Landscaping to screen the Scheme and integrate it with the surrounding landscape has been prepared in accordance with the landscape design guidance and principles contained in DMRB, Volume 10 (Highways Agency, 2001). Chapter 7: Landscape and Visual Impact Assessment of the Environmental Statement; Section 7.9 [TR010022/APP/6.1] provides further information in respect of the Scheme design and environmental considerations.
4.34	Whilst the applicant may only have limited choice in the physical appearance of some national networks infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting and design measures relative to existing landscape and historical character and function, landscape permeability, landform and vegetation.	The Scheme design has taken into account (as far as realistically possible) the aesthetics of the design to promote integration into the landscape, whilst balancing the need to deliver a functional and safe highway design. For example, the Kingsway and Markeaton junctions have been designed to position the mainline carriageways within underpasses, thus visually containing much of the new carriageway and associated infrastructure; combined noise and visual barriers have been included in the Scheme design; signage has been designed to minimise the potential for visual clutter; lighting has been confined to locations where road safety is a priority. A key consideration has been the retention of existing vegetation and trees wherever possible and the provision of compensatory planting to filter and screen views, reinforce the existing vegetation pattern and enhance biodiversity. Replacement public open space would be provided to replace public open space losses, with replacement land provided at Kingsway junction and Markeaton junction. The landform of the floodplain compensation area at Little Eaton junction has been designed so it is naturalistic in profile and blends with the surrounding landscape.
4.35	Applicants should be able to demonstrate in their application how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected....	Chapter 3 Scheme development history and alternative options of the Planning Statement and Chapter 3: Scheme History and Assessment of Alternatives of the Environmental Statement [TR010022/APP/6.1] provide details of how numerous Scheme designs have been considered prior to the selection of the preferred option. Several Scheme options were put forward by members of the community during public consultation events that were further developed by the design team. Each design was tested and subject to sifting analysis before selecting the preferred option.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
4	<b>ASSESSMENT PRINCIPLES</b>	
		<p>The reasons why some options have been rejected and others captured within the Scheme design are detailed as applicable. In addition, the Environmental Statement includes details as to how the environmental team has influenced the Scheme design, including the definition of specific mitigation measures that have been integrated into the design. The Environmental Statement has built upon previous work, including details of the optioneering work undertaken to confirm the environmental mitigation approach.</p>
4.40 <b>(Climate change adaptation)</b>	<p>New national networks infrastructure will be typically long-term investments which will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change when planning location, design, build and operation. Any accompanying environment statement should set out how the proposal will take account of the projected impacts of climate change.</p>	<p>The Scheme design has been developed taking into account the potential implications of climate change, in particular how climate change could impact upon rainfall. The drainage design has been carried out taking into account potential future climate change, whilst the impacts due to climate change have also been considered within Flood Risk Assessments (FRAs) completed for each junction (which take account of guidance from DCiC and the Environment Agency, as applicable). New guidance on climate change allowance during flood risk assessment was released in 2016 and has been considered in the Scheme design.</p> <p>Chapter 14: Climate in the Environmental Statement [TR010022/APP/6.1] sets out how the Scheme design takes account of the projected impacts of climate change.</p>
4.41	<p>Where transport infrastructure has safety-critical elements and the design life of the asset is 60 years or greater, the applicant should apply the UK Climate Projections 2009 (UKCP09) high emissions scenario (high impact, low likelihood) against the 2080 projections at the 50% probability level.</p>	<p>The UK climate change projections (UKCP18) high emissions scenario has been used to assess the resilience of the Scheme to climate change for the purposes of the EIA. UKCP18 data was published in November 2018 and supersedes UKCP09.</p> <p>For the FRA the EA's Climate Change Scenarios (released in 2016) have been applied to consider climate change. The 'Upper End' band for the Humber catchment has been applied for increases in peak river flow for the 2080 projections. As such 20%, 30% and 50% increases in river flow have been considered against the 1% AEP (1 in 100) event. Mitigation measures have been developed using climate change scenarios.</p> <p>In addition, the drainage design has been undertaken taking into account potential</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
4	<b>ASSESSMENT PRINCIPLES</b>	
		future climate change and how the Scheme can be kept open during significant rain events.
4.42	The applicant should take into account the potential impacts of climate change using the latest UK Climate Projections available at the time and ensure any environment statement that is prepared identifies appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure...	<p>The potential impacts of climate change over the lifetime of the new infrastructure have been assessed using the most recent UK climate change projection data UKCP18. Measures to adapt the Scheme are presented in Chapter 14: Climate in the Environmental Statement [TR010022/APP/6.1] and include a requirement to specify materials that are more resilient to the identified climate change impacts and a Severe Weather Plan to mitigate climate change impacts on Scheme operation.</p> <p>In addition, the FRAs take account of the latest climate change projections. The finalised Drainage Design (refer to Appendix 13.4 [TR010022/APP/6.3]) takes appropriate account of potential future climate change.</p>
4.43	The applicant should demonstrate that there are no critical features of the design of new national networks infrastructure which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections. Any potential critical features should be assessed taking account of the latest credible scientific evidence on, for example, sea level rise (e.g. by referring to additional maximum credible scenarios such as from the Intergovernmental Panel on Climate Change or EA) and on the basis that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime through potential further mitigation or adaptation.	Chapter 14: Climate of the Environmental Statement [TR010022/APP/6.1] demonstrates that there are no critical features that would be seriously affected by more radical climate change. The Local Climate Change Impact Profile for Derbyshire along with the 2017 UK climate Change Risk Assessment have been assessed to understand the vulnerability of the Scheme locality to climate change impacts. The Scheme would not be affected by sea level rises.

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<b>4</b>	<b>ASSESSMENT PRINCIPLES</b>	
4.44	Any adaptation measures should be based on the latest set of UK Climate Projections, the Government's national Climate Change Risk Assessment and consultation with statutory consultation bodies. Any adaptation measures must themselves also be assessed as part of any environmental impact assessment and included in the environment statement, which should set out how and where such measures are proposed to be secured.	<p>UKCP18 climate change projection data was used to identify potential climate change impacts on the Scheme. Chapter 14: Climate of the Environmental Statement [TR010022/APP/6.1] presents measures identified to adapt the Scheme to future climate change impacts.</p> <p>The Environment Agency's Climate Change Scenarios (released in 2016) have been applied to consider climate change. The 'Upper End' band for the Humber catchment has been applied for increases in peak river flow for the 2080 projections. As such 20%, 30% and 50% increases in river flow have been considered against the 1% AEP (1 in 100) event. Mitigation measures have been developed using climate change scenarios. The Environment Agency has been consulted throughout the Flood Risk Assessment development at Little Eaton junction, whilst Derby City Council was consulted during the Flood Risk Assessment for Kingsway junction.</p>
4.52 <b>(Pollution control and other environmental protection Regimes)</b>	There is a statutory duty on applicants to consult the Marine Management Organisation (MMO) on nationally significant projects which would affect, or would be likely to affect, any relevant marine areas as defined in the Planning Act (as amended by section 23 of the Marine and Coastal Access Act 2009).	The Scheme would not impact on marine or coastal environments; therefore consultation with the MMO is not required.
4.53	When an applicant applies for an Environmental Permit, the relevant regulator (the EA) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permit requirements...	The Scheme would impact on the River Derwent floodplain with the potential to change flood risks. Therefore, an Environmental Permit would be required. To support the application for an Environmental Permit, flood modelling, flood risk assessments and consultation with the Environment Agency has been undertaken during the pre-application stages. Mitigation through the provision of a management system that describes measures to be implemented to manage flood risks, risk to drainage and the environment would be produced as a requirement of the Environment Agency. The Environmental Statement includes details of consultation activities undertaken with the Environment Agency and demonstrates that the assessment and processes are in place to meet all relevant Environmental Permit requirements.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>4</b>	<b>ASSESSMENT PRINCIPLES</b>	
4.54	<p>Applicants are encouraged to begin pre-application discussions with the EA as early as possible. It is however expected that an applicant will have first thought through the requirements as a starting point for discussion. Some consents require a significant amount of preparation; as an example, the EA suggests that applicants should start work towards submitting the permit application at least 6 months prior to the submission of an application for a Development Consent Order, where they wish to parallel track the applications. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the Examining Authority.</p>	<p>The Environment Agency has been consulted throughout the course of the Flood Risk Assessment for Little Eaton junction during the evolution and development of the project. Consultation has taken the form of written communications and face-to-face meetings to discuss and agree the approach, impacts of the Scheme and mitigation measures.</p> <p>Consultation has taken place with the Environment Agency, Derby City Council, Derbyshire County Council, and Severn Trent Water as applicable regarding flooding and highway drainage design issues at the Kingsway, Markeaton and Little Eaton junctions since 2015. Consultation has taken place with Derby City Council as the lead local flood authority for the Kingsway and Markeaton junctions and Derbyshire County Council as the lead local flood authority for the Little Eaton junction.</p> <p>The Environment Agency has been consulted on the Kingsway junction and Markeaton junction improvement proposals. Given that Main Rivers are unlikely to be affected at Kingsway junction, the Environment Agency had no particular comments on fluvial flood risks for the proposals, but did emphasise that surface water runoff should be controlled to existing rates or less.</p> <p>With the River Derwent designated as a main river, the Environment Agency has been consulted throughout the assessment, mainly regarding the potential loss of floodplain storage as a result of the increased footprint of the Scheme at Little Eaton junction. The Environment Agency provided two hydraulic models (the Milford to Allestree model and the Lower Derwent model) to aid this assessment and has been made aware of the modelling approach. Further to this fluvial aspect, the Environment Agency has also emphasised that surface water runoff should be controlled to existing rates or less.</p> <p>Discussions continued during the pre-application stage in particular focusing on mitigation requirements of the Environment Agency. Preparation of a permit application has commenced which will run in parallel with the examination of the DCO.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>4</b>	<b>ASSESSMENT PRINCIPLES</b>	
4.61 <b>(Safety)</b>	The applicant should undertake an objective assessment of the impact of the proposed development on safety including the impact of any mitigation measures. This should use the methodology outlined in the guidance from DfT (WebTAG) and from the Highways Agency.	The Scheme safety has been assessed. The Transport Assessment Report [TR010022/APP/7.3] sets out the methodology and findings of a network wide road safety assessment.
4.62	They should also put in place arrangements for undertaking the road safety audit process. Road safety audits are a mandatory requirement for all trunk road highway improvement schemes in the UK (including motorways).	A stage 1 independent Road Safety Audit was carried out following the preliminary design of the Scheme. A stage 2 road safety audit will be carried out following the detailed design and a stage 3 road safety audit will be conducted following the construction of the Scheme and prior to opening. The road safety audits are carried out in accordance with the requirements of GG 119 and have been carried out during the development of the design process but do not form part of the application for the DCO.
4.64	<p>The applicant should be able to demonstrate that their scheme is consistent with the Highways Agency's Safety Framework for the Strategic Road Network and with the national Strategic Framework for Road Safety. Applicants will wish to show that they have taken all steps that are reasonably required to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> minimise the risk of death and injury arising from their development;</li> <li><input type="checkbox"/> contribute to an overall reduction in road casualties;</li> <li><input type="checkbox"/> contribute to an overall reduction in the number of unplanned incidents; and</li> <li><input type="checkbox"/> contribute to improvements in road safety for walkers and cyclists.</li> </ul>	<p>The design for the Scheme has been carried out in accordance with the relevant sections of the Design Manual for Roads and Bridges (DMRB). Where it has been necessary to depart from the standards in the DMRB, full safety assessments have been carried out and approval sought from Highways England specialists.</p> <p>The design has followed Highways England's safety governance process. This included the preparation of a Safety Plan, a Combined Operations report and a combined Safety and Hazard Log Report, all of which need to be 'signed off' by Highways England's safety governance specialist.</p> <p>The Scheme would include, as a minimum, the same level of provision for pedestrians and cyclists as at the existing junctions. The Scheme would also include additional controlled pedestrian crossings.</p> <p>The overall reductions in road casualties have been modelled (using COBALT software) and the results are presented in the Transport Assessment Report [TR010022/APP/7.3].</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>4</b>	<b>ASSESSMENT PRINCIPLES</b>	
4.65	<p>They will also wish to demonstrate that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> they have considered the safety implications of their project from the outset; and</li> <li><input type="checkbox"/> they are putting in place rigorous processes for monitoring and evaluating safety.</li> </ul>	<p>The Safety Plan, Combined Operations report and Combined Safety and Hazard Log Report were all prepared at the commencement of the Scheme design and were all updated during subsequent design stages.</p> <p>The preliminary design of the Scheme has been subject to a stage 1 Road Safety Audit. Stage 2 and 3 Road safety Audits will be carried out after the subsequent detailed design and construction stages of the project.</p> <p>A Post Opening Project Evaluation (POPE) would be carried out within one year of the Scheme opening to evaluate the safety of the Scheme and whether it meets the original set of Scheme objectives.</p> <p>A Plan for Monitoring Operation would be prepared in the detailed design stage.</p>
4.76 - 4.77 <b>(Security considerations)</b>	<p>Where national security implications have been identified, the applicant should consult with relevant security experts from CPNI (Centre for the Protection of National Infrastructure) and the Department for Transport, to ensure that physical, procedural and personnel security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. If CPNI and the Department for Transport (as appropriate) are satisfied that security issues have been adequately addressed in the project when the application is submitted, they will provide confirmation of this to the Secretary of State, and the Examining Authority should not need to give any further consideration to the details of the security measures during the examination.</p>	<p>No national security implications have been identified for the Scheme, however the detailed design of the Scheme, would, as appropriate, incorporate safety and security standards that meet the requirements of the CPNI.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
4	<b>ASSESSMENT PRINCIPLES</b>	
	The applicant should only include such information in the application as is necessary to enable the Examining Authority to examine the development consent issues and make a properly informed recommendation on the application.	
4.81 - 4.82 <b>(Health)</b>	<p>As described in the relevant sections of this NPS, where the proposed project has likely significant environmental impacts that would have an effect on human beings, any environmental statement should identify and set out the assessment of any likely significant adverse health impacts.</p> <p>The applicant should identify measures to avoid, reduce or compensate for adverse health impacts as appropriate. These impacts may affect people simultaneously, so the applicant, and the Secretary of State (in determining an application for development consent) should consider the cumulative impact on health.</p>	<p>A qualitative assessment of health effects has been undertaken within Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/6.1].</p> <p>The information collated via the topic based assessments has been considered within the approach set out in the Healthy Urban Development Unit (HUDU) Planning for Health Rapid Health Impact Assessment Tool, Second Edition (June 2015). The HUDU tool is generally recognised as an appropriate mechanism for assessing human health impacts.</p> <p>The assessment considers the potential consequences for health and wellbeing from the construction and operation of the Scheme. The assessment draws upon information and conclusions contained within various assessments reported within the Environmental Statement (e.g. air quality, landscape, noise and vibration, and climate) and separate reports, such as the Equalities Impact Assessment and Transport Assessment Report.</p> <p>The assessment considers the effects of the construction and operation of the Scheme on health. In the assessment it is considered that the change in noise level is not significant for the majority of receptors but that Lydia House (used by boarding pupils during the week) and the Karten building at the Royal School for the Deaf, Markeaton junction would experience a significant increase in noise level, whilst three residential properties at Raleigh Street would experience a significant reduction in noise. Overall, the health assessment concludes that the Scheme is anticipated to result in a slight reduction in the overall number of receptors, which would experience a level of noise above which significant adverse effects on health and quality of life occur.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
4	ASSESSMENT PRINCIPLES	<p>The assessment concludes that overall effects on health during Scheme construction would be neutral (although effects on health from access to work and training would be positive), and effects on health during Scheme operation would be beneficial (although effects on health from climate change are neutral).</p> <p>As the permanent effects are either neutral or beneficial, no further specific mitigation measures for health have been identified which are beyond those already included in the environmental topic specific assessments.</p>

**Table 3: National Policy Statement Networks National Chapter 5**

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.6 - 5.9 <b>(Air quality)</b>	<p>Where the impacts of the project (both on and off-scheme) are likely to have significant air quality effects in relation to meeting EIA requirements and/or affect the UK's ability to comply with the Air Quality Directive, the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement.</p> <p>The Environmental Statement should describe:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> existing air quality levels;</li> <li><input type="checkbox"/> forecasts of air quality at the time of opening, assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme; and</li> <li><input type="checkbox"/> any significant air quality effects, their mitigation and any residual effects, distinguishing between the construction and operation stages and taking account of the impact of road traffic generated by the project.</li> </ul> <p>Defra publishes future national projections of air quality based on evidence of future emissions, traffic and vehicle fleet. Projections are updated as the evidence base changes. Applicant's assessment should be consistent with this but may include more detailed modelling to demonstrate local impacts.</p>	<p>Chapter 5: Air Quality of the Environmental Statement [TR010022/APP/6.1] sets out existing air quality concentrations, identified from both measurement data and modelled concentrations at sensitive receptor locations. The chapter also presents predicted future pollutant concentrations both with and without the Scheme during operation and with and without construction traffic during the construction phase, at sensitive receptor locations and identifies the predicted changes in concentrations at these locations. Any significant effects have been identified.</p> <p>A compliance risk assessment has been completed.</p> <p>No significant air quality effects have been identified during the construction and operational phase for the Scheme. A low risk has been identified for non-compliance with the EU Directive.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	<b>GENERIC IMPACTS</b>	
	In addition to information on the likely significant effects of a project in relation to EIA, the Secretary of State must be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive.	
5.13	<p>The Secretary of State should refuse consent where, after taking into account mitigation, the air quality impacts of the scheme will:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or</li> <li><input type="checkbox"/> affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision.</li> </ul>	<p>The compliance risk assessments included in Chapter 5: Air Quality of the Environmental Statement [TR010022/APP 6.1] demonstrates that Scheme operation or construction is <u>not</u> predicted to:</p> <ul style="list-style-type: none"> <li>• Result in zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant or;</li> <li>• Affect the ability of a non-compliant area to achieve compliance within the most recent timescales report to the European Commission at the time of the decision.</li> </ul>
5.14 - 5.15	<p>The Secretary of State should consider whether mitigation measures put forward by the applicant are acceptable. A management plan may help codify mitigation at this stage. The proposed mitigation measures should ensure that the net impact of a project does not delay the point at which a zone will meet compliance timescales.</p> <p>Mitigation measures may affect the project design, layout, construction, operation and/or may comprise measures to improve air quality in pollution hotspots beyond the immediate locality of the scheme. Measures could include, but are not limited to, changes to the route of the new scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to</p>	<p>The operational or construction impacts of the Scheme do not require any additional mitigation (in addition to those as detailed in Chapter 5: Air Quality of the Environmental Statement [TR010022/APP 6.1]).</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	trap or better disperse emissions, and speed control. The implementation of mitigation measures may require working with partners to support their delivery.	
<b>5.17 (Carbon emissions)</b>	Carbon impacts will be considered as part of the appraisal of scheme options (in the business case), prior to the submission of an application for DCO. Where the development is subject to EIA, any Environmental Statement will need to describe an assessment of any likely significant climate factors in accordance with the requirements in the EIA Directive. It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets.	Chapter 5: Air Quality of the Environmental Statement [TR010022/APP/6.1] contains the results of the regional assessment. Carbon emissions are expected to increase from traffic on the Affected Road Network.  The carbon impact has been assessed against the Government's carbon budgets and found to be not significant.
5.19	Evidence of appropriate mitigation measures (incorporating engineering plans on configuration and layout, and use of materials) in both design and construction should be presented. The Secretary of State will consider the effectiveness of such mitigation measures in order to ensure that, in relation to design and construction, the carbon footprint is not unnecessarily high. The Secretary of State's view of the adequacy of the mitigation measures relating to design and construction will be a material factor in the decision making process.	A lifecycle greenhouse (GHG) assessment was undertaken as part of the EIA using Highways England's carbon tool, Defra/BEIS GHG emission factors and the outputs from the WebTag GHG assessment. GHG emissions hotspots were identified and appropriate measures to mitigate GHG impacts presented. A key source of emissions during the life of the Scheme is due to the embedded carbon in materials used to construct the Scheme. While specific materials have not been specified a requirement to procure low carbon materials that, where feasible, are locally sourced, is included in the OEMP [TR010022/APP/6.12].

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.22 - 5.23 <b>(Biodiversity and ecological conservation)</b>	<p>Where the project is subject to EIA the applicant should ensure that the ES clearly sets out any likely significant effects on internationally, nationally and locally designated sites of ecological or geological conservation importance (including those outside England) on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity and that the statement considers the full range of potential impacts on ecosystems.</p> <p>The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.</p>	<p>Chapter 8: Biodiversity of the Environmental Statement [TR010022/APP/6.1] sets out any likely significant effects on internationally, nationally and locally designated sites, protected and notable species and habitats (including Habitats and Species of Principle Importance as listed under Section 41 of the Natural Environment Rural Communities (NERC) Act 2006). The method used for the ecological impact assessment is based upon the following guidance:</p> <ul style="list-style-type: none"> <li>• DMRB Volume 11, Section 2 (General Principles and Guidance of Environmental Impact Assessment (HA 201/08)).</li> <li>• DMRB Volume 11 Section 2 (Assessment and Management of Environmental Effects (HA 205/08).</li> <li>• IAN 125/15 (Environmental Assessment Update).</li> <li>• IAN 130/10 (Ecology and Nature Conservation: Criteria for Impact Assessment).</li> <li>• Guidelines of Ecological Impact Assessment in the UK and Ireland (Chartered Institute of Ecology and Environmental Management, Second Edition 2016), hereafter referred to as the CIEEM guidelines.</li> <li>• Professional judgement.</li> </ul> <p>In Chapter 8: Biodiversity of the Environmental Statement [TR010022/APP 6.1] the full range of potential impacts on ecosystems through the construction and operation of the Scheme are considered. Opportunities have been sought to conserve and enhance biodiversity where possible. There are no sites with statutory designation for geological features in close proximity to the Scheme. While there are three local geological designated sites in the area surrounding the Little Eaton and Markeaton junctions, the Scheme would result in a negligible effect at these sites.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.25	As a general principle, and subject to the specific policies below, development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. The applicant may also wish to make use of biodiversity offsetting in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated. Where significant harm cannot be avoided or mitigated, as a last resort, appropriate compensation measures should be sought.	Chapter 8: Biodiversity in the Environmental Statement [TR010022/APP/6.1] takes into account impact avoidance measures (i.e. design measures that have been incorporated into the Scheme to avoid or reduce (or 'design-out') impacts) and standard mitigation and management activities and additional mitigation measures to eliminate significant harm to biodiversity. The Scheme design aims to achieve no-net loss in biodiversity within the Scheme boundary (which aligns with the Highways England Biodiversity Plan 2015) and includes biodiversity mitigation measures within Markeaton Park adjacent to the A38. Opportunities for potential net-gains in biodiversity have also been sought adjacent to the strategic road network, however, this aspirational enhancement has not been included within the assessment of residual effects. A no-net loss assessment has been conducted separately to the biodiversity chapter, and which has contributed to the defined mitigation approach. A table presenting the habitat gain and loss as a result of the Scheme is presented in Chapter 8: Biodiversity of the Environmental Statement [TR010022/APP/6.1].
5.26	In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment.	The following ecological study areas (i.e. 'zones of potential influence' representing the areas in which effects could occur) have been used – these all include land within the Scheme boundary plus: <ul style="list-style-type: none"> <li>• Up to 30km from the Scheme boundary for sites designated at an international level for bats.</li> <li>• Up to 2km from the Scheme boundary for all other statutory and non-statutory designated sites and non-designated sites of interest.</li> <li>• Boundary for notable Phase 1 habitats.</li> <li>• Up to 500m for species/ species groups including reptiles, great crested newts, badger, water vole, otter, bats, birds, and invertebrates.</li> </ul> Professional judgement was applied in regards to the scope of surveys and potential effects on the wider environment. Additionally, a cumulative impact assessment was undertaken to assess potential effects that may arise as a result of the Scheme in combination with other nearby developments and proposals on the wider environment.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
		<p>The importance (sensitivity) of ecological features within the study area scoped into the assessment has been assessed in accordance with professional guidance (including DMRB and CIEEM). Ecological importance was assigned based on the geographical approach (International or European, UK or National, Regional, County or Unitary Authority, Local and Site). The importance of any feature that would be significantly affected has been used to assist in determining the geographical scale at which effects are significant.</p>
<p>5.29 <b>(Biodiversity-SSSIs)</b></p>	<p>Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should be made only where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. The Secretary of State should ensure that the applicant's proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest, are acceptable. Where necessary, requirements and/or planning obligations should be used to ensure these proposals are delivered.</p>	<p>The Scheme is not considered to have an adverse effect on any Sites of Special Scientific Interest (SSSI) (either individually or in combination with other developments).</p> <p>The three SSSIs assessed for the Scheme within the potential zone of influence are:</p> <ul style="list-style-type: none"> <li>• Kedleston Park SSSI - located approximately 1.9km north-west of the Scheme boundary at Markeaton junction. The SSSI is connected to the Scheme via Markeaton Brook. However, it is located upstream of the works and would not be affected by the Scheme through accidental pollution/ surface run-off.</li> <li>• Breadsall Railway Cutting SSSI - located approximately 1.5km from the Little Eaton junction.</li> <li>• Morley Pits SSSI is located more than 2km from the Scheme footprint at Little Eaton junction (and approximately 1.9km east of the road sign locations north of Little Eaton junction) and was scoped out of the assessment.</li> </ul>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.32 <b>(Biodiversity - Irreplaceable habitats including ancient woodland and veteran trees)</b>	Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.	<p>There are no ancient woodlands located within 2km of the Scheme.</p> <p>Veteran trees are present within Markeaton Park Local Wildlife Site (LWS), located adjacent to Markeaton junction. The arboriculture survey also identified other aged/veteran trees across the Scheme.</p> <p>There would be no loss of veteran trees within Markeaton Park LWS due to construction of the Scheme; and thus the functional integrity of the LWS would be retained.</p> <p>One veteran tree located by the Markeaton footbridge would be lost and is not replaceable. This loss would be unavoidable due to the footings and ramp gradient of the new footbridge required to be compliant with disabled access requirements. All other veteran trees within the Scheme footprint would be retained.</p>
5.35 <b>(Biodiversity - Protection of other habitats and species)</b>	Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and therefore requiring conservation action. The Secretary of State should ensure that applicants have taken measures to ensure these species and habitats are protected from the adverse effects of development. Where appropriate, requirements or planning obligations may be used in order to deliver this protection. The Secretary of State should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits of the development (including need) clearly outweigh that harm.	<p>Chapter 8: Biodiversity in the Environmental Statement [TR010022/APP/6.1] provides an assessment of the potential effects on ecological species and habitats of principal importance, as listed within the following legislation and policy guidance:</p> <ul style="list-style-type: none"> <li>• Species and habitats of Principal Importance as per the NERC Act 2006.</li> <li>• Local Biodiversity Action Plan (LBAP) Species and Habitats as listed in the Lowland Derbyshire LBAP.</li> <li>• Highways England Biodiversity Action Plan (2002 HABAP) - although now out of date, and superseded by the 2015 Biodiversity The Plan - the 2002 HABAP version still carries some relevance as it refers to specific species and habitats. The 2002 HABAP aims to protect and enhance habitats of conservation value associated with the existing road network and to ensure that impacts of future road building Schemes on valuable areas of habitat and associated species are kept to a minimum, with appropriate mitigation put in</li> </ul>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	GENERIC IMPACTS	
		<p>place where losses are unavoidable.</p> <p>Essential mitigation measures for which the aim is to eliminate significant effects and achieve no-net loss (and potentially net gain) are outlined in Chapter 8: Biodiversity of the Environmental Statement [TR010022/APP/6.1].</p>
5.36 (Biodiversity – Mitigation)	<p>Applicants should include appropriate mitigation measures as an integral part of their proposed development, including identifying where and how that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works;</li> <li><input type="checkbox"/> during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised (including as a consequence of transport access arrangements);</li> <li><input type="checkbox"/> habitats will, where practicable, be restored after construction works have finished;</li> <li><input type="checkbox"/> developments will be designed and landscaped to provide green corridors and minimise habitat fragmentation where reasonable;</li> <li><input type="checkbox"/> opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals, for example through techniques such as the 'greening' of existing network crossing points, the use of green bridges and the habitat improvement of the network verge.</li> </ul>	<p>An OEMP has been drafted with contractor input [TR010022/APP/6.12]. This provides detailed information relating to the best practice measures proposed to avoid or otherwise minimise risk of damage or disturbance to habitats and species. The OEMP [TR010022/APP/6.12] specifies requirements for the restoration, protection and enhancement of habitats within the Scheme. The measures detailed within the OEMP [TR010022/APP/6.12] would be developed into a Construction Environmental Management Plan (CEMP) by the selected construction contractor that would be implemented for the duration of the Scheme construction phase.</p> <p>Protected species and habitat surveys have been conducted to inform associated mitigation requirements, such that potential impacts from Scheme construction and operation on these species and habitats is avoided or appropriately mitigated. Letters of No Impediment have been obtained from Natural England for bats and badger to provide an agreement in principle on the essential mitigation measures applicable to these species groups.</p> <p>The no-net loss assessment has been carried out to consider potential opportunities to enhance habitats and where practicable create new habitats to ensure no net loss, or potentially net gains, in biodiversity across the Scheme, enhancing the green infrastructure of the network. The no net loss assessment has informed the landscape design to enhance habitat connectivity along the length of the Scheme and between the Scheme itself and the wider environment. The inclusion of green wedges (as detailed within the Derby City Local Plan) in the Scheme design, together with the integration of public open space, retained habitats, essential ecology mitigation, provides a network of natural space and a green infrastructure corridor to preserve and enhance ecosystem function.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.42 <b>(Waste management)</b>	The applicant should set out the arrangements that are proposed for managing any waste produced. The arrangements described should include information on the proposed waste recovery and disposal system for all waste generated by the development. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that the alternative is the best overall environmental outcome.	<p>The construction of the Scheme would be subject to measures and procedures defined within a CEMP. The CEMP would be based on, and incorporate, the requirements of the OEMP [TR010022/APP/6.12], and would include the implementation of industry standard practice and control measures for environmental impacts arising during construction, such as the control of dust and the approach to waste management on site. The CEMP would be produced by the construction contractor prior to works commencing in accordance with IAN 183/14, noting that the CEMP would include a Site Waste Management Plan (SWMP). The SWMP would set out a recording process for the management of waste, including the storage and transport of waste on site and a recording mechanism for required waste documentation such as Waste Transfer or Consignment Notes (dependent on the waste stream) in order to confirm the assessment of the waste impact and to implement the embedded mitigation measures. The SWMP would include procedures for monitoring the overall construction waste recovery rate and the proportion of secondary and recycled aggregate used in the Scheme, in order to confirm the assessment of materials impacts. The OEMP [TR010022/APP/6.12] sets a target that 14% of aggregates should be secondary and recycled aggregates, for those applications where it is technically and economically feasible to substitute these alternative materials for primary aggregates.</p> <p>The OEMP [TR010022/APP/6.12] sets a target recovery rate of 70% by weight for non-hazardous construction and demolition waste. Uncontaminated excavated soil and stones (EWC code 17 05 04) are specifically excluded from this target.</p>
5.55 - 5.58 <b>(Civil and military aviation and defence interests)</b>	<p>Where the proposed development may have an effect on civil or military aviation and/or other defence assets, an assessment of potential effects should be carried out.</p> <p>The applicant should consult the MoD, CAA, National Air Traffic Services (NATS) and any aerodrome – licensed or otherwise – likely to be</p>	Discussions with the Army Reserves Centre (located close to the Markeaton junction) confirm that the Scheme would not affect, impede or compromise the safe and effective use of defence assets or significantly limit military training as a result of either the proposed permanent or temporary land take.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	<p>affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests.</p> <p>Any assessment on aviation or other defence interests should include potential impacts during construction and operation of the project upon the operation of CNS infrastructure, flight patterns (both civil and military), other defence assets and aerodrome operational procedures.</p> <p>If any relevant changes are made to proposals for an NSIP during the pre-application period or before the end of the examination of an application , it is the responsibility of the applicant to ensure that the relevant aviation and defence consultees are informed as soon as reasonably possible.</p>	
5.62	<p>Where, after reasonable mitigation, operational changes and planning obligations and requirements have been proposed, development consent should not be granted if the Secretary of State considers that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a development would prevent a licensed aerodrome from maintaining its licence;</li> <li><input type="checkbox"/> the benefits of the proposed development are outweighed by the harm to aerodromes serving business, training or emergency service needs; or</li> <li><input type="checkbox"/> the development would significantly impede or compromise the safe and effective use of defence assets or significantly limit military training.</li> </ul>	<p>There are no aerodromes in the vicinity of the Scheme.</p> <p>Discussions with the Army Reserves Centre confirm that the Scheme would not affect, impede or compromise the safe and effective use of defence assets or significantly limit military training.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.71- 5.74 <b>(Coastal change)</b>	<p>Applications for development in a Coastal Change Management Area (CCMA) should make it clear why there is a need for it to be located in a CCMA. For developments in a CCMA, applicants should undertake an assessment of the vulnerability of the proposed development to coastal change, taking account of climate change, during the project's operational life.</p> <p>For any projects involving dredging or disposal into the sea, the applicant should consult the MMO, and where appropriate, for cross-boundary impacts, Natural Resource Wales and Scottish Natural Heritage, at an early stage. The applicant should also consult the MMO on projects which could impact on coastal change, since the MMO may also be involved in considering other projects which may have related coastal impacts.</p> <p>The applicant should examine the broader context of coastal protection around the proposed project, and the influence in both directions, i.e. coast on project, and project on coast.</p> <p>The applicant should be particularly careful to identify any effects of physical changes on the integrity and special features of Marine Conservation Zones, candidate marine Special Areas of Conservation (SACs), coastal SACs and candidate coastal SACs, coastal Special Protection Areas (SPAs) and potential coastal SPAs, Ramsar sites, Sites of Community Importance (SCIs) and</p>	This policy requirement is not applicable as the Scheme is not located in a coastal area.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	potential SCIs and sites of Special Scientific Interest. For any projects affecting the above marine protected areas, the applicant should consult Natural England and where appropriate, for cross-boundary impacts, Natural Resource Wales and Scottish Natural Heritage, at an early stage.	
5.75	<p>When assessing applications in a CCMA, the Secretary of State should not grant development consent unless it is demonstrated that the development:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> will be safe over its planned lifetime and will not have an unacceptable impact on coastal change;</li> <li><input type="checkbox"/> will not compromise the character of the coast covered by designations;</li> <li><input type="checkbox"/> provides wider sustainability benefits; and</li> <li><input type="checkbox"/> does not hinder the creation and maintenance of a continuous signed and managed route around the coast.</li> </ul>	This policy requirement is not applicable as the Scheme is not located in a coastal area.
5.79	Applicants should propose appropriate mitigation measures to address adverse physical changes to the coast in consultation with the MMO, the EA, Natural England, Natural Resource Wales, Scottish Natural Heritage, Local Planning Authorities, other statutory consultees, Coastal Partnerships and other coastal groups, as it considers appropriate. The Secretary of State should consider whether the mitigation requirements put forward by an applicant are acceptable and will be delivered and whether requirements should be attached to any grant of development consent in order to secure their delivery.	This policy requirement is not applicable as the Scheme is not located in a coastal area.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
<p>5.84 - 5.86 <b>(Dust, odour, artificial light, smoke, steam)</b></p>	<p>Where the development is subject to an EIA, the applicant should assess any likely significant effects on amenity from emissions of odour, dust, steam, smoke and artificial light and describe these in the Environmental Statement.</p> <p>In particular, the assessment provided by the applicant should describe:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the type and quantity of emissions;</li> <li><input type="checkbox"/> aspects of the development which may give rise to emissions during construction, operation and decommissioning;</li> <li><input type="checkbox"/> premises or locations that may be affected by the emissions;</li> <li><input type="checkbox"/> effects of the emission on identified premises or locations; and</li> <li><input type="checkbox"/> measures to be employed in preventing or mitigating the emissions.</li> </ul> <p>The applicant is advised to consult the relevant local planning authority and, where appropriate, the EA about the scope and methodology of the assessment.</p>	<p>Chapter 5: Air quality of the Environmental Statement [TR010022/APP/6.1] presents an assessment of the potential for adverse impacts on sensitive receptors due to emissions of dust during the construction phase of the Scheme, when such emissions may occur. Appropriate mitigation measures have been identified as set out in Section 5.9 of Chapter 5 (and within the OEMP [TR010022/APP/6.12]) to reduce emissions during demolition, construction and from track out. These include wheel washing facilities, hard surfacing haul routes if possible, enclosing dusty materials and screening dusty activities, revegetating or covering earthworks as soon as practicable and monitoring.</p> <p>Emissions of odour, smoke and steam are expected to be negligible.</p> <p>The existing lighting along the A38 and the effect of the lighting Scheme have been assessed in Chapter 7: Landscape and Visual Impact Assessment of the Environmental Statement [TR010022/APP/6.1]. The lighting from the Scheme would not result in significant adverse effects.</p>
5.89	<p>The Secretary of State should ensure the applicant has provided sufficient information to show that any necessary mitigation will be put into place. In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning emissions of odour, dust, steam, smoke, artificial light from the development to reduce any loss to</p>	<p>The construction of the Scheme would be subject to measures and procedures defined within a CEMP. The CEMP will be based on, and incorporate, the requirements of the OEMP [TR010022/APP/6.12]), and would include the implementation of industry standard practice and control measures for environmental impacts arising during construction, such as the control of odour, dust, steam, smoke and artificial lighting. The CEMP would be produced by the construction contractor prior to works commencing.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	amenity which might arise during the construction and operation of the development. A construction management plan may help codify mitigation.	The Scheme is not anticipated to give rise to emissions of odour, dust, steam or smoke during operation. Emissions of dust during construction have been considered in Chapter 5: Air Quality in the Environmental Statement [TR010022/APP 6.1]. The nature of the Scheme is such that it would not give rise to odour. The potential impact artificial lighting is considered in Chapter 7: Landscape and Visual Impact Assessment of the Environmental Statement [TR010022/APP/6.1].
5.91 <b>(Flood risk)</b>	The National Planning Policy Framework (paragraphs 100 to 104) makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. But where development is necessary, it should be made safe without increasing flood risk elsewhere. The guidance supporting the National Planning Policy Framework explains that essential transport infrastructure (including mass evacuation routes), which has to cross the area at risk, is permissible in areas of high flood risk, subject to the requirements of the Exception Test.	The Kingsway and Markeaton junctions are both located in Flood Zone 1. However, local authority investigations have identified that Bramble Brook through Kingsway junction is actually located within Flood Zone 3 and, as such, the risk of fluvial flooding from Bramble Brook is considered to be high. Parts of the existing Little Eaton junction are located within Flood Zone 2 and 3. The Scheme at Little Eaton junction would unavoidably take place within the floodplain and an alternative location outside the floodplain that makes use of the existing highway infrastructure is not available. Similarly, the Scheme at Kingsway junction would unavoidably require works within the existing junction. The Scheme is considered a “necessary” development and subject to the Exception Test. The Scheme therefore needs to ensure that flood risk to people and property would be managed satisfactorily. Flood modelling and flood risk assessments [TR010022/APP 7.1] have been undertaken for each of the junctions to demonstrate the potential impacts of the Scheme and identify and design appropriate mitigation measures. The methodology and findings of the flood risk assessments are also presented in Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [TR010022/APP/6.1].
5.92 - 5.93	Applications for projects in the following locations should be accompanied by a flood risk assessment (FRA):  <input type="checkbox"/> Flood Zones 2 and 3, medium and high probability of river and sea flooding; <input type="checkbox"/> Flood Zone 1 (low probability of river and sea flooding) for projects of 1 hectare or greater,	Flood risk assessments [TR010022/APP/7.1] have been carried out for the Scheme. The flood risk assessments incorporated existing baseline data, topographic data and hydraulic modelling where necessary (taking into consideration climate change). As part of the assessments, mitigation options in the form of design amendments and flood compensation have been investigated. The methodology and findings of the flood risk assessments are presented in Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [TR010022/APP/6.1] with the flood risk assessments being provided in

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	<p>projects which may be subject to other sources of flooding (local watercourses, surface water, groundwater or reservoirs), or where the Environment Agency has notified the local planning authority that there are critical drainage problems.</p> <p>This should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.</p>	<p>[TR010022/APP 7.1].</p>
5.94	<p>In preparing an Flood Risk Assessment the applicant should:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> consider the risk of all forms of flooding arising from the project (including in adjacent parts of the United Kingdom), in addition to the risk of flooding to the project, and demonstrate how these risks will be managed and, where relevant, mitigated, so that the development remains safe throughout its lifetime;</li> <li><input type="checkbox"/> take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made;</li> <li><input type="checkbox"/> consider the vulnerability of those using the infrastructure including arrangements for safe access and exit;</li> <li><input type="checkbox"/> include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project;</li> <li><input type="checkbox"/> consider if there is a need to remain operational during a worst case flood event over the</li> </ul>	<p>Flood Risk Assessments [TR010022/APP/7.1] have been developed for the Scheme and detail the risk of flooding from all sources, climate change impacts, residual risk management and operation of the highway during flood events.</p> <p>Parts of the existing Little Eaton junction are set within Flood Zones 2 and 3, whilst Kingsway and Markeaton junctions are both located in Flood Zone 1. However, local authority investigations have identified that Bramble Brook through Kingsway junction is actually located within Flood Zone 3 and, as such, the risk of fluvial flooding from Bramble Brook is considered to be high. The improvement to the junctions within the River Derwent floodplain at Little Eaton junction is unavoidable, as is development within Kingsway junction. Impacts of the Scheme would be mitigated through the use of compensatory floodplain storage at Little Eaton junction and flood storage areas at Kingsway junction.</p> <p>The Sequential Test has been applied to the Scheme. The development cannot be directed to an area with lowest probability of flooding and is classed as 'Critical Infrastructure'.</p> <p>The Scheme is therefore subject to the Exception Test. The Scheme ensures that flood risk to people and property is not increased. Flood risk mitigation measures have been developed as part of the Environmental Impact Assessment and are described within Chapter 13: Road Drainage and the Water Environment of the</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	development's lifetime; <input type="checkbox"/> provide the evidence for the Secretary of State to apply the Sequential Test and Exception Test, as appropriate.	Environmental Statement [TR010022/APP/6.1] and the Flood Risk Assessments [TR010022/APP/7.1].
5.96	Applicants for projects which may be affected by, or may add to, flood risk are advised to seek sufficiently early pre-application discussions with the Environment Agency, and, where relevant, other flood risk management bodies such as lead local flood authorities, Internal Drainage Boards, sewerage undertakers, highways authorities and reservoir owners and operators. Such discussions can be used to identify the likelihood and possible extent and nature of the flood risk, to help scope the FRA, and identify the information that will be required by the Secretary of State to reach a decision on the application once it has been submitted and examined. If the Environment Agency has concerns about the proposal on flood risk grounds, the applicant is encouraged to discuss these concerns with the Environment Agency and look to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency's concerns, preferably before the application for development consent is submitted.	Throughout the pre-application stage, the Applicant has been in discussions with the Environment Agency, Severn Trent Water and local authorities, including the Lead Local Flood Authorities, with regards to flood risk and drainage issues. Discussions have been used to carry out further river modelling, to inform mitigation measures for the Scheme and influence the sustainable highway drainage systems.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.97	For local flood risk (surface water, groundwater and ordinary watercourse flooding), local flood risk management strategies and surface water management plans provide useful sources of information for consideration in Flood Risk Assessments. Surface water flood issues need to be understood and then account of these issues can be taken, for example flow routes should be clearly identified and managed.	Local flood risks from surface water, groundwater and ordinary watercourses have been considered as part of the Environmental Impact Assessment. A Drainage Strategy Report has been produced to inform the design of the Scheme. This report outlines plans that would be put in place to manage surface water. Consultation with the Lead Local Flood Authorities has informed the drainage strategy. Hydraulic modelling has also been undertaken to investigate flood risks from Bramble Brook (ordinary watercourse) at Kingsway junction. The Lead Local Flood Authority, DCiC, has reviewed the hydraulic modelling and found it to be fit-for-purpose. Flood risk mitigation measures have also been developed and are described within Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [TR010022/APP/6.1]. Hydraulic modelling has also been undertaken in order to appropriately design the Dam Brook diversion works at Little Eaton junction.
5.100	For construction work which has drainage implications, approval for the project's drainage system will form part of any development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.93 In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any Sustainable Drainage Systems (SuDS), including any necessary access rights to property. The Secretary of State, should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the	Consultation with the Lead Local Flood Authorities (DCiC for Markeaton junction and Kingsway junction and Derbyshire County Council for Little Eaton junction) has been undertaken. A Drainage Strategy has been produced and the Lead Local Flood Authorities have been consulted (contained within the Environmental Statement Appendices [TR010022/APP/6.3]). The Drainage Strategy complies with the National Standards published by Ministers under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.93.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.112 - 5.115 <b>(Flood risk - mitigation)</b>	<p>applicant, the landowner, the relevant local authority, or another body such as the Internal Drainage Board.</p> <p>Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.</p> <p>The surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.</p> <p>It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation.</p> <p>The sequential approach should be applied to the layout and design of the project. Vulnerable uses should be located on parts of the site at lower probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities can be taken</p>	<p>As detailed in the Drainage Strategy report contained within the Environmental Statement Appendices [TR010022/APP/6.3], the existing runoff rates to the existing outfalls would be maintained. This would be achieved with the provision of enlarged pipes, cellular storage tanks and open ponds to attenuate the runoff from the additional paved areas created by the Scheme.</p> <p>Where it has been possible, the opportunity has been taken to use open space within the drainage provisions for other purposes such as amenity and wildlife habitat enhancements.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.117 - 5.118 <b>(Land instability)</b>	<p>to lower flood risk by improving flow routes, flood storage capacity and using SuDS.</p> <p>Where necessary, land stability should be considered in respect of new development, as set out in the National Planning Policy Framework and supporting planning guidance. Specifically, proposals should be appropriate for the location, including preventing unacceptable risks from land instability. If land stability could be an issue, applicants should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. Applicants should liaise with the Coal Authority if necessary. A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed application for development consent is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development. The site needs to be assessed in context of surrounding areas where subsidence, landslides and land compression could threaten the development during its anticipated life or damage neighbouring land or property. This could be in the form of a land stability or slope stability risk assessment report.</p>	<p>A Preliminary Sources Study and a comprehensive ground investigation were completed during the pre-application stages of the Scheme and have informed the preliminary design for the Scheme. Ground conditions along with the potential for land stability issues have been identified and are summarized in the Ground Investigation Report and Chapter 10: Geology and Soils of the Environmental Statement <b>[TR010022/APP/6.1]</b>.</p> <p>It is proposed to mitigate against and provide solutions for land stability issues during the detailed design stage of the Scheme. This would include the management of embankment and structure settlement due to compressible ground, the provision of stable earthwork slopes and the design of ground retaining structures. These design solutions are provided within the Geotechnical Design Report, which is contained within the Environmental Statement Appendices <b>[TR010022/APP/6.3]</b>.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.126 - 5.127 <b>(The historic environment)</b>	<p>Where the development is subject to EIA the applicant should undertake an assessment of any likely significant heritage impacts of the proposed project as part of the EIA and describe these in the Environmental Statement.</p> <p>The applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation.</p>	<p>An assessment of the potential Scheme effects to heritage assets has been undertaken as part of the Environmental Impact Assessment. The methodology and findings of the assessment are presented in Chapter 6: Cultural Heritage of the Environmental Statement [TR010022/APP/6.1]. A list of the cultural heritage assets considered in the assessment are set out in the Environmental Statement Appendices [TR010022/APP/6.3].</p> <p>Historic England was consulted regarding the scope of the Historic Impact Assessment in 2018. The assessment was undertaken in accordance with feedback provided by Historic England.</p> <p>Baseline sources were consulted as part of the Historic Environment Record search included local study resources (Derby Records Office, Derby Local Studies Library, Derby Museum and Art Gallery), historic mapping (including LiDAR datasets for Little Eaton junction) and Derwent Valley Mills World Heritage Site Management Plan 2014-2019, to inform the assessment.</p> <p>The EIA Scoping Opinion adopted by the Inspectorate [TR010022/APP/6.5] included the responses of statutory consultees in addition to other detailed consultation undertaken at the pre-application stage. This included Historic England, Derbyshire County Council, DCiC and Erewash Borough Council. These consultation responses informed the assessment as included in Chapter 6.</p> <p>During the pre-application stage a 'detailed' heritage walkover was undertaken to assess setting impacts on various heritage assets (designated and non-designated). Archaeological evaluation surveys (archaeological geophysical survey, geoarchaeological borehole survey, monitoring of ground investigation holes and trial trench evaluation) were undertaken during the pre-application stages. The results were reported by an archaeological sub-contractor and have contributed to the development of measures to avoid or mitigate adverse effects from the Scheme.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	<b>GENERIC IMPACTS</b>	
		<p>This information has been incorporated within the heritage assessment where appropriate and reported in Chapter 6 of the Environmental Statement. The document follows guidance on heritage impact assessments for Cultural World Heritage properties, produced by ICOMOS. This is in line with guidance produced by Historic England for the assessment of impact on designated heritage assets.</p> <p>The Heritage Impact Assessment has been prepared to understand the impacts on the Derwent Valley Mills World Heritage Site. The scope of which was developed following consultation with the consultees referred to above, including Historic England.</p>
5.131	<p>When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including World Heritage Sites, Scheduled Monuments, grade I and II* Listed Buildings, Registered Battlefields, and grade I and II* Registered Parks and Gardens should be wholly exceptional.</p>	<p>The magnitude of impact on heritage assets (historic buildings, archaeology and historic landscape assets) has been judged in accordance with the factors described in DMRB Volume 11.3.2 (Highways Agency, 2007). The setting of the heritage assets has been considered in accordance with DMRB (Highways Agency, 2007, paragraph 4.19) and the principles set out in the NPPF (2019) and advice provided in the NPSNN and Historic England's Good Practice Advice Guide GPA3: The Setting of Heritage Assets, 2nd edition (Historic England, 2017).</p> <p>The significance of the heritage assets and the magnitude of impacts associated with the Scheme are described and presented in Chapter 6: Cultural Heritage of the Environmental Statement [TR010022/APP/6.1].</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.133	<p>Where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the nature of the heritage asset prevents all reasonable uses of the site; and</li> <li><input type="checkbox"/> no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li> <li><input type="checkbox"/> conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</li> <li><input type="checkbox"/> the harm or loss is outweighed by the benefit of bringing the site back into use.</li> </ul>	<p>The conclusion of Chapter 6: Cultural Heritage of the Environmental Statement [TR010022/APP/6.1] is that no heritage asset would incur substantial harm. There would be a less than substantial harm to the designated Derwent Valley Mills World Heritage Site that the Scheme crosses at Little Eaton junction (effects being slight adverse).</p> <p>In addition, the Scheme would have a limited number of slight adverse effects on heritage assets. Such effects are considered to constitute less than substantial harm to these heritage assets.</p>
5.144 - 5.146 <b>(Landscape and visual impacts)</b>	<p>Where the development is subject to EIA the applicant should undertake an assessment of any likely significant landscape and visual impacts in the environmental impact assessment and describe these in the environmental assessment. A number of guides have been produced to assist in addressing landscape issues. The landscape and visual assessment should include reference to any landscape character assessment and associated studies, as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments</p>	<p>A landscape and visual impact assessment has been undertaken in accordance with GLVIA3, as is current best practice and is presented within Chapter 7: Landscape and Visual Impact Assessment of the Environmental Statement [TR010022/APP/6.1]. The assessment has included the assessment of likely significant landscape and visual impacts, which makes reference to the townscape character assessment undertaken by DCiC (2009) and the landscape character assessment undertaken by Derbyshire County Council (2003). Effects taken into account have included those during construction and operation of the Scheme and take into account landscape components, landscape character and visual amenity.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	<p>in local development documents in England.</p> <p>The applicant's assessment should include any significant effects during construction of the project and/or the significant effects of the completed development and its operation on landscape components and landscape character (including historic landscape characterisation).</p> <p>The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include any noise and light pollution effects, including on local amenity, tranquillity and nature conservation.</p>	
5.147- 5.148	<p>Any statutory undertaker commissioning or undertaking works in relation to, or so as to affect land in a National Park or AONB, would need to comply with the respective duties in section 11A of the National Parks and Access to Countryside Act 1949 and section 85 of the Countryside and Rights of Way Act 2000.</p> <p>For significant road widening or the building of new roads in National Parks and the Broads applicants also need to fulfil the requirements set out in Defra's English national parks and the broads: UK government vision and circular 2010 or successor documents. These requirements should also be complied with for significant road widening or the building of new roads in AONBs.</p>	This policy requirement is not applicable as the Scheme is not located within a National Park, the Broads or an AONB.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.150 - 5.151	<p>Great weight should be given to conserving landscape and scenic beauty in nationally designated areas. National Parks, the Broads and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the Secretary of State has a statutory duty to have regard to in decisions.</p> <p>The Secretary of State should refuse development consent in these areas except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;</li> <li><input type="checkbox"/> the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and</li> <li><input type="checkbox"/> any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</li> </ul> <p>There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and AONB, unless it can</p>	This policy requirement is not applicable as the Scheme is not located within a National Park, the Broads or an AONB.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	<b>GENERIC IMPACTS</b>	
	be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. Planning of the Strategic Road Network should encourage routes that avoid National Parks, the Broads and AONB.	
5.153	Where consent is given in these areas, the Secretary of State should be satisfied that the applicant has ensured that the project will be carried out to high environmental standards and where possible includes measures to enhance other aspects of the environment. Where necessary, the Secretary of State should consider the imposition of appropriate requirements to ensure these standards are delivered.	The Scheme is not located in and does not impact upon areas designated as National Parks, Broads and AONB; therefore consents for working in such areas would not be required.
5.154 - 5.155	<p>The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. This should include projects in England which may have impacts on designated areas in Wales or on National Scenic Areas in Scotland.</p> <p>The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.</p>	This policy requirement is not applicable as the Scheme is not located within a National Park, the Broads or an AONB.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
<p>5.165 - 5.167 <b>(Land use including open space, green infrastructure and Green Belt)</b></p>	<p>The applicant should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate.</p> <p>Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings.</p> <p>During any pre-application discussions with the applicant, the local planning authority should identify any concerns it has about the impacts of the application on land-use, having regard to the development plan and relevant applications, and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements. These are also matters that local authorities may wish to include in their Local Impact Report which can be submitted after an application for development consent has been accepted.</p>	<p>The Environmental Statement [TR010022/APP/6.1] and Planning Statement include a description of existing land uses at and around the junctions and an assessment of the associated land use impacts. Chapter 12: People and Communities within the Environmental Statement [TR010022/APP/6.1] includes the details as related to impacts upon public open space and exchange land provisions. Effects upon land use and exchange land requirements have been discussed and agreed with the relevant local authorities.</p> <p>The Scheme would result in the loss of public open space (POS) land, but in accordance with the provisions of the PA 2008 replacement land would be provided and offered in exchange. The total loss of POS across the Kingsway and Markeaton junctions would comprise an area of approximately 7,788m<sup>2</sup>. The replacement land offered in exchange would total an area of approximately 7,832m<sup>2</sup>. Further information on this including an explanation of how the replacement land would fulfil the requirements of the PA 2008 is included within Chapter 5 of the Planning Statement.</p> <p>Little Eaton junction is located within the Erewash Green Belt. The Markeaton and Kingsway junction are located outside the Green Belt. Green Belt Consideration has been given to the Green Belt location in Chapter 5 of the Planning Statement. As set out in Chapter 5 of the Planning Statement it is considered that the Scheme does not contravene the purposes of the Green Belt. Furthermore, it is considered that the Scheme does not constitute inappropriate development in the Green Belt and that very special circumstances exist for the location of the Scheme in the Green Belt location.</p> <p>Chapter 7: Landscape and Visual Effects in the Environmental Statement [TR010022/APP/6.1] states that the Green Belt designation is included as a characteristic within the landscape character area. Section 7.10 gives consideration to Scheme impacts upon the openness of Green Belt within the assessment of landscape character areas Green Belt.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.168	<p>Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality.</p> <p>Applicants should also identify any effects, and seek to minimise impacts, on soil quality, taking into account any mitigation measures proposed. Where possible, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value.</p> <p>For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination and how it is proposed to address this.</p>	<p>An assessment of the potential effect of the Scheme on soil resources, geology, agricultural land and land contamination is presented in Chapter 10: Geology and Soils of the Environmental Statement [TR010022/APP/6.1].</p> <p>The design is such that land outside the highway boundary is required to facilitate the Scheme. An agricultural soil survey and assessment of the potential impacts on agricultural land was undertaken in 2015 and updated with a supplementary agricultural land classification survey undertaken in 2018 and 2019. The survey and assessments take into account permanent and temporary land take requirements at the Little Eaton junction due to the absence of agricultural soil at the Kingsway and Markeaton junctions. The assessment considers the temporary loss of agricultural land during construction (e.g. associated with construction compounds and storage areas) and presents mitigation measures to preserve soil resources. The assessment concludes that while the Scheme would result in the loss of some best and most versatile agricultural land, agricultural soil effects are assessed as being minor or negligible, and thus effects would not be significant.</p> <p>An assessment of the potential effect of the Scheme on soil quality has been undertaken and is presented in Chapter 10: Geology and Soils of the Environmental Statement [TR010022/APP/6.1]. The assessment considers the soil quality including topsoil and subsoil. Mitigation measures for the avoidance of loss of soil resources and quality are set out in Chapter 10: Geology and Soils of the Environmental Statement. The assessment concludes that with the implementation of mitigation the effect on soil resources will be minor or negligible.</p> <p>The potential for the Scheme to result in land contamination has also been assessed and is reported in Chapter 10: Geology and Soils of the Environmental Statement [TR010022/APP/6.1]. The potential sources of existing contamination, along with sources of new contamination and the effects are assessed. Mitigation measures are set out and the assessment concludes that the potential effect of</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	<b>GENERIC IMPACTS</b>	
		on human health and controlled waters would be minor or negligible.
5.169	Applicants should safeguard any mineral resources on the proposed site as far as possible.	No mineral safeguarding sites are located within the Scheme footprint.
5.170 - 5.171	<p>The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt policy. Metropolitan Open Land, and land designated as Local Green Space in a local or neighbourhood plan, are subject to the same policies of protection as Green Belt, and inappropriate development should not be approved except in very special circumstances.</p> <p>Linear infrastructure linking an area near a Green Belt with other locations will often have to pass through Green Belt land. The identification of a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt and as far as possible, of the need to contribute to the achievement of the objectives for the use of land in Green Belts.</p>	<p>The Scheme at Little Eaton junction is located within the Erewash Green Belt.</p> <p>The Green Belt designation at Little Eaton junction is considered in detail in Chapter 6 of the Planning Statement. It is considered that the Scheme would not contravene the fundamental aims of the Green Belt to prevent urban sprawl by keeping land permanently open, maintain the essential characteristics of the Green Belt such as their openness and permanence. It is considered that the Scheme would not contravene the purposes and objectives of the Green Belt set out in the NPPF.</p> <p>There is a general presumption against inappropriate development in the Green Belt. However, it is considered that the existing strategic highway infrastructure and need for the route to pass through the Green Belt to connect areas are such that the Scheme is not considered to constitute inappropriate development.</p> <p>In the circumstances that the Scheme is considered to be inappropriate development, then it is asserted that very special circumstances for the Scheme exist. The NPSNN acknowledges in policy 5.171 that <i>'Linear infrastructure lining an area near a Green Belt with other locations will often have to pass through Green Belt land'</i>.</p> <p>There is overriding need and policy support for the Scheme, which is set out in the Roads Investment Strategy the NPSNN and adopted policies of the relevant local plans.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.174	The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.	<p>In order to deliver the Scheme it would be necessary to acquire existing areas of land that are currently designated as POS. The applicant has taken significant positive steps to address the loss of POS through the provision of replacement land. In this regard, a positive balance of land would be provided in excess of the POS to be lost to the Scheme. This replacement land includes a new standalone area of POS and provision that would enhance existing areas of open land used informally by the public.</p> <p>It should be noted that as the applicant proposes to provide replacement land under the terms of the PA 2008, the acceptability of the loss should primarily be considered under the requirements of the act.</p>
5.177	In considering the impact on maintaining coastal recreation sites and features, the Secretary of State should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so the Secretary of State should consider the implications for development of the creation of a continuous signed and managed route around the coast, as proposed in the Marine and Coastal Access Act 2009.	Given that the Scheme is remote from the coast, this requirement is not applicable.
5.180	Where green infrastructure is affected, applicants should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to new coastal access routes, National Trails and other public rights of way.	It is considered that the Scheme would not have any material impact on either the functionality or connectivity of existing areas of Green Infrastructure (GI) in and around the Scheme extents. Opportunities to improve existing GI links, where applicable have been considered through the finalisation of the Scheme design.

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.182	Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources.	The Scheme is not located in or adjacent to mineral safeguard areas. As such, this policy is not relevant.
5.184	Public rights of way, National Trails, and other rights of access to land (e.g. open access land) are important recreational facilities for walkers, cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access. In considering revisions to an existing right of way consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent.	<p>Section 12.8, Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/6.1] describes the mitigation and enhancement measures that are part of the Scheme. Improvements to existing rights of way include the realignment and widening of shared footpaths and cycleways and the provision of improved crossing facilities.</p> <p>Enhancements are also proposed as part of the Scheme. These include:</p> <ul style="list-style-type: none"> <li>• A new shared footway and cycleway across Kingsway junction providing new pedestrian and cyclists across the A38.</li> <li>• A new footpath with occasional seating would be provided around the perimeter of the flood storage areas adjacent to Bramble Brook within the Kingsway hospital development site.</li> </ul> <p>The Scheme would result in the permanent loss of approximately 7,788m<sup>2</sup> of public open space. It is proposed that replacement public open space for the Scheme would be provided using the area vacated by the buildings to be demolished on Queensway, areas of the existing A38 at Markeaton and Brackensdale Avenue, near Kingsway. This would provide new areas of public open space directly connected and in close proximity to existing public open space. The public open space exchange land would include an area of approximately 7,832m<sup>2</sup>.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.189 <b>(Noise and vibration)</b>	<p>Where a development is subject to EIA and significant noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment, which should form part of the environment statement:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a description of the noise sources including likely usage in terms of number of movements, fleet mix and diurnal pattern. For any associated fixed structures, such as ventilation fans for tunnels, information about the noise sources including the identification of any distinctive tonal, impulsive or low frequency characteristics of the noise.</li> <li><input type="checkbox"/> identification of noise sensitive premises and noise sensitive areas that may be affected.</li> <li><input type="checkbox"/> the characteristics of the existing noise environment.</li> <li><input type="checkbox"/> a prediction on how the noise environment will change with the proposed development: <ul style="list-style-type: none"> <li>o In the shorter term such as during the construction period;</li> <li>o in the longer term during the operating life of the infrastructure;</li> <li>o at particular times of the day, evening and night as appropriate.</li> </ul> </li> <li><input type="checkbox"/> an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas.</li> <li><input type="checkbox"/> measures to be employed in mitigating the effects of noise. Applicants should consider using best available techniques to reduce noise impacts.</li> <li><input type="checkbox"/> the nature and extent of the noise assessment</li> </ul>	<p>Chapter 9: Noise and Vibration of the Environmental Statement [TR010022/APP/6.1] includes:</p> <ul style="list-style-type: none"> <li>• Consideration of and a description of noise sources.</li> <li>• Details of identified noise and vibration sensitive receptors.</li> <li>• Details and characteristics of the existing ambient noise environment based on a baseline survey.</li> <li>• A detailed level DMRB assessment reporting the predicted changes in traffic noise levels due to the Scheme during the day and night.</li> <li>• A quantitative assessment of construction noise and vibration impacts and construction traffic noise impacts.</li> <li>• An assessment of the significance of the effect of the predicted construction and operational impacts on noise and vibration sensitive receptors.</li> <li>• Mitigation measures proposed during the construction phase.</li> <li>• Mitigation measures incorporated into the Scheme design - includes low noise surfacing and noise barriers.</li> </ul> <p>An OEMP is included as Appendix 2.1 of the Environmental Statement [TR010022/APP/6.12] which sets out measures to be implemented to minimise noise arising and effects during the construction and operation phases of the Scheme.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	should be proportionate to the likely noise impact.	
5.190	The potential noise impact elsewhere that is directly associated with the development, such as changes in road and rail traffic movements elsewhere on the national networks, should be considered as appropriate.	As part of the detailed level DMRB assessment Chapter 9: Noise and Vibration in the Environmental Statement [TR010022/APP/6.1] identifies 'affected routes', including those which are remote from the Scheme (>1km) which would experience a potentially significant change in traffic noise in the short or long term due to the Scheme. The magnitude of the impact and the significance of the effect along these affected routes are reported.
5.191	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. The prediction of road traffic noise should be based on the method described in Calculation of Road Traffic Noise. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	Operational traffic noise impacts have been assessed in accordance with the DMRB methodology and are reported in Chapter 9 Noise and Vibration of the Environmental Statement [TR010022/APP/6.1]. The DMRB methodology requires the use of the CRTN prediction method for traffic noise. The assessment methodology and criteria for construction impacts is based predominantly on BS 5228.
5.192	The applicant should consult Natural England with regard to assessment of noise on designated nature conservation sites, protected landscapes, protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account.	The results of the noise impact assessment have been discussed with the ecology team and are incorporated into the Chapter 8: Biodiversity of the Environmental Statement [TR010022/APP/6.1] assessment which has been discussed with various consultees including Natural England.
5.195	The Secretary of State should not grant development consent unless satisfied that the proposals will meet, the following aims, within the context of Government policy on sustainable development:  <input type="checkbox"/> avoid significant adverse impacts on health and	Section 9.10 in Chapter 9: Noise and Vibration of the Environmental Statement [TR010022/APP/6.1] specifically addresses the three aspects of this key policy in respect of the construction and operation phase of the Scheme. A summary is presented below.  <b><u>Construction Phase</u></b> In respect of the first aim in this policy, a significant adverse effect is predicted at

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	<b>GENERIC IMPACTS</b>	
	<p>quality of life from noise as a result of the new development;</p> <p>□ mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and</p> <p>□ contribute to improvements to health and quality of life through the effective management and control of noise, where possible.</p>	<p>the closest receptors to the construction works between Kingsway junction and the Kedleston Road junction at Little Eaton junction, the northern edge of Breadsall, and adjacent to works at the floodplain compensation area to the south of the A38 (west of the River Derwent). This is due to the close proximity of receptors to construction activities. At this stage, a conservative approach has been taken, for example, any exceedances of the noise/vibration criteria are assumed to potentially exceed the duration criteria applied to identifying significant effects, and the potential benefit of site hoarding/enclosures for specific locations/activities/plant has not been included.</p> <p>To reduce the effect the noise assessment identifies a range of mitigation measures, which are detailed in Section 9.9 of Chapter 9: Noise and Vibration of the Environmental Statement [TR010022/APP/6.1] and would be set out in the CEMP, as based upon the OEMP [TR010022/APP/6.12].</p> <p>The construction contractor would review the proposed working methods to consider all sustainable mitigation measures, including identifying locations/activities/plant where site hoarding/enclosures would be installed to reduce the magnitude of the construction noise impact, with the aim of avoiding significant noise and vibration effects. However, there is the potential for some significant temporary adverse noise and/or vibration effects to remain. This is considered to be acceptable in the context of sustainable development as factors including engineering practicality, cost versus benefit etc., must be considered. On this basis, it is considered that, with the implementation of the mitigation measures outlined in the CEMP and in the context of sustainable development, the first aim of the NPSNN would be met during Scheme construction.</p> <p>With regard to the second aim of this policy, adverse effects are predicted at a range of receptors.</p> <p>To reduce the effect the range of mitigation measures which would be applied during the construction phase as detailed in Section 9.9 of Chapter 9: Noise and</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	GENERIC IMPACTS	<p>Vibration of the Environmental Statement [TR010022/APP/6.1] would benefit all receptors experiencing construction noise and vibration. Adverse construction impacts are considered to be acceptable in the context of sustainable development as factors including engineering practicality, cost versus benefit etc., must be considered. On this basis, with the effective implementation of the mitigation and minimisation measures defined in Section 9.9 it is considered that the second aim of this policy would be met during the Scheme construction.</p> <p>With regard the third aim of this policy, the construction phase by its nature introduces a new noise or vibration source into the existing environment and is temporary in duration. Therefore, the opportunities to improve existing noise levels during the Scheme construction phase are very limited.</p> <p><b><u>Operational Phase</u></b></p> <p>With regard to the first aim of this policy, mitigation measures including noise barriers between Kingsway and Markeaton junction and the vertical and horizontal design, would reduce traffic noise levels at 197 residential properties to below relevant the significance criteria. On the A38, the very closest properties remain above the SOAEL with the Scheme in operation, although the mitigation measures would reduce traffic noise levels. Additional mitigation, such as increasing the height of the barriers between Kingsway and Markeaton junctions, is not considered sustainable due to other impacts (visual) and consultation feedback.</p> <p>Residential properties on other existing roads are also above the significance criteria. The introduction of noise mitigation measures such as noise barriers along such roads is not a practical engineering option and would have other adverse impacts (including visual and access impacts). Further information in respect of this matter is presented in Section 9.10 of Chapter 9: Noise and Vibration of the Environmental Statement [TR010022/APP/6.1], however, on the basis of the above discussion, it is considered that the operation of the Scheme meets the first aim of this policy.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	GENERIC IMPACTS	<p>With regard to the second aim of this policy, additional noise barriers have been incorporated into the Scheme design at Kingsway Park Close to protect properties backing onto the new access link onto Kingsway junction, and at Little Eaton junction. Residential receptors in these areas would experience a non-significant adverse effect and such effects have been minimised through the inclusion of noise barriers within the Scheme design. The proposed height of the barriers at Little Eaton junction has aimed to balance the need to provide noise mitigation, whilst also not having an adverse landscape impact. Feedback received during statutory consultation indicated that there was a strong preference for noise barriers on the southbound A38 mainline and the southbound diverge slip road to the A61. No areas where additional mitigation would be appropriate, within the context of sustainable development, have been identified i.e. considering engineering practicality, cost, other potential impacts such as landscape and visual impacts, ecological considerations, and consultation responses. On this basis it is considered that the Scheme meets the requirements of the second aim of this policy.</p> <p>With regard to the third aim of this policy noise improvements are provided in some areas along the Scheme corridor as a result of the closure of a number of accesses onto the A38, the realignment of the A38 mainline into underpasses at Kingsway junction and Markeaton junction and inclusion of various noise barriers along the Scheme. On this basis, it is considered that the third NPSNN aim has been met.</p> <p>Further detail in respect of the assessment, application of mitigation and conformity with this policy is presented in Section 9.10 of Chapter 9: Noise and Vibration of the Environmental Statement [TR010022/APP/6.1].</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.199	For most national network projects, the relevant Noise Insulation Regulations will apply. These place a duty on and provide powers to the relevant authority to offer noise mitigation through improved sound insulation to dwellings, with associated ventilation to deal with both construction and operational noise. An indication of the likely eligibility for such compensation should be included in the assessment. In extreme cases, the applicant may consider it appropriate to provide noise mitigation through the compulsory acquisition of affected properties in order to gain consent for what might otherwise be unacceptable development. Where mitigation is proposed to be dealt with through compulsory acquisition, such properties would have to be included within the development consent order land in relation to which compulsory acquisition powers are being sought.	A preliminary assessment of the potential for properties to qualify under the Noise Insulation Regulations has been completed and the results reported in Chapter 9: Noise and Vibration of the Environmental Statement [TR010022/APP/6.1]. There are no compulsory acquisition of properties proposed in respect of noise.
5.200	Applicants should consider opportunities to address the noise issues associated with the Important Areas as identified through the noise action planning process.	The Noise Important Areas within the Scheme boundary, and the wider study area, are identified in Chapter 9: Noise and Vibration of the Environmental Statement [TR010022/APP/6.1]. The impact of the Scheme on Noise Important Areas is reported. Mitigation measures included in the Scheme design are located within a number of these Noise Important Areas.
5.203 - 5.205 <b>(Impacts on transport networks)</b>	Applicants should have regard to the policies set out in local plans, for example, policies on demand management being undertaken at the local level.  Applicants should consult the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts.	Regard has been given to the relevant policies set out in the applicable Local Plan. An assessment of the conformity of the Scheme with Local Plan policies is included in the Planning Statement. Consultation has been carried out with the highway authority. Various stakeholder meetings have taken place throughout the development of the Scheme design, including with the highway authority and local planning authorities and collective assessment work has taken full account of the planning policy context at the local level. Other transport modes and their viability have been discussed in TN27 – ‘Assessment of Alternative Modal Options – September 2016. Effects on non-motorised users are described in the

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, consistent with paragraph 3.19-3.22 above, the applicant should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non motorised users.	A38 Walking, Cycling and Horse Riding Assessment (Highways England, 2018) (Appendix 12.1 of the Environmental Statement [TR010022/APP/6.3]) and in Chapter 12 of the Environmental Statement [TR010022/APP/6.1].
5.206	For road and rail developments, if a development is subject to EIA and is likely to have significant environmental impacts arising from impacts on transport networks, the applicant's environmental statement should describe those impacts and mitigating commitments. In all other cases the applicant's assessment should include a proportionate assessment of the transport impacts on other networks as part of the application.	<p>The nature of the Scheme is such that it has been necessary to undertake an EIA. The methodology for the assessments and description of the environmental impacts arising from traffic impacts are reported in the various topic chapters of the Environmental Statement [TR010022/APP/6.1].</p> <p>The design for the Scheme incorporates mitigation measures to reduce and minimise the extent of any potential environmental effects. These measures are described in detail in each topic based chapter of the Environmental Statement and illustrated on the Environmental Masterplans (Figures 2.12a to 2.12h [TR010022/APP/6.2]).</p> <p>Mitigation measures to be implemented during the construction of the Scheme are set out in the OEMP [TR010022/APP/6.12] and would be developed further by the construction contractor during the preparation of their CEMP. Mitigation measures would be implemented in respect of air quality, cultural heritage, landscape and visual impact, biodiversity, noise and vibration, geology and soils, material assets and waste, people and communities, road drainage and water and climate.</p> <p>The nature and scope of the assessment has been determined by scoping for the EIA. The assessments included in the Environmental Statement [TR010022/APP/6.1] are considered to be appropriate.</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
5.208	Where appropriate, the applicant should prepare a travel plan including management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport and sustainable modes where relevant, to reduce the need for any parking associated with the proposal and to mitigate transport impacts.	<p>A Traffic Management Plan has been prepared which sets out the measures to mitigate transport impacts. The Traffic Management Plan is presented as application document reference [TR010022/APP/7.4].</p> <p>These requirements are not considered necessary given the nature of development and a Travel Plan would not be submitted in support of the DCO application.</p>
5.209	For schemes impacting on the Strategic Road Network, applicants should have regard to DfT Circular 02/2013 The Strategic Road Network and the delivery of sustainable development (or prevailing policy) which sets out the way in which the highway authority for the Strategic Road Network, will engage with communities and the development industry to deliver sustainable development and, thus, economic growth, whilst safeguarding the primary function and purpose of the Strategic Road Network.	The Department for Transport sets out the objectives for the Strategic Road Network in the Road Investment Strategy 2015 - 2020. In keeping with these objectives, the Scheme is designed to improve connectivity, increase network capacity, smooth traffic flows, reduce delays and foster economic growth. Stakeholder and public consultation was also been carried out during the development of the Scheme design. During the consultation events comments in respect the Scheme designs were received and reviewed by the design team. A summary of the information presented and comments received during the consultation events is presented in the Consultation Report [TR010022/APP/5.1].
5.210	If new transport infrastructure is proposed, applicants should discuss with network providers the possibility of co-funding by Government for any third-party benefits. Guidance has been issued in England which explains the circumstances where this may be possible. The Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time, and cannot provide financial support to a scheme that solely mitigates the impacts of a specific development. Any decisions on co-funded transport infrastructure will need to be taken in the context of the Government's wider policy of	<p>The Scheme would assist and be compatible with DCiC's aspirations to improve this and other routes along the Strategic Road Network. This Scheme may also yield benefits for the A61 corridor also.</p> <p>The improvements to the A38 Derby junctions are included in the Road Investment Strategy published by the Department for Transport as a committed Scheme which will be constructed between 2015 and 2020 and for which funding has been secured. The Funding Statement [TR010022/APP/4.2] sets out how the Scheme would be funded.</p> <p>The Scheme would not solely mitigate the impacts of a specific development. The purposes and objectives of the Scheme are to separate strategic and local traffic using the A38 to ease congestion, improve journey times and provide for future</p>

NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
	transport improvements.	economic growth.
5.216	Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. There is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated.	The Scheme would improve access and journey times for all motorised users of the A38 Derby junctions. Potential impacts on accessibility for non-motorised users have been mitigated through the Scheme design. As a minimum, the Scheme design provides the equivalent provision for pedestrians and cyclists as the existing arrangements at the junctions. Consideration is given to the potential impact of the Scheme on accessibility in Chapter 12: People and Communities of the Environmental Statement [TR010022/APP/ 6.1].
5.220 <b>(Water quality and resources)</b>	Where applicable, an application for a development consent order has to contain a plan with accompanying information identifying water bodies in a River Basin Management Plan.	Drawings are provided as a supporting figure (Figure 13.4) appended to Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [TR010022/APP/6.1] produced in support of the DCO application which show the location of water bodies.
5.221	Applicants should make early contact with the relevant regulators, including the Environment Agency, for abstraction licensing and with water supply companies likely to supply the water. Where a development is subject to EIA and the development is likely to have significant adverse effects on the water environment, the applicant should ascertain the existing status of, and carry out an assessment of the impacts of the proposed project on water quality, water resources and physical characteristics as part of the environmental statement.	The Environment Agency has been consulted regarding the location of abstraction licences held within the boundary of the Scheme, this is reported within the Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [TR010022/APP/ 6.1].
5.222	For those projects that are improvements to the existing infrastructure, such as road widening, opportunities should be taken, where feasible, to improve upon the quality of existing discharges where these are identified and shown to contribute towards Water Framework Directive commitments.	At the Kingsway junction, the Scheme would involve improving the existing road network and the realignment of Bramble Brook which is culverted under the existing junction. Bramble Brook is considered to be part of Markeaton Brook (from Mackworth Brook to Derwent) under the Water Framework Directive (WFD), and would be the only WFD waterbody affected at Kingsway junction. There would be no WFD waterbodies affected by the Scheme at Markeaton junction. At Little Eaton junction there is a need to consider WFD compliance issues due to the need to divert Dam Brook.

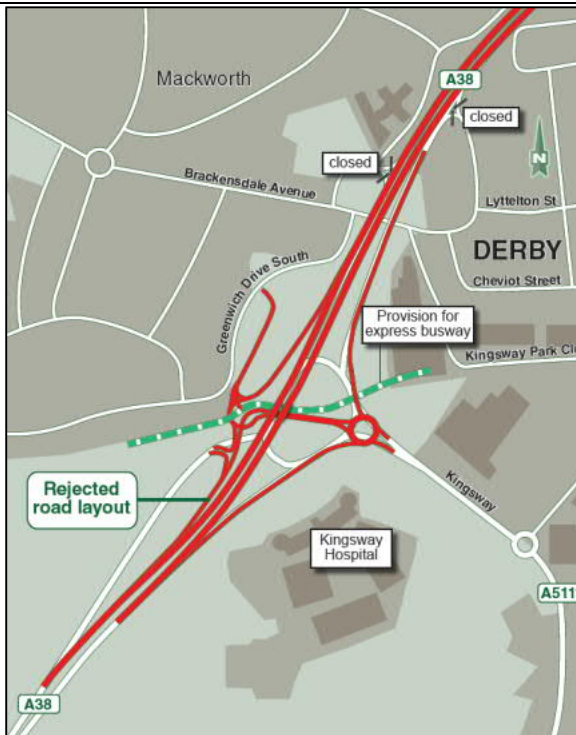
NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	<b>GENERIC IMPACTS</b>	
		Mitigation has been incorporated into the drainage design to mitigate for the loss of open channels at both Kingsway junction and Little Eaton junction and to provide wetland habitats, whilst also ensuring that water quality of the highway discharges would not be worsened. Water Framework Directive assessments have been undertaken and are presented in an appendix (Appendix 13.3) to Chapter 13: Road Water and the Drainage of the Environmental Statement [TR010022/APP/6.1].
5.223	<p>Any environmental statement should describe:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the existing quality of waters affected by the proposed project;</li> <li><input type="checkbox"/> existing water resources affected by the proposed project and the impacts of the proposed project on water resources;</li> <li><input type="checkbox"/> existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project, and any impact of physical modifications to these characteristics;</li> <li><input type="checkbox"/> any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive and source protection zones (SPZs) around potable groundwater abstractions; and</li> <li><input type="checkbox"/> any cumulative effects.</li> </ul>	<p>These matters are covered in the Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [TR010022/APP/6.1], which cross refers to the WFD Assessment reports included in Appendix 13.3 to the Environmental Statement [TR010022/APP/6.3].</p> <p>The WFD assessment undertaken in respect of Markeaton Brook considers whether the Scheme at Kingsway junction would result in deterioration of the existing moderate ecological conditions of the Markeaton Brook due to the realignment and culverting of Bramble Brook. The Scheme design includes WFD mitigation measures, including the provision of flood storage areas which would remain wet and provide wetland habitat, whilst berms would be included within the realigned Bramble Brook channel within the junction to improve flow variation, reduce fine sediment deposition and provide suitable habitat for in-channel macrophytes. The WFD assessment concludes that with the provision of the defined mitigation measures, the Scheme would not have an adverse effect on the WFD status of Markeaton Brook waterbody.</p> <p>At Little Eaton junction, the Scheme would result in a collective loss of existing open channel of approximately 279m (loss of approximately 155m of Dam Brook and approximately 124m loss of the unnamed watercourse). However, provision of the 260m long flood alleviation channel and a new approximately 216m long swale would result in the creation of approximately 476m of new open channel. Therefore, these collective works would result in a net gain in open channel of approximately 197m associated with Dam Brook and its tributaries. These mitigation measures would minimise potential adverse WFD impacts, and</p>

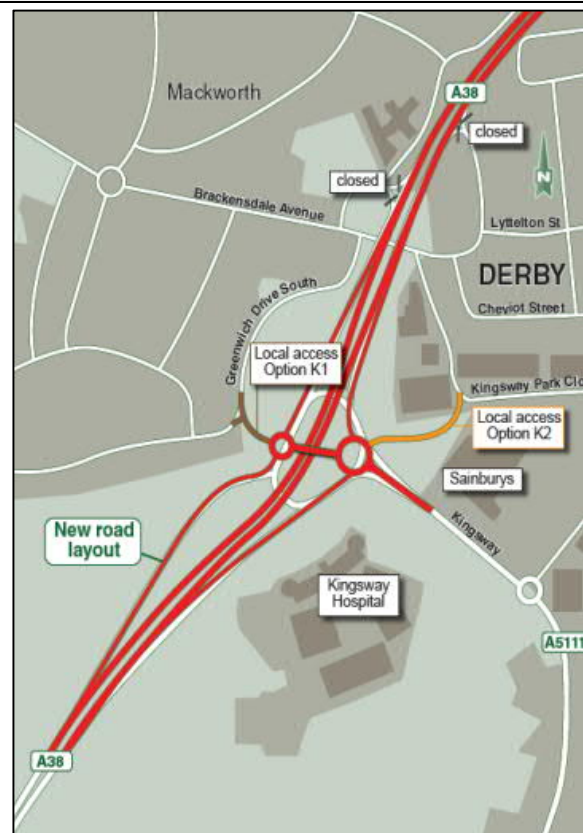
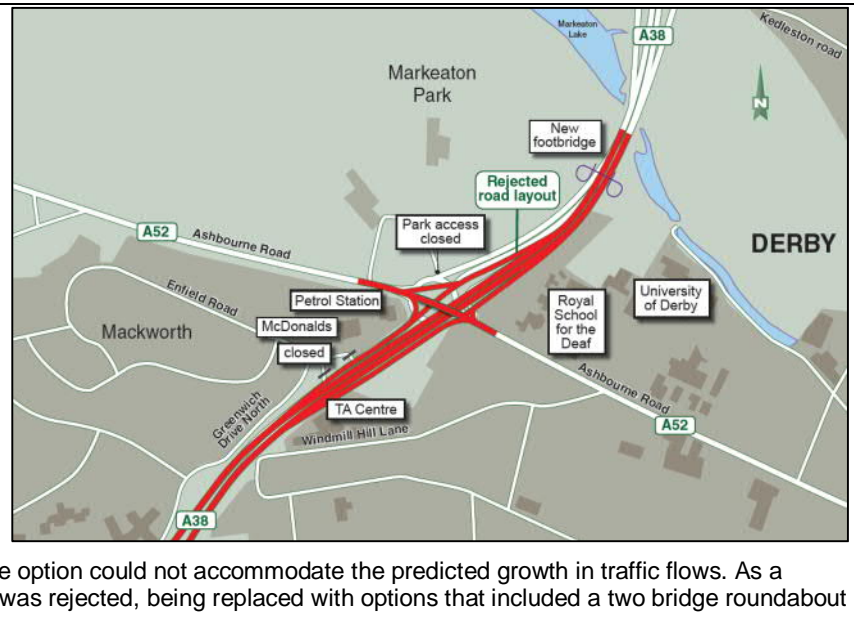
NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
<b>5</b>	<b>GENERIC IMPACTS</b>	
		improve the local water environment.
5.226	The Secretary of State should be satisfied that a proposal has had regard to the River Basin Management Plans and the requirements of the WFD (including Article 4.7) and its daughter directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. In terms of WFD compliance, the overall aim of projects should be no deterioration of ecological status in watercourses, ensuring that Article 4.7 of the WFD Regulations does not need to be applied.	This is addressed in the WFD Assessment Reports [TR010022/APP/6.3] and is summarised in the Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [TR010022/APP/6.1]. It should be noted that the Scheme drainage system has been designed so that there would be no intentional discharges to groundwater given that all highway drainage would be discharged to surface waters.
5.227	The Examining Authority and the Secretary of State should consider proposals put forward by the applicant to mitigate adverse effects on the water environment and whether appropriate requirements should be attached to any development consent and/or planning obligations. If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of impacts on water quality/resources, the Secretary of State can grant consent, but will need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try to resolve the concerns, and that the Environment Agency is satisfied with the outcome.	The applicant has worked closely with the Environment Agency to ensure any concerns are suitably addressed as far as is reasonably practical. The Environment Agency has been consulted in respect of the flood risk mitigation proposals.


NPSNN Paragraph Number	Requirement of the National Policy Statement National Networks (NPSNN)	Compliance with the NNNPS
5	<b>GENERIC IMPACTS</b>	
5.229	The Secretary of State should consider whether the mitigation measures put forward by the applicant which are needed for operation and construction (and which are over and above any which may form part of the project application) are acceptable. A construction management plan may help codify mitigation.	An OEMP [TR010022/APP/6.12] has been prepared which provides the management and mitigation measures to be implemented during the construction and operational phases of the Scheme. A CEMP would be prepared by the construction contractor as based upon the OEMP. The CEMP would detail appropriate mitigation measures in relation to water quality.

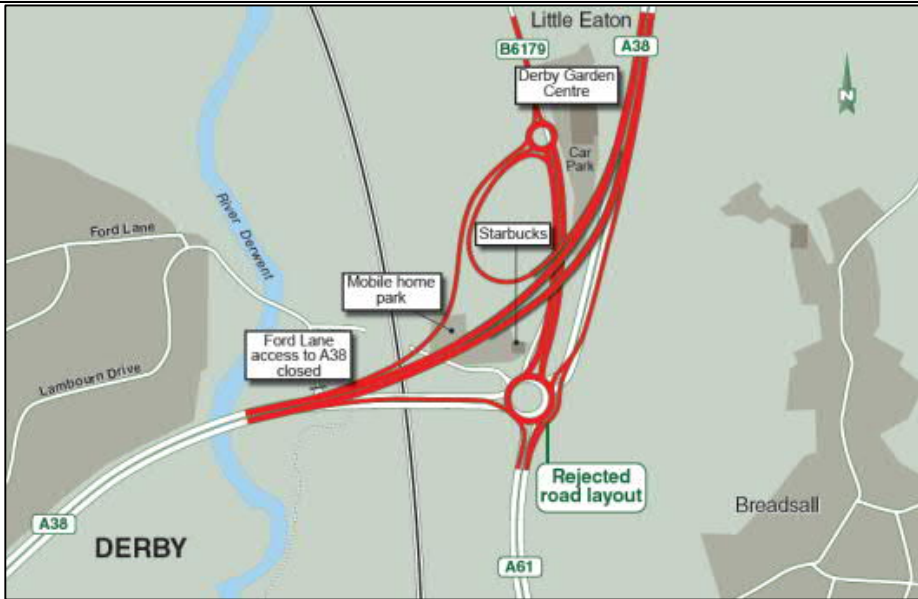

## Appendix B – Summary of the design options presented during the 2002 to 2003 Public Consultation events

### Main A38 Derby junctions options considered (2002 - 2005) and preferred options

Option descriptions and assessment	
<b>Kingsway junction</b>	
<p><b>Option 1</b>  <b>Option description:</b> This option entailed placing the A38 mainline on an embankment, passing over the junction. Link roads and roundabouts would be provided providing access onto the A5111, as well as linkages onto Greenwich Drive South. This layout provided space for an express busway that was being considered at the time. This option emerged as the preferred option when the proposed scheme was taken to public consultation in 2002.</p> <p><b>Option appraisal:</b> Following assessment, this option was not taken forward due to:</p> <ul style="list-style-type: none"> <li>• Difficulties with the alignment of the A5111 and the impact of the large A38 embankment.</li> <li>• High visual impact due to the A38 passing over the junction on an embankment.</li> <li>• Higher construction costs and greater environmental impacts compared to the preferred option (see Option 2 below).</li> </ul>	

Option descriptions and assessment	
<p><b>Option 2</b> <b>Option description:</b> Key features of this option are as follows:</p> <ul style="list-style-type: none"> <li>The A38 would be lowered to pass underneath the existing roundabout in a new underpass.</li> <li>Construction of two new roundabouts and a new bridge at existing ground level to carry traffic across the lowered A38.</li> <li>Existing A38 carriageways would generally be converted into the junction slip roads.</li> <li>Provision of local access onto Greenwich Drive North.</li> <li>A38 widening to three lanes in each direction between Kingsway junction and Kedleston Road junction.</li> <li>Speed limit increased from 40mph to 50mph.</li> </ul> <p><b>Option appraisal:</b> This option was taken forward as the preferred option given that it would avoid many of the problems associated with Option 1 as described above. Placement of the scheme in an underpass would reduce environmental effects, including avoiding the high visual impacts associated with the Option 1 embankment.</p> <p>This option essentially remains the preferred option, although the Scheme design has evolved in terms of local access linkages (i.e. use of local access Option K2 rather than Option K1 – refer to para. 3.2.7).</p>	
<b>Markeaton junction</b>	
<p><b>Option 1</b> <b>Option description:</b> The plan shows the option which emerged as the preferred option when the proposed scheme was taken to public consultation in 2002. Here the A38 mainline would pass through the junction in an underpass, with a single bridge provided for the A52 Ashbourne Road, with associated slips onto and off the new A38 mainline. In order to accommodate this option, land would be taken from Queensway, requiring building demolition.</p> <p><b>Option appraisal:</b> Following further traffic studies, it was concluded that this single bridge option could not accommodate the predicted growth in traffic flows. As a result, this single bridge option was rejected, being replaced with options that included a two bridge roundabout (see options below).</p>	
<p><b>Option 2</b> <b>Option description:</b> The option entailed the A38 mainline being placed in an underpass, but rather than taking land from Queensway, this option entailed moving the A38 mainline westwards. Thus this option would require land take from within Markeaton Park, whilst also resulting in the potential loss of the petrol filling station and land where the McDonald's restaurant is now located.</p> <p><b>Option appraisal:</b> This option was rejected following the 2002 public consultation, mainly due to unacceptable environmental impacts due to the required land take from Markeaton Park.</p>	

Option descriptions and assessment	
<p><b>Option 3</b>  <b>Option description:</b> This option entailed putting the A38 mainline on an embankment with a “flyover” arrangement through the junction.  <b>Option appraisal:</b> This option was rejected on the grounds of the high visual impact created by the embankment and the associated retaining walls.</p>	
<p><b>Option 4</b>  <b>Option description:</b> Key features of this option are as follows:</p> <ul style="list-style-type: none"> <li>• The A38 mainline lowered to pass underneath the existing roundabout in an underpass.</li> <li>• Construction of two new bridges to carry the A52 and roundabout traffic across the lowered A38.</li> <li>• Speed limit increased from 40 to 50 mph.</li> <li>• A38 widened to three lanes in each direction between Kingsway junction and Kedleston Road junction.</li> <li>• Access to Esso petrol station and McDonald's restaurant modified, with access from the A38 being closed, with a revised access provided off the A52.</li> <li>• Construction of new slip roads to permit all turning movements.</li> <li>• Existing Markeaton Park entrance closed, with new park access provided off the A52.</li> </ul>	
<p><b>Option appraisal:</b> This option was selected as the preferred option as it would avoid significant land take from Markeaton Park, place the A38 mainline in an underpass through the junction (and thus avoiding visual impacts associated with the embankment option), and provide a two bridge roundabout able to accommodate predicted traffic flows.  This option essentially remains the preferred option, although the Scheme design has been subject to a number of minor design evolutions. This includes some refinements to the junction geometry due to the identified need to signalise the junction.</p>	
<p><b>Little Eaton junction</b>  A wide range of options were considered for Little Eaton junction during the 2002 public consultation. Following the 2002 consultation revised options for the Little Eaton junction were developed and a supplementary public consultation took place in October 2003 - the options illustrated below were presented during the 2003 Little Eaton public consultation.</p>	

Option descriptions and assessment	
<p><b>Option 1</b></p> <p><b>Option description:</b> This option placed the A38 mainline passing through the junction on an embankment to the north of the existing Little Eaton junction. The existing Little Eaton junction would be retained to provide access to the A61, whilst a new roundabout would be provided to the north of the new A38 mainline on the B6179.</p> <p><b>Option appraisal:</b> This option was not progressed following the 2003 consultation events due to low support from the public and stakeholders, as well as impacts on both local residents and commercial premises – this included loss of land from the Derby Garden Centre and loss of residential properties within the Ford Farm Mobile Home Park.</p>	
<p><b>Option 2</b></p> <p><b>Option description:</b> This option entailed the A38 passing on embankment to the north of the existing Little Eaton junction (similar to Option 1).</p> <p><b>Option appraisal:</b> This option was not progressed following the 2002 consultation events due to low support from the public and stakeholders, and impacts on local residents and commercial premises (as detailed for Option 1).</p>	

## Option descriptions and assessment

### Option 3

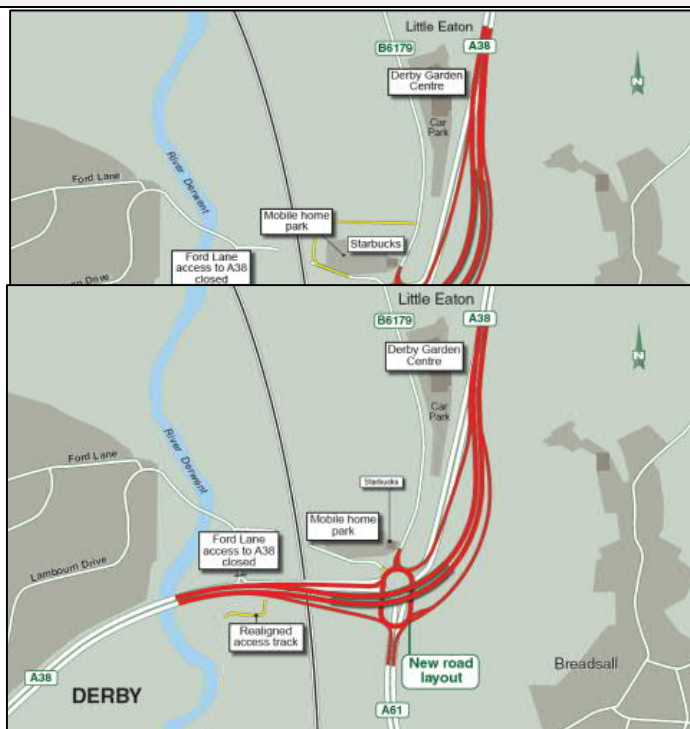
**Option description:** This option would position the A38 on embankment to the south of the existing A38 alignment. This option was identified as the preferred option in that land take outside the existing highway boundary would be minimised and there would no direct impacts on the Ford Farm Mobile Home Park or the Derby Garden Centre.

### Option appraisal:

Option 3 was subsequently refined and emerged as the preferred option on the basis that the revised layout:

- Provides a more compact footprint.
- Reduces impacts on the River Derwent floodplain and the Derwent Valley Mills World Heritage Site.
- Reduces both construction costs and traffic disruption during construction.
- Retains existing access arrangements to Ford Lane and the Starbuck's site.

A slightly revised Option 3 layout was presented during public consultation events held in 2015.



## Appendix C – Table of options passing the initial sifting process

### Alternatives at Kingsway junction and Little Eaton junction subject to further evaluation

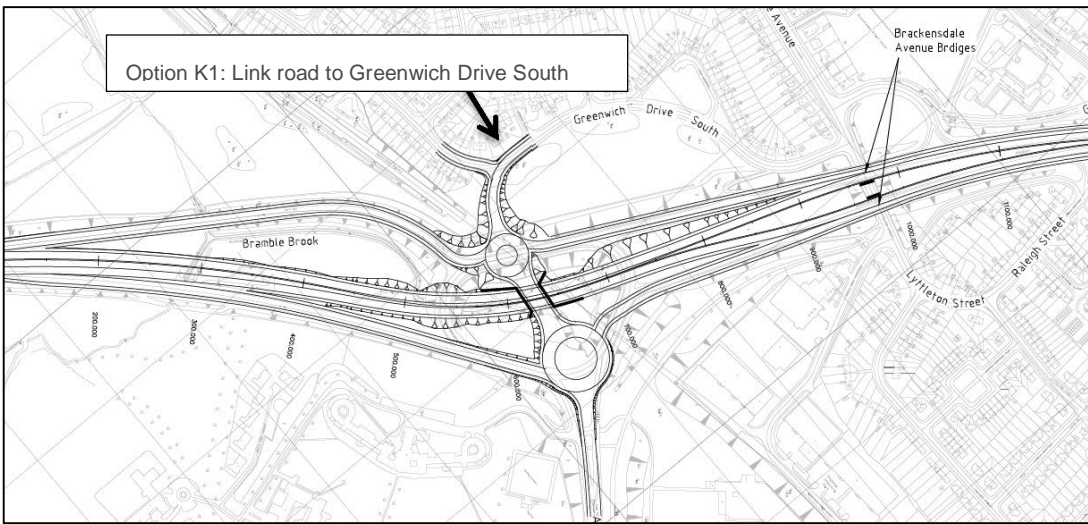
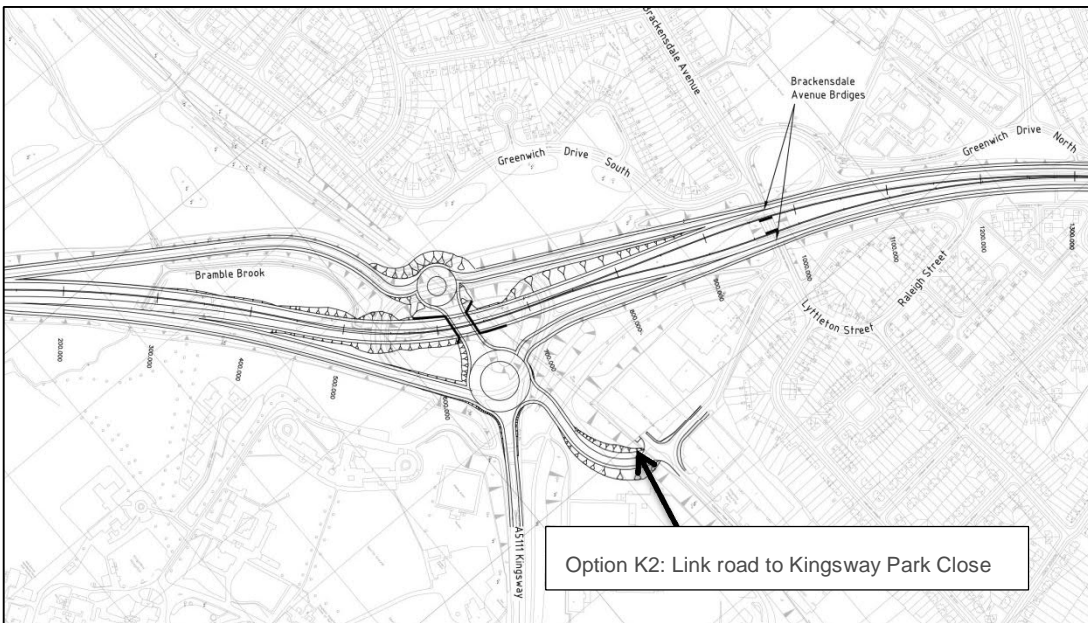
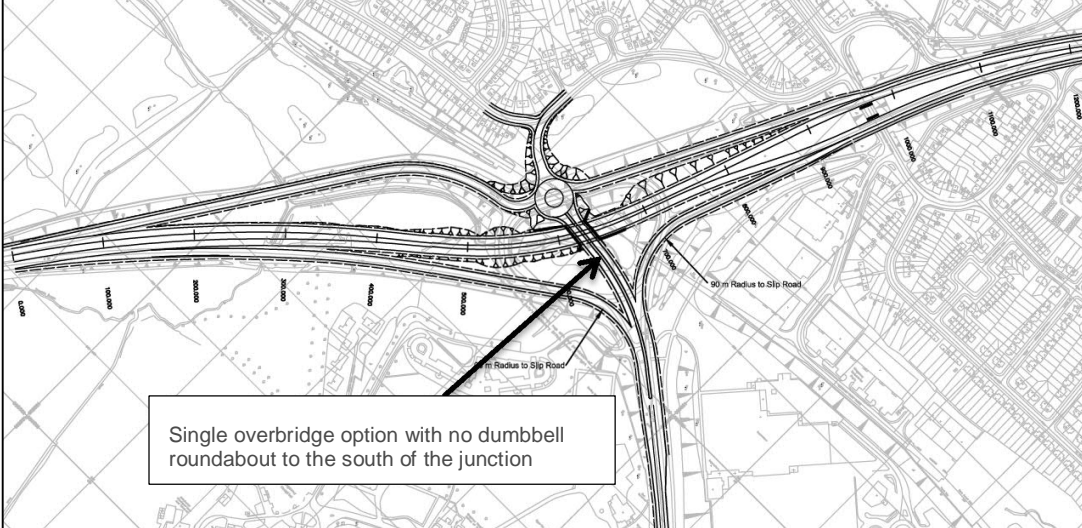
Illustration No:	Options considered for further assessment
<b>Kingsway junction</b>	
<b>Illustration 3.2:</b> <b>Kingsway junction - presented junction layout with Option K1</b> (note that this was the 2015 presented junction layout for Kingsway junction)	
<b>Illustration 3.3:</b> <b>Kingsway junction - presented junction layout with Option K2</b>	

Illustration No:	Options considered for further assessment
<p><b>Illustration 3.4:</b> Kingsway junction - consultee J's alternative with Option K1</p>	 <p>Single overbridge option with no dumbbell roundabout to the south of the junction</p>

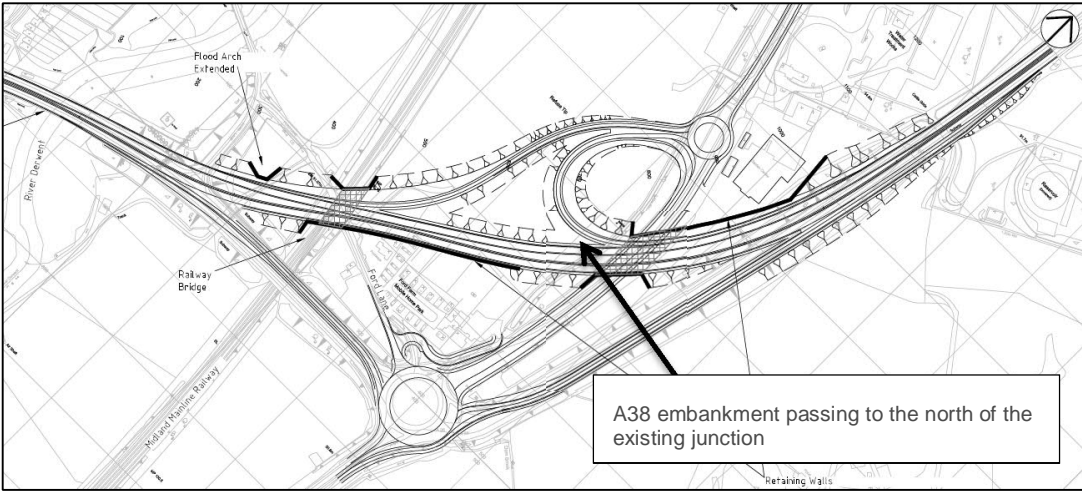
Little Eaton junction	
<p><b>Illustration 3.5:</b> Little Eaton junction - Option 2</p>	 <p>A38 embankment passing to the north of the existing junction</p>

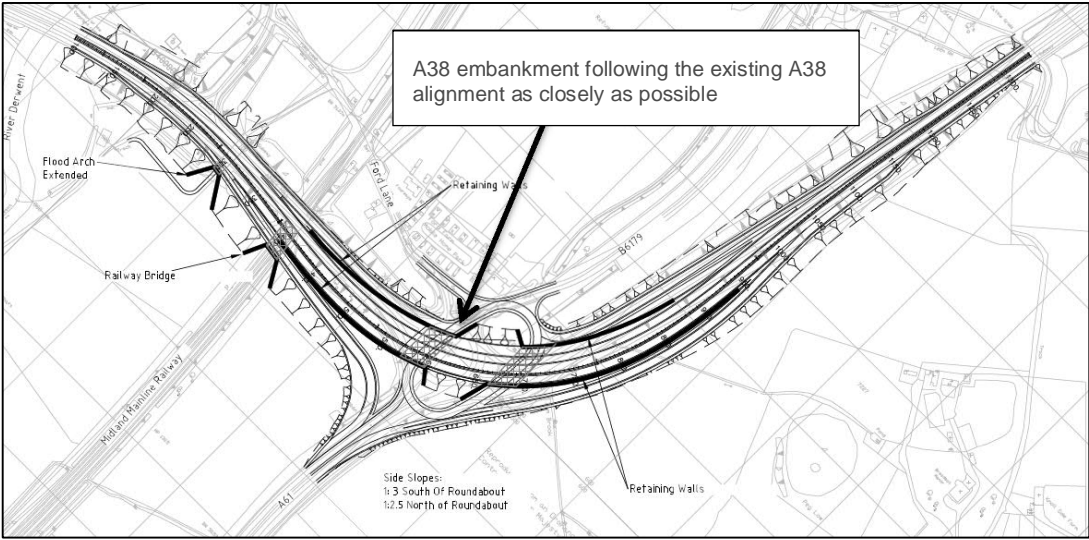
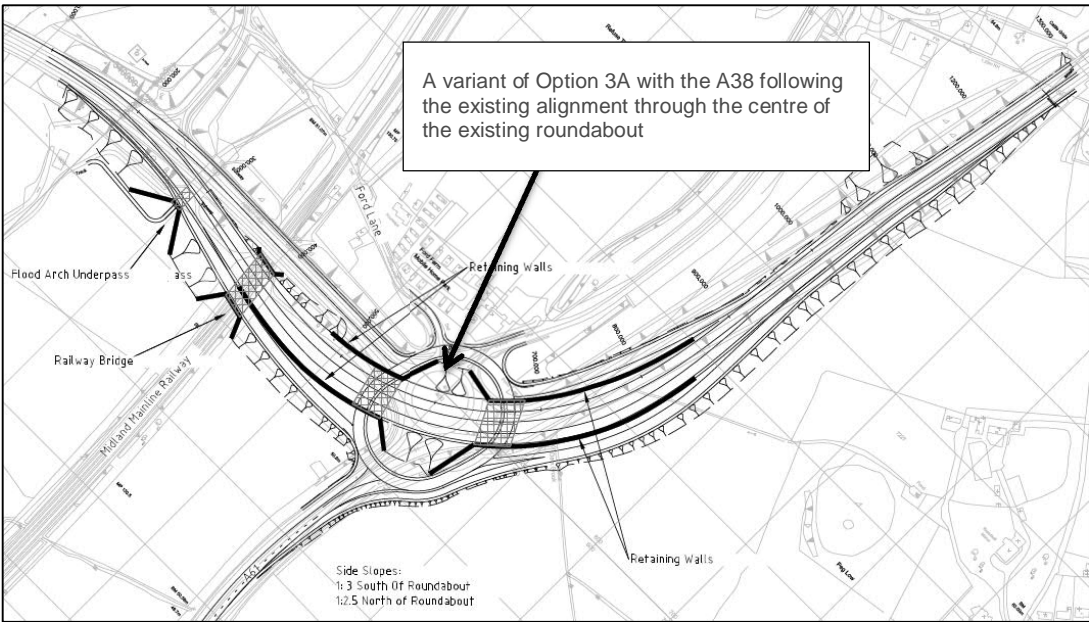
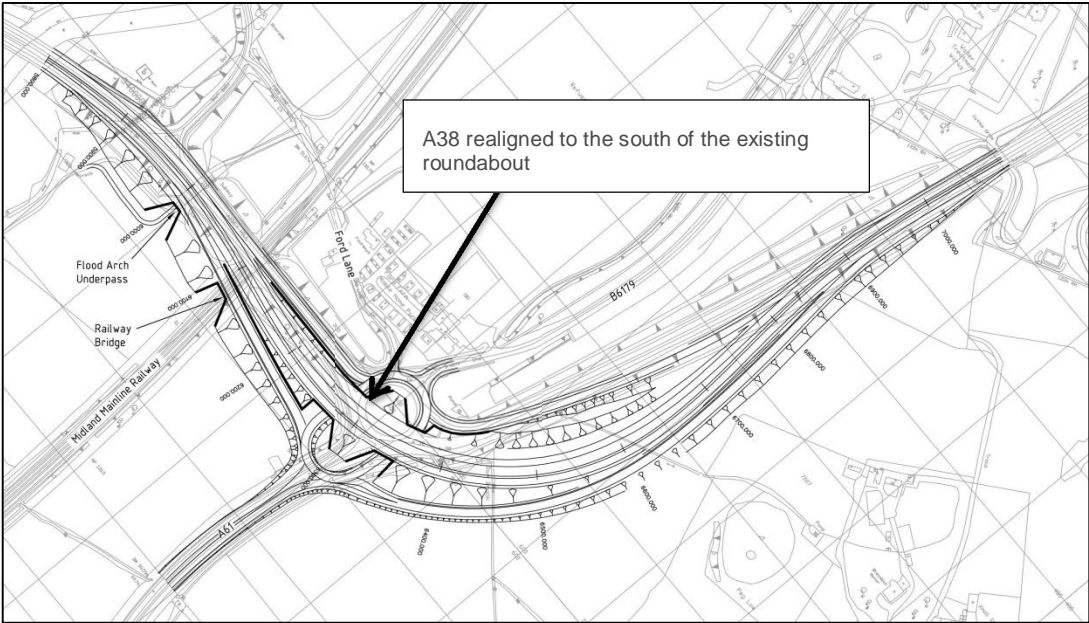
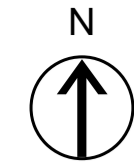
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<b>Illustration 3.6: Little Eaton junction - Option 3A</b>	
<b>Illustration 3.7: Little Eaton junction - Southern Sweep</b>	

Illustration No:	Options considered for further assessment
<p><b>Illustration 3.8: Little Eaton junction - 2015 presented junction layout</b></p>	



## **Appendix D – Special Category Land Plans**

Plot Date: 16 April 2019 16:46:47  
File Name: G:\CAD\_IT\GIS COMMISSION DIRECTORY\A38 Derby - 3020\4 - Special Category Land Plans\HE514503-ACM-DCO-A38\_SW\_PR\_ZZ-DR-DC-9700.mxd



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First Issue	SM	CH	16/04/19	C01
Revision Details	By	Check	Date	Suffix

Purpose of issue  
**DCO APPLICATION**

Client  
**Highways England**  
Floor 2  
Two Colmore Square  
30 Colmore Circus  
Birmingham  
B4 6BN



Development Consent Order Number  
**TR010022**

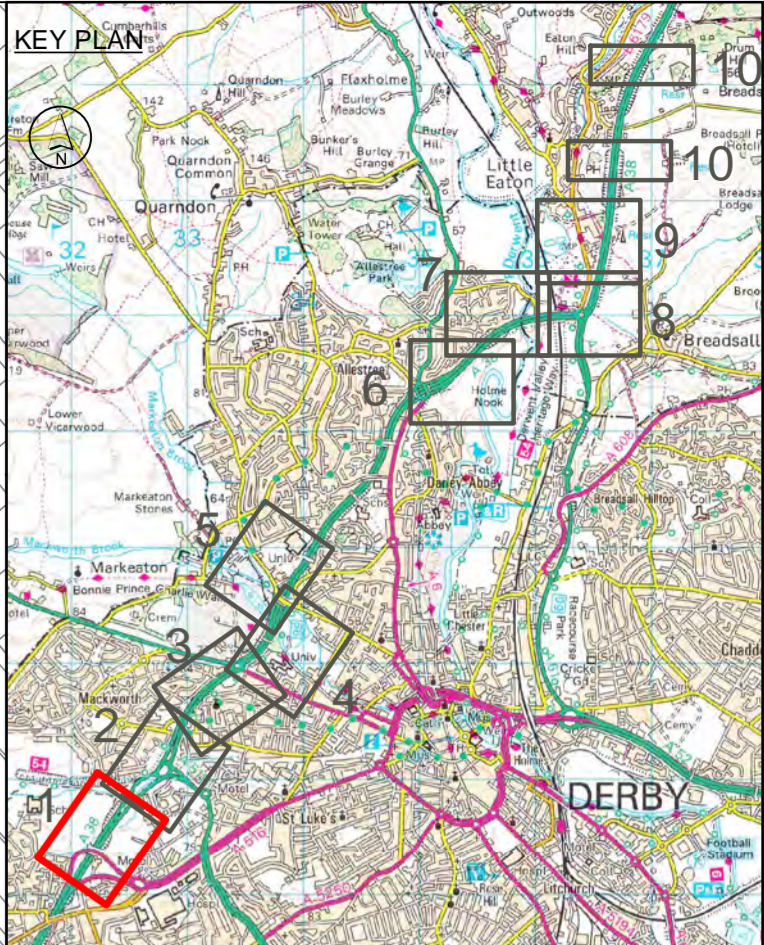
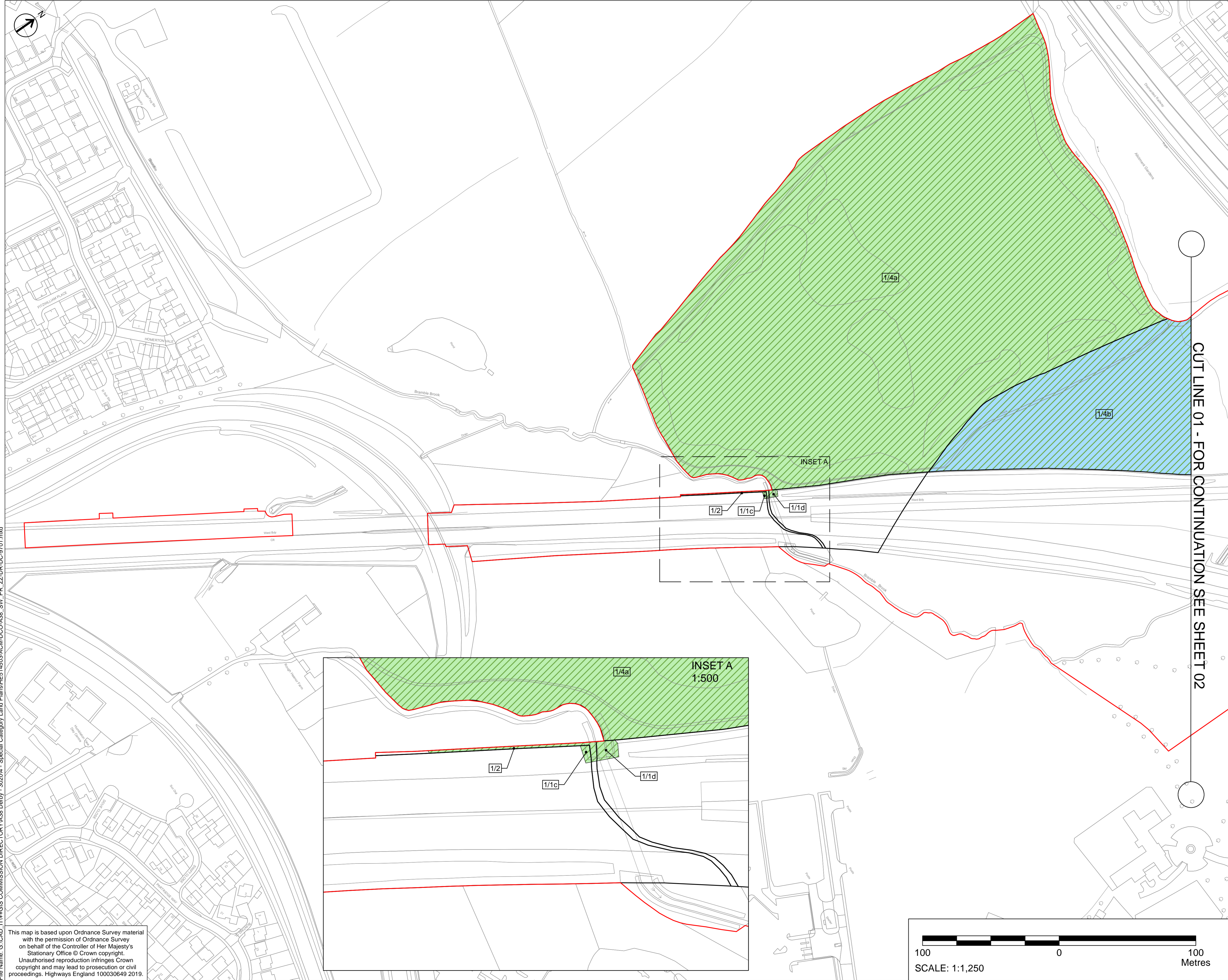
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**A38  
DERBY JUNCTIONS**

Drawing Title  
**SPECIAL CATEGORY  
LAND PLANS  
REGULATION 5(2)(i)  
KEY PLAN**

Designed SM	Drawn LD	Checked CH	Approved SM	Date 16/04/19
Internal Project No. 60533462		Suitability D7		
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A38_SW_PR_ZZ		-DR-DC-9700	
Location	Type	Role	Number



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First Issue	SM	CH	16/04/19	C01
Revision Details	By	Check	Date	Suffix

Purpose of Issue  
**DCO APPLICATION**

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**Highways England**  
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30 Colmore Circus  
Birmingham  
B4 6BN



Development Consent Order Number  
**TR010022**

Project Title  
**A38  
DERBY JUNCTIONS**

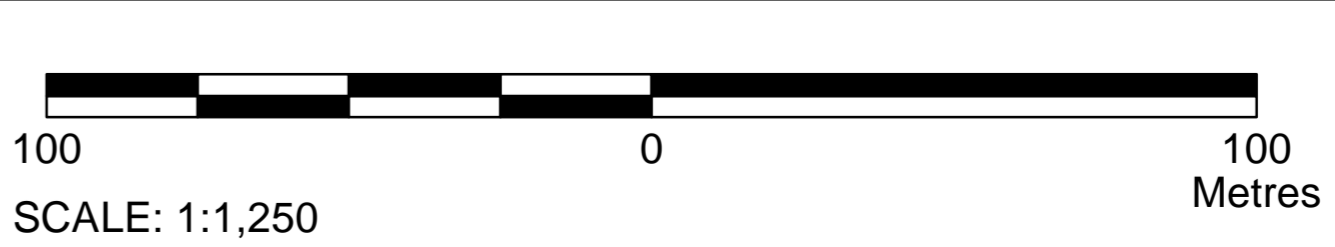
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LAND PLANS  
REGULATION 5(2)(i)  
SHEET 1 OF 10**

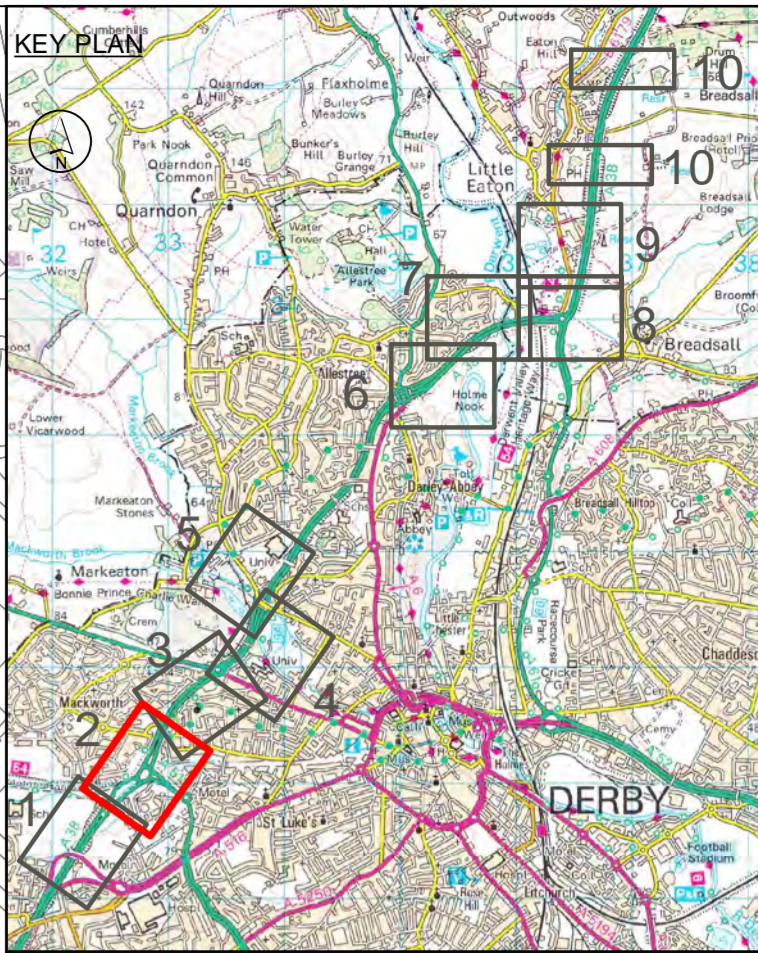
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Internal Project No. 60533462			Suitability D7	
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Location	Type	Role	Number


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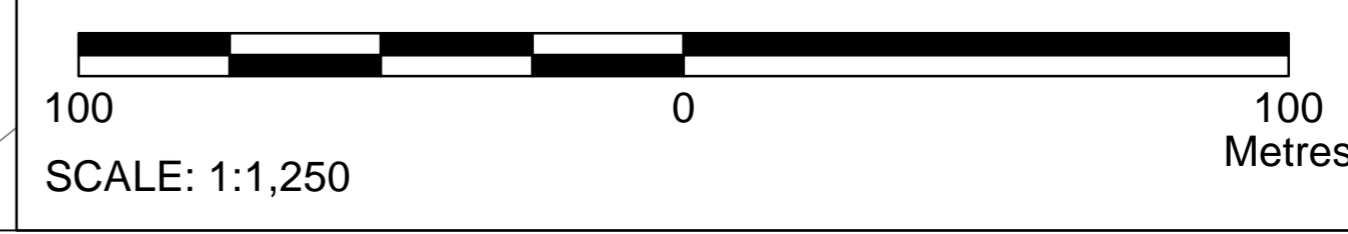
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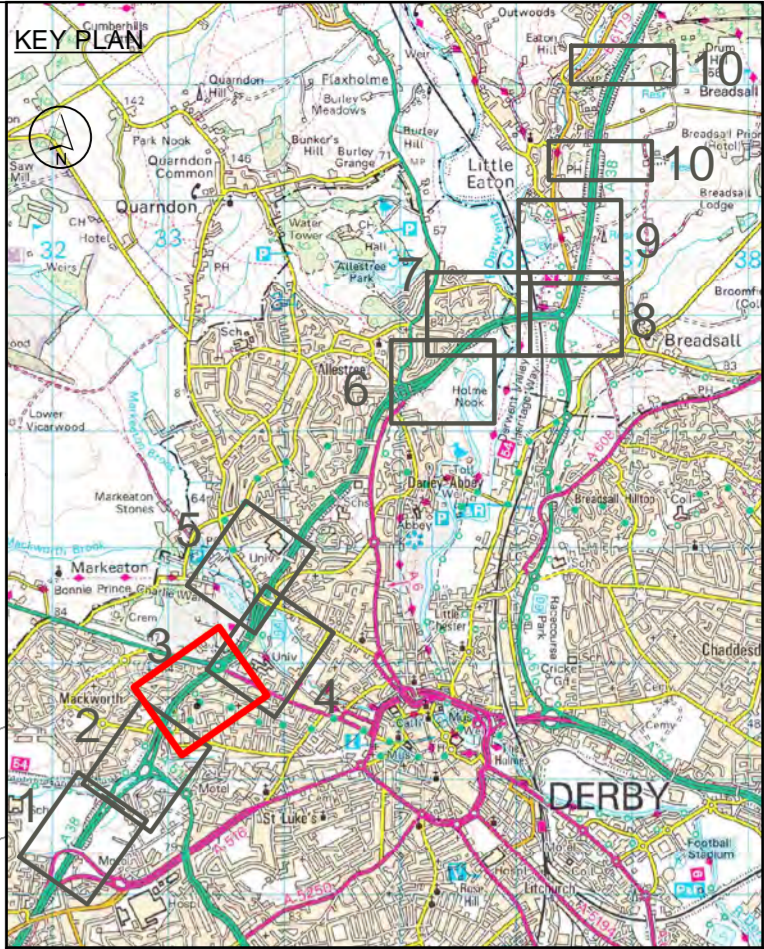
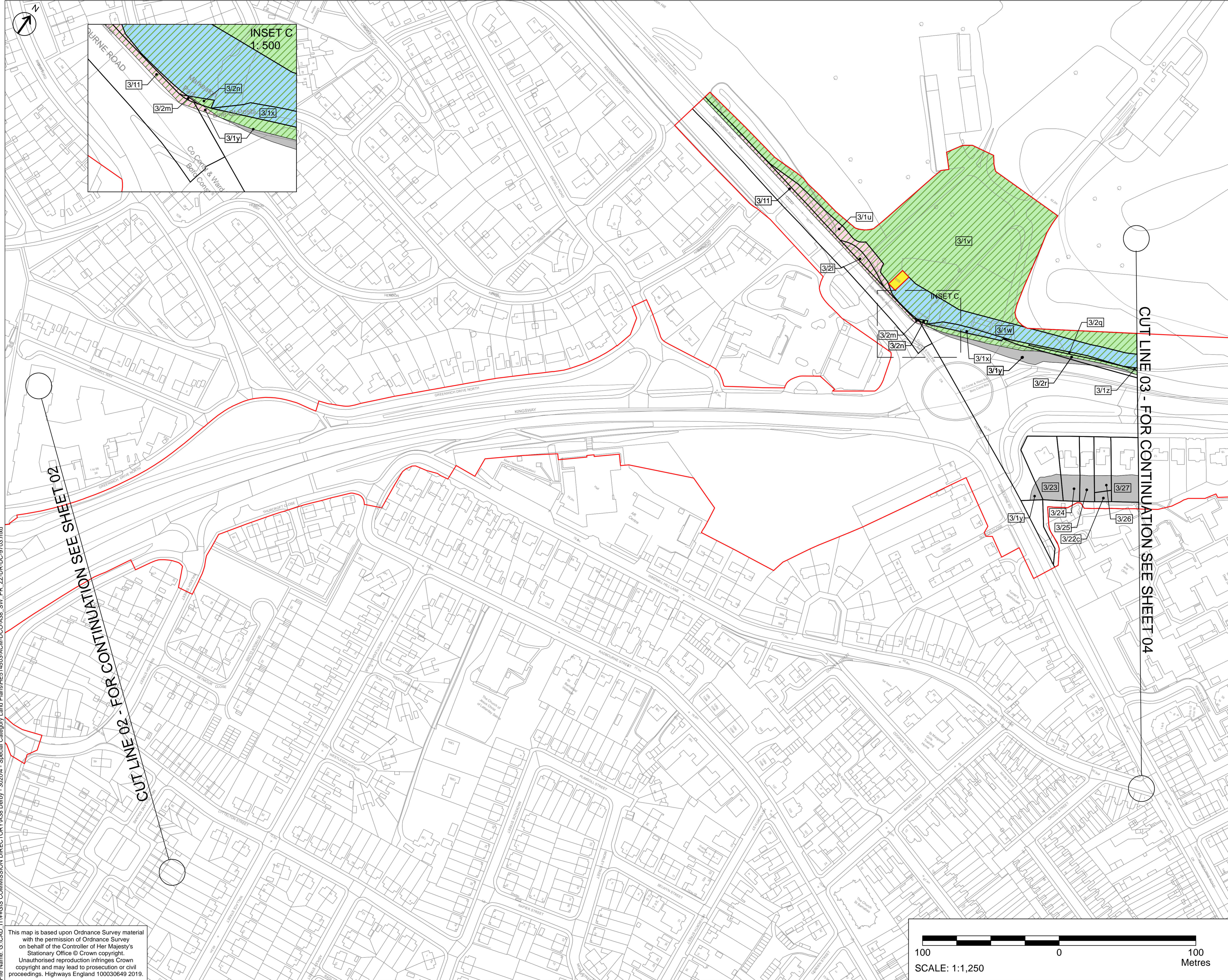
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  - SPECIAL CATEGORY LAND - REPLACEMENT LAND
  - FULL DCO PLOT EXTENT

First Issue		SM CH	16/04/19	C01
Revision Details		By Check	Date	Suffix
Purpose of Issue				
DCO APPLICATION				
Client				
Highways England Floor 5 Two Colmore Circus 30 Colmore Circus Birmingham B4 6BN		 highways england		
Development Consent Order Number				
TR010022				
Project Title				
A38 DERBY JUNCTIONS				
Drawing Title				
SPECIAL CATEGORY LAND PLANS REGULATION 5(2)(i) SHEET 2 OF 10				
Designed SM	Drawn LD	Checked CH	Approved SM	Date 16/04/19
Internal Project No. 60533462		Suitability D7		
Scale @ A1 1:1250		Zone Whole Scheme		
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A38_SW_PR_ZZ	-DR-DC-9702			
Location	Type	Role	Number	

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  - SPECIAL CATEGORY LAND - REPLACEMENT LAND
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First Issue	SM	CH	16/04/19	C01
Revision Details	By	Check	Date	Suffix

Purpose of Issue

DCO APPLICATION

Client  
**Highways England**  
Floor 5  
Two Colmore Square  
30 Colmore Circus  
Birmingham  
B4 6BN



Development Consent Order Number

TR010022

Project Title

A38  
DERBY JUNCTIONS

Drawing Title

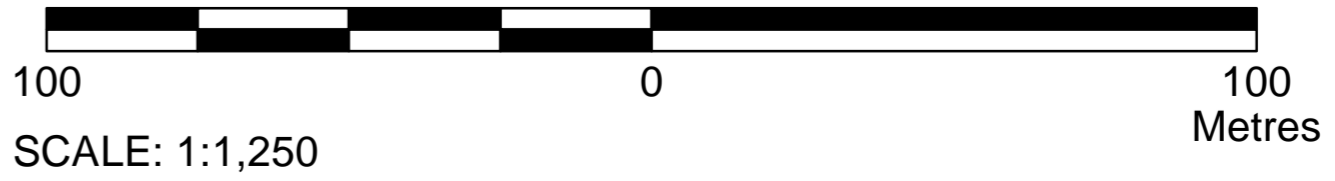
SPECIAL CATEGORY  
LAND PLANS  
REGULATION 5(2)(i)  
SHEET 3 OF 10

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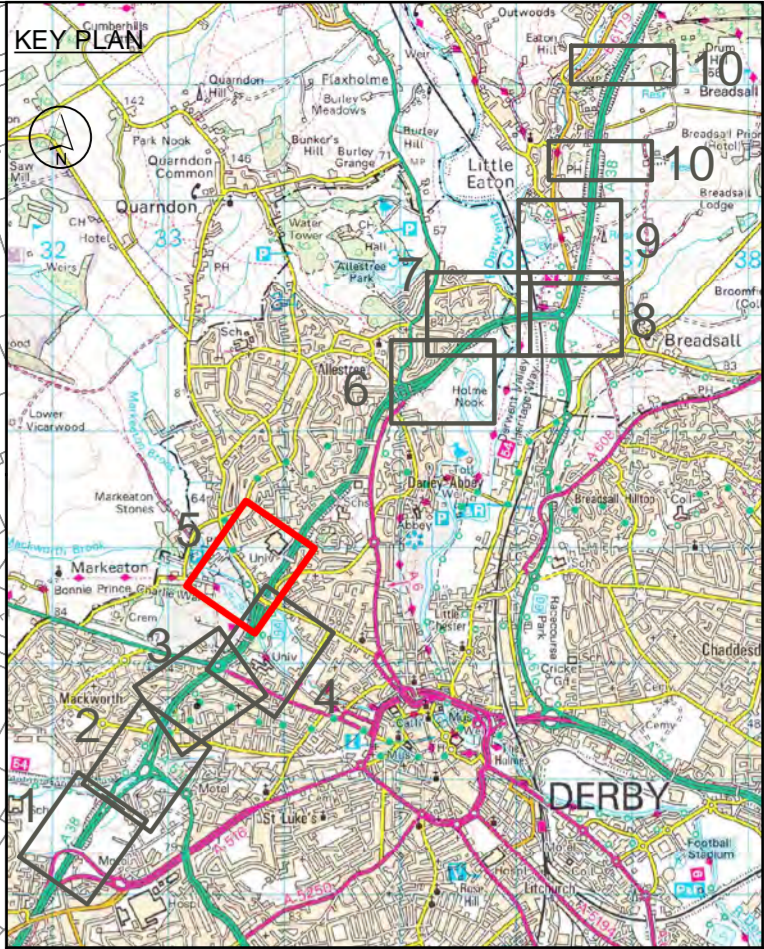
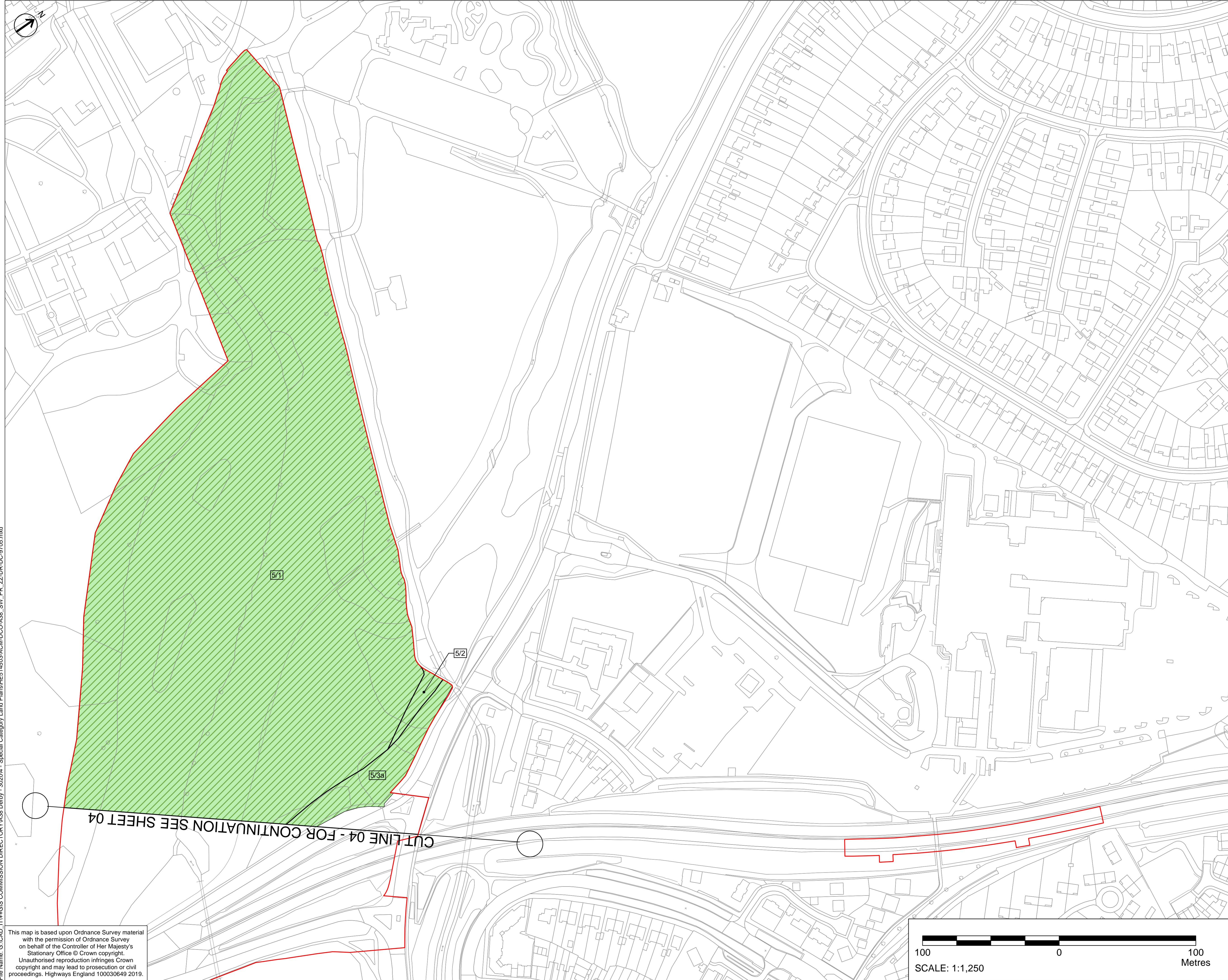
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First Issue	SM	CH	16/04/19	C01
Revision Details	By	Check	Date	Suffix

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Client  
**Highways England**  
Floor 5  
Two Colmore Square  
30 Colmore Circus  
Birmingham  
B4 6BN



Development Consent Order Number

TR010022

Project Title

A38  
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Drawing Title

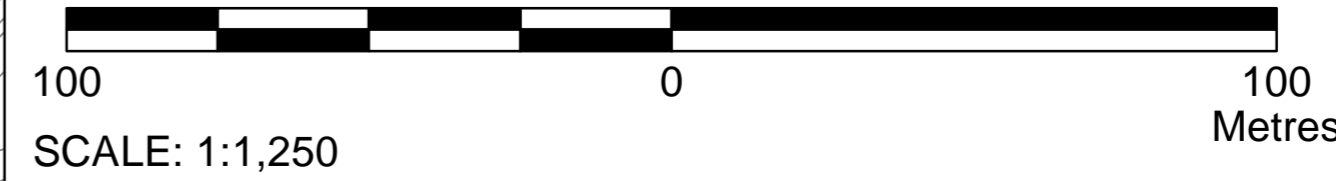
SPECIAL CATEGORY  
LAND PLANS  
REGULATION 5(2)(i)  
SHEET 5 OF 10

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Location	Type	Role	Number

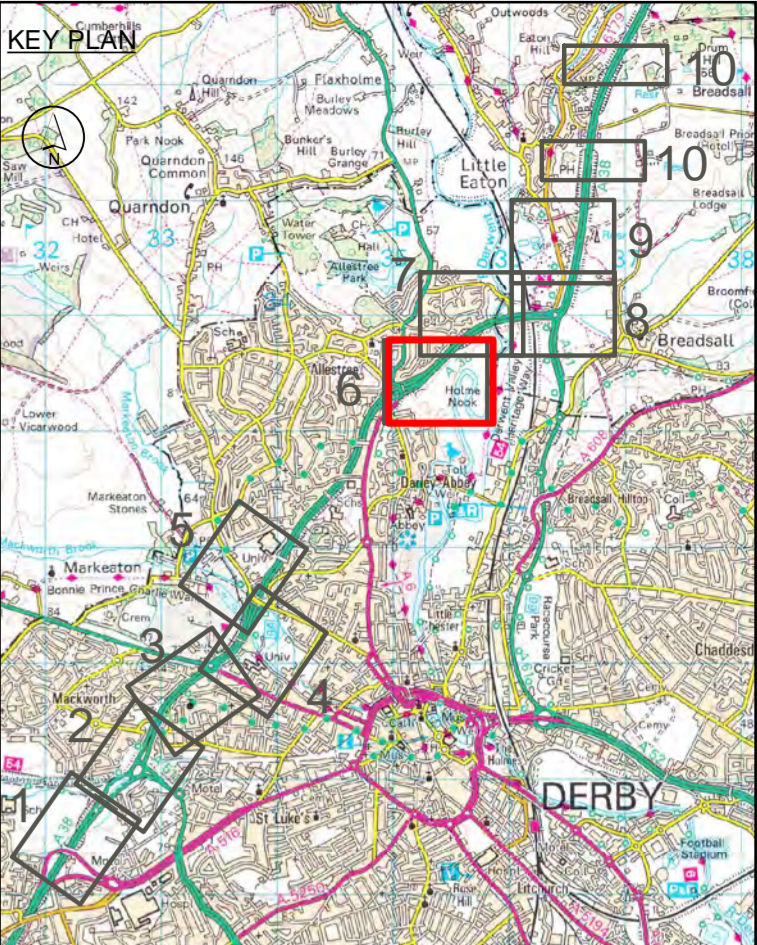
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First Issue	SM	CH	16/04/19	C01
Revision Details	By	Check	Date	Suffix

Purpose of Issue

**DCO APPLICATION**

Client  
**Highways England**  
Floor 5  
Two Colmore Square  
30 Colmore Circus  
Birmingham  
B4 6BN



Development Consent Order Number

**TR010022**

Project Title

**A38  
DERBY JUNCTIONS**

Drawing Title

**SPECIAL CATEGORY  
LAND PLANS  
REGULATION 5(2)(i)  
SHEET 6 OF 10**

Designed SM	Drawn LD	Checked CH	Approved SM	Date 16/04/19
Internal Project No. 60533462		Suitability D7		
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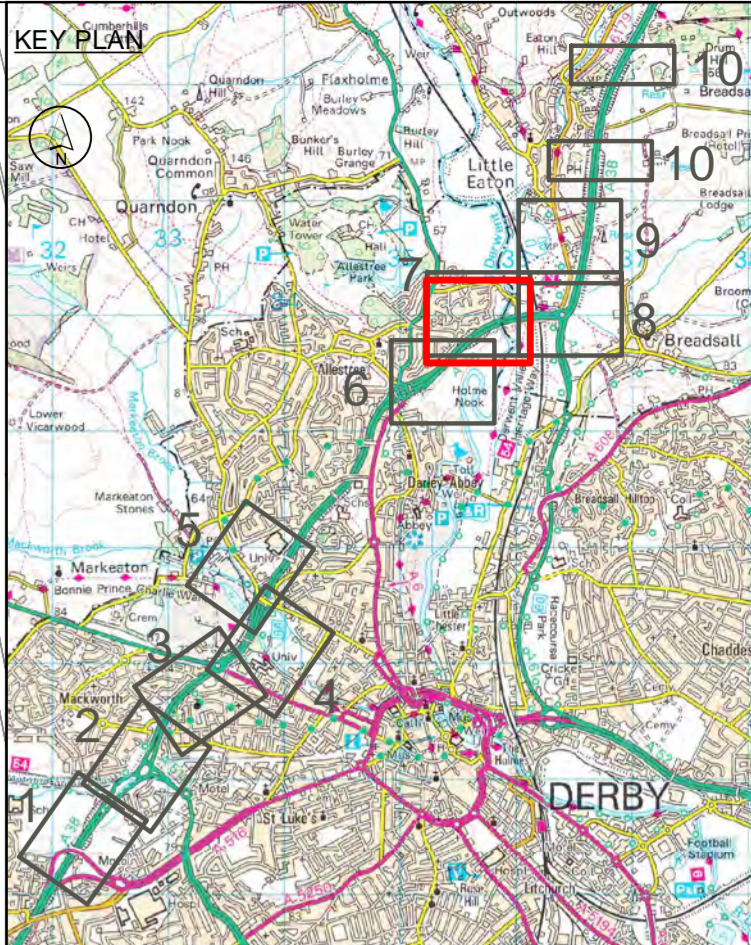
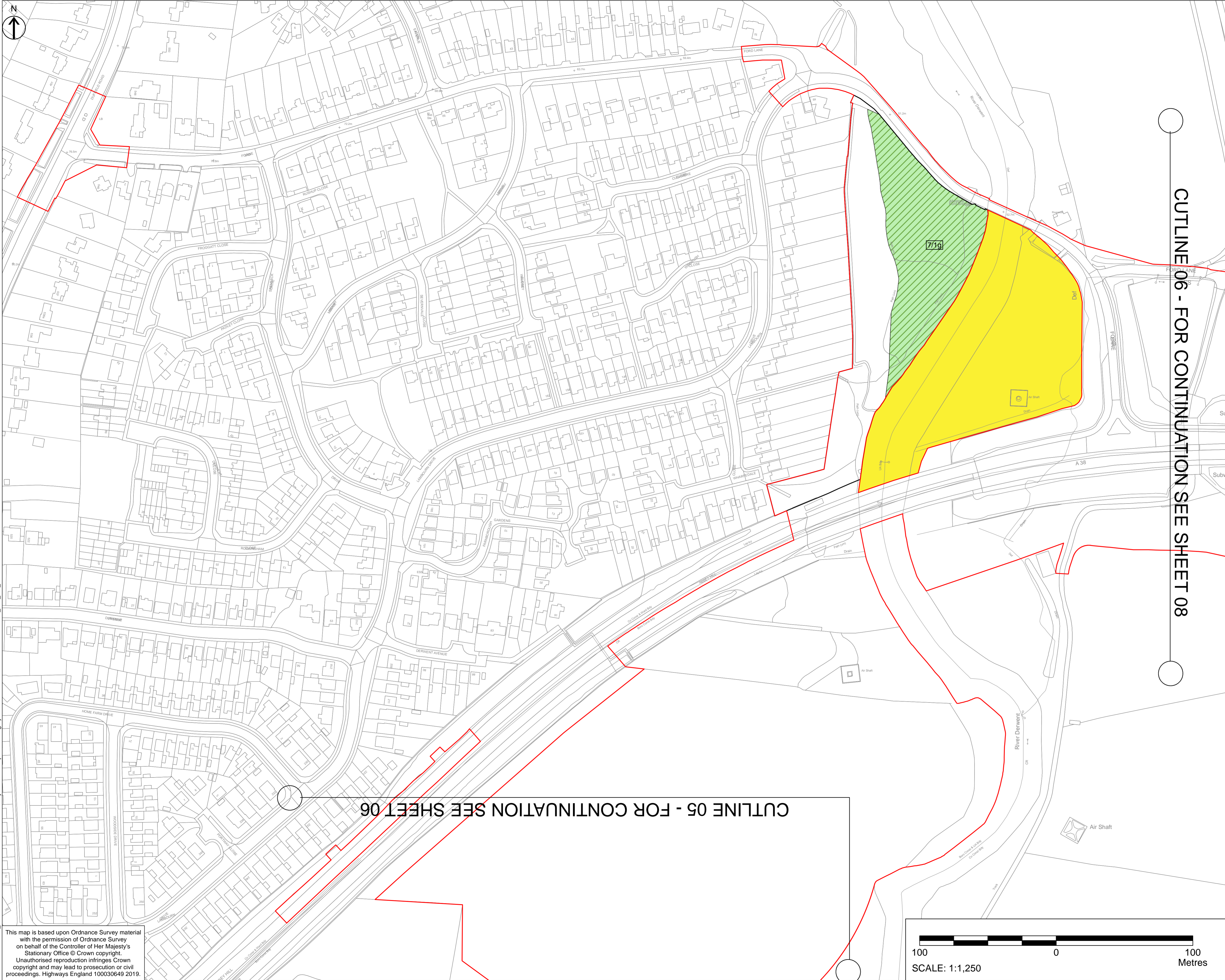
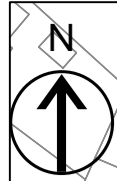
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First Issue	SM	CH	16/04/19	C01
Revision Details	By	Check	Date	Suffix

Purpose of Issue  
**DCO APPLICATION**

Client:  
Highways England

Development Consent Order Number  
**TR010022**

Project Title  
**A38  
DERBY JUNCTIONS**

Drawing Title  
**SPECIAL CATEGORY  
LAND PLANS  
REGULATION 5(2)(i)  
SHEET 7 OF 10**

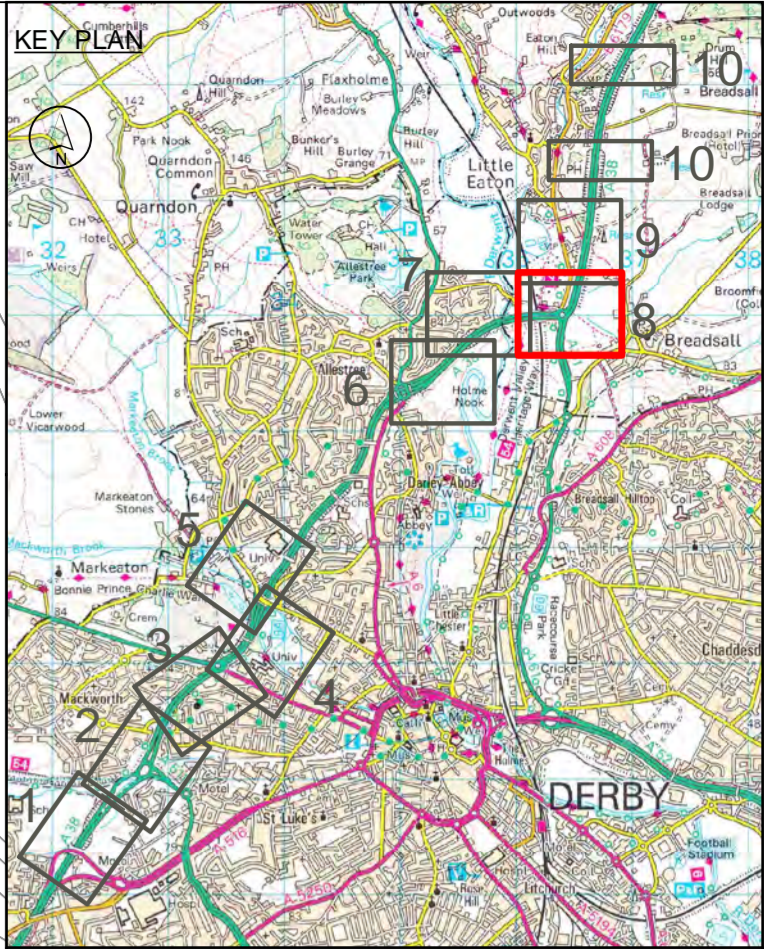
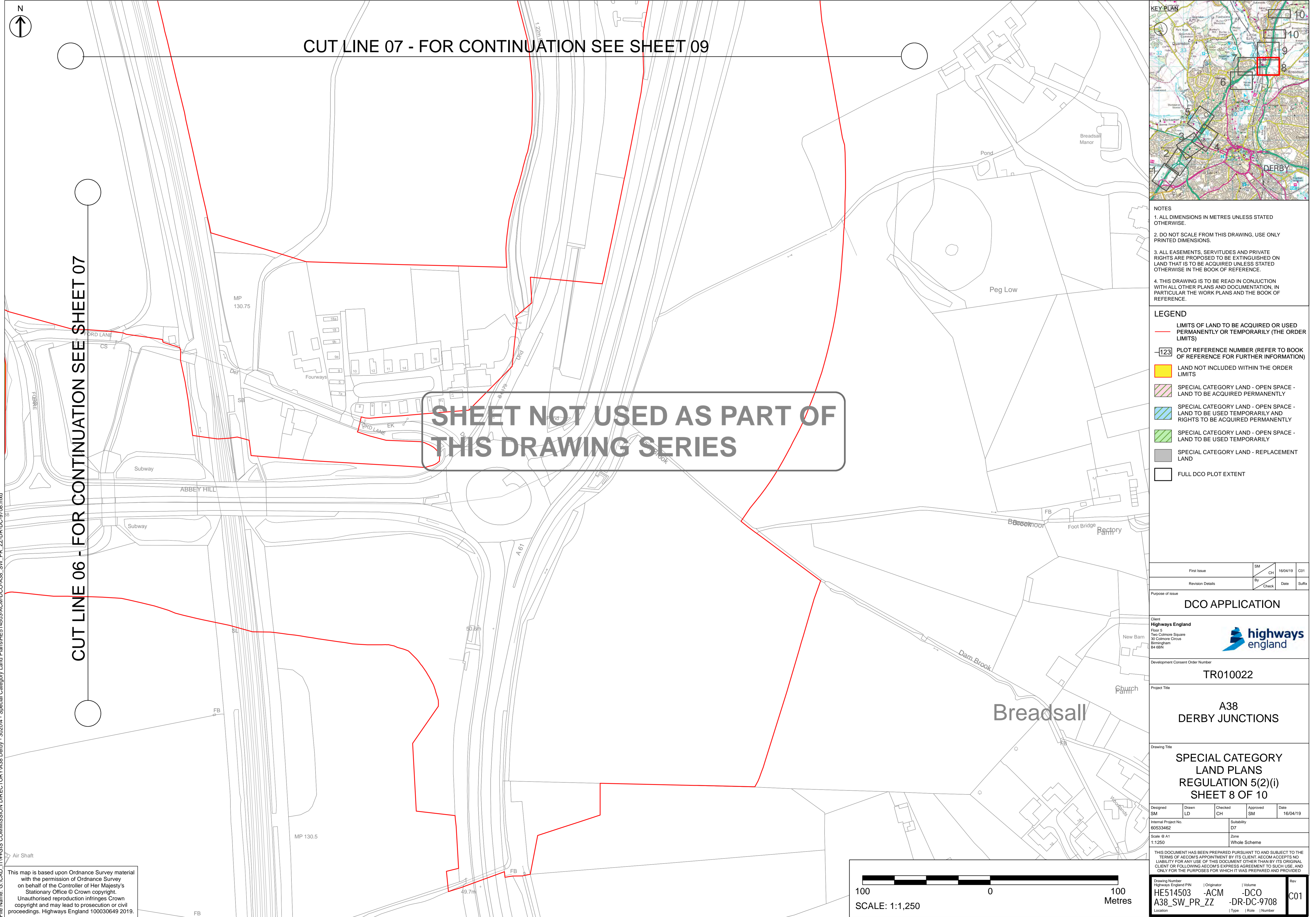
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Internal Project No. 60533462		Suitability D7		
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Location	I Type	I Role	I Number

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  - SPECIAL CATEGORY LAND - REPLACEMENT LAND
  - FULL DCO PLOT EXTENT

First Issue	SM	CH	16/04/19	C01
Revision Details	By	Check	Date	Suffix

DCO APPLICATION

Client  
**Highways England**  
Floor 5  
Two Colmore Square  
30 Colmore Circus  
Birmingham  
B4 6BN



Development Consent Order Number  
**TR010022**

Project Title  
**A38  
DERBY JUNCTIONS**

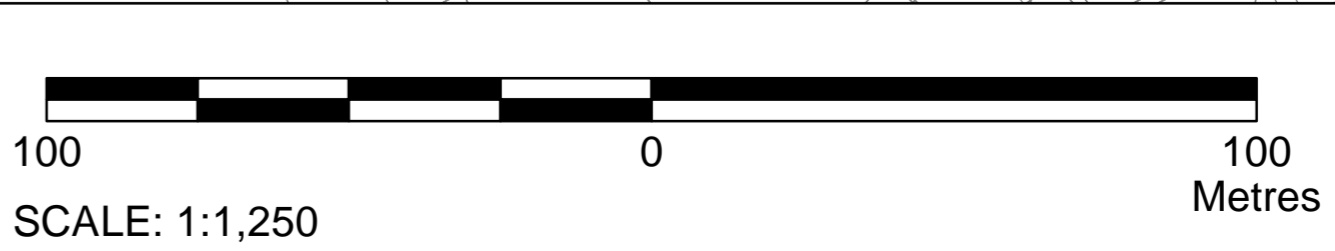
Drawing Title  
**SPECIAL CATEGORY  
LAND PLANS  
REGULATION 5(2)(i)  
SHEET 8 OF 10**

Designed SM	Drawn LD	Checked CH	Approved SM	Date 16/04/19
Internal Project No. 60533462			Suitability D7	
Scale @ A1 1:1250			Zone Whole Scheme	

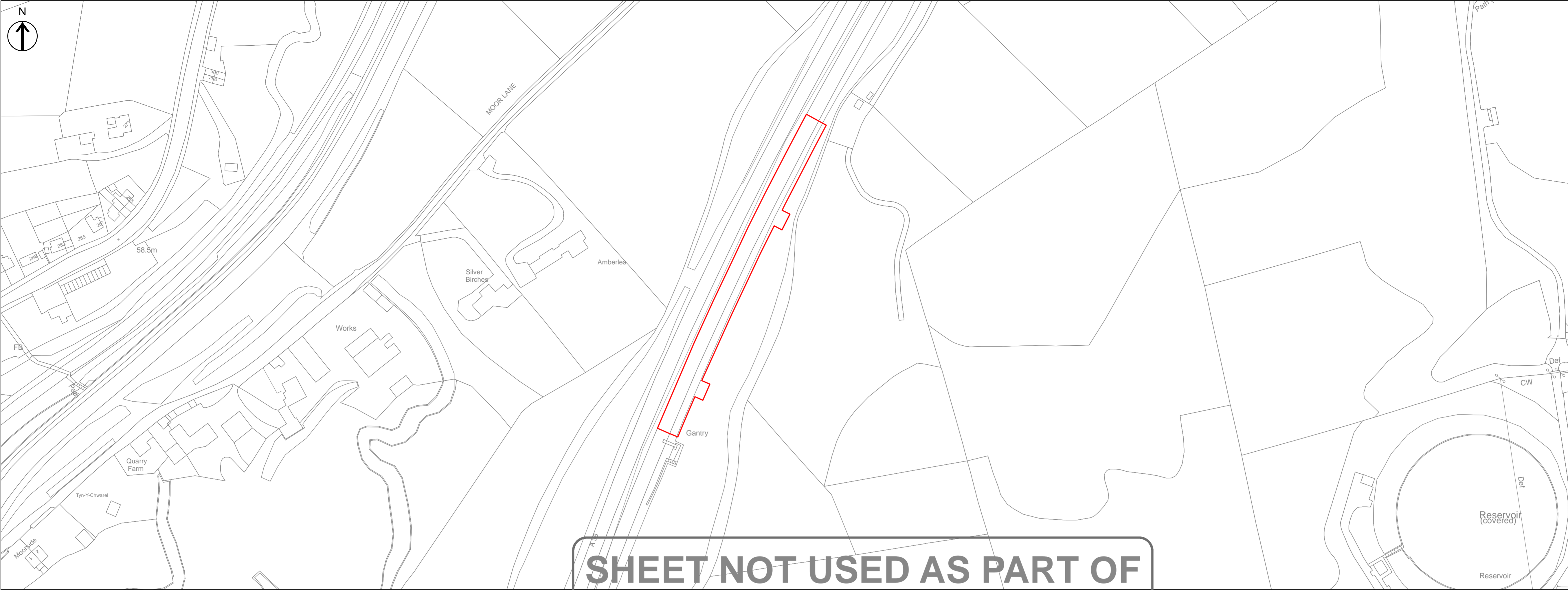
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Drawing Number HE514503	Originator -ACM	Volume -DCO	Rev C01
A38_SW_PR_ZZ	-DR-DC-9708		
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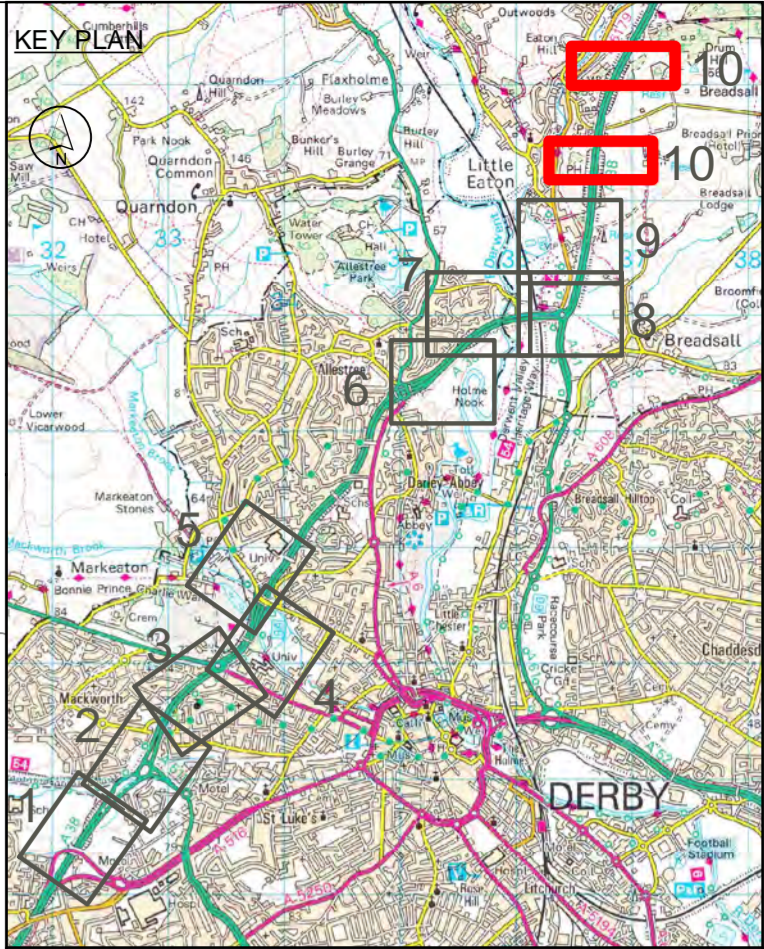
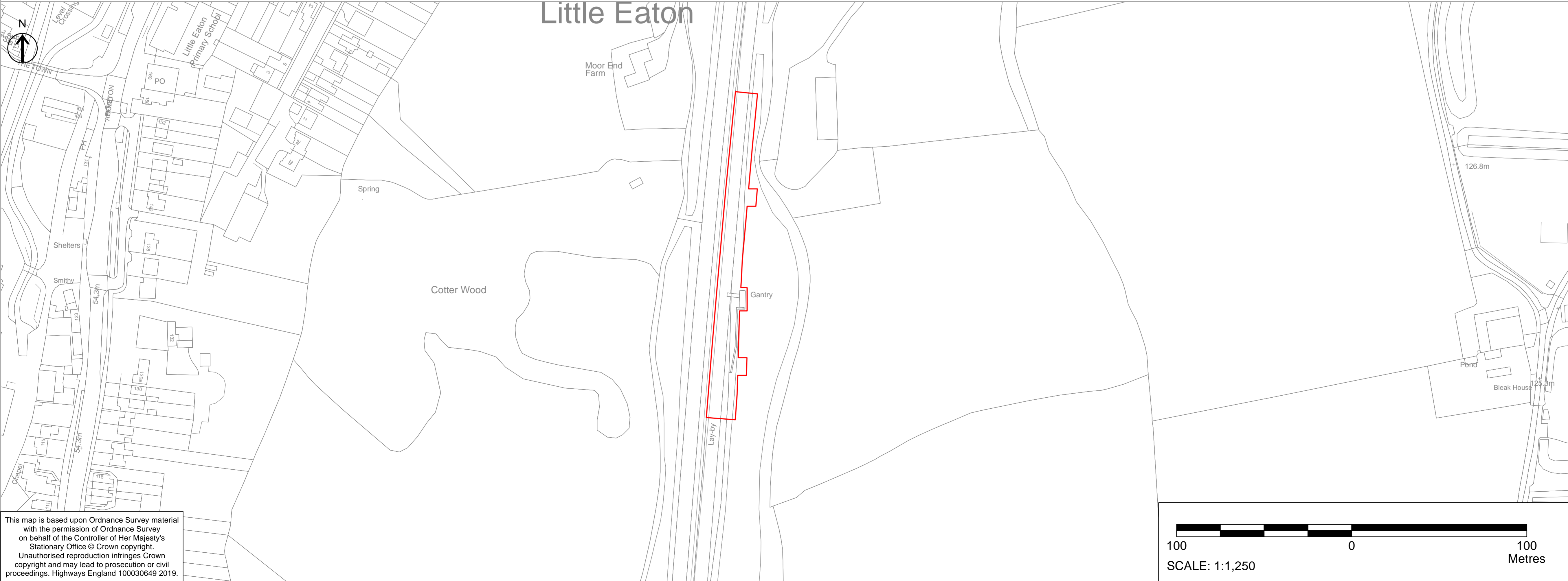
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  - FULL DCO PLOT EXTENT

First Issue	SM	CH	16/04/19	C01
Revision Details	By	Check	Date	Suffix
Purpose of Issue				
DCO APPLICATION				
Client Highways England Floor 5 Two Colmore Square 30 Colmore Circus Birmingham B4 6BN				
Development Consent Order Number TR010022				
Project Title A38 DERBY JUNCTIONS				
Drawing Title SPECIAL CATEGORY LAND PLANS REGULATION 5(2)(i) SHEET 10 OF 10				
Designed SM	Drawn LD	Checked CH	Approved SM	Date 16/04/19
Internal Project No. 60533462			Suitability D7	
Scale @ A1 1:1250			Zone Whole Scheme	
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A38_SW_PR_ZZ		-DR-DC-9710		
Location	I Type	I Role	I Number	



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## Glossary and Abbreviations

Term	Description
Aggregate	Granular material (e.g. sand and gravel or crushed rock) that can be used for building and/or civil engineering purposes (e.g. for concrete production).
Agricultural Land Classification (ALC)	The system devised and introduced by the Ministry of Agriculture, Fisheries and Food to classify agricultural land according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. Land is graded between 1 (excellent quality) to 5 (very poor quality), with grade 3 subdivided into agricultural subgrades 3a and 3b.
Air Quality Management Area (AQMA)	If a local authority identifies any locations within its boundaries where the air quality objectives are not likely to be achieved, it must declare the area as an air quality management area. The local authority is subsequently required to put together a local air quality action plan.
Ambient noise	A sound that is totally encompassing in a given situation at a given time usually composed of sound from many sources near and far.
Ancient woodland	Land that has been continually wooded since at least the year 1600AD.
Amenity	The relative pleasantness of a journey, or the ability of communities to achieve enjoyment and/or quality of life.
Appropriate Assessment	An assessment of the effects of a plan or project on the Natura 2000 network of European sites of nature conservation significance. The assessment focuses on the plan or project's implications for the site and any potential adverse impacts on its integrity.
A-Road	A type of road prefixed with the letter 'A'. These are the busiest and most direct main roads, apart from motorways, and can be of different standard.
Attenuation pond	A pond designed to hold back water and release it at a controlled flow rate.
At-grade junction	An intersection of highways where the crossing is at the same level.
Baseline conditions	The environment as it appears (or would appear) immediately prior to the implementation of the project together with any known or foreseeable future changes that will take place before completion of the project.
Below ground level (bgl)	Term used to differentiate below ground from above ground.
Best and most versatile land	Land defined as grades 1, 2 and 3a of the Agricultural Land Classification. This land is considered the most flexible, productive and efficient and is most capable of delivering crops for food and non-food uses.
Biodiversity	The biological diversity of the earth's living resources. The total range of variability among systems and organisms at the following levels of organisation: bioregional, landscape, ecosystem, habitat, communities, species, populations, individuals, genes and the structural and functional relationships within and between these different levels.
Borehole	A hole bored into the ground, usually as part of investigations, typically to test the depth and quality of soil, rock and groundwater. A borehole can also be used to dewater the ground.
Buffer	Specified area or distance surrounding a site or feature of interest.

Term	Description
Built heritage	A structure or building of historic value. These structures are visible above ground level.
Bund	An embankment structure.
Bypass	The diversion of a major road to carry traffic around a built up area, constructed to improve the journey of through traffic and/or improve the environmental conditions along the original route.
Calculation of Road Traffic Noise (CRTN)	A technical memorandum that describes the procedures for calculating noise from road traffic.
Carriageway	The width of a highway that can be used by motorised vehicles and non-motorised users, formed by a number of lanes.
Catchment	A drainage/basin area within which precipitation drains into a river system and eventually into the sea.
Climate	The climate can be described simply as the 'average weather', typically looked at over a period of 30 years. It can include temperature, rainfall, snow cover, or any other weather characteristic.
Climate change	This refers to a change in the state of the climate, which can be identified by changes in average climate characteristics which persist for an extended period, typically decades or longer.
Combined effect	A type of cumulative effect which occurs when different types of activity combine to have an effect on a specific receptor or resource.
Committed development	A development that has full or outline planning permission, or is allocated in an adopted development plan.
Compulsory acquisition	The acquisition of land (or rights over land) without the owner's consent, but in return for compensation.
Congestion	A situation where the volume of traffic is too great for the road, causing vehicles to slow down or stop, often caused by bottlenecks, traffic incidents and junction design.
Construction and demolition waste	Consists of unwanted material produced directly or indirectly as a result of the construction phase.
Construction compound	Construction compounds will generally act as the points of entry to the worksites from the public highway. They may also be used for major stockpiling of materials such as top soil, and to facilitate transfer of materials to and from the site.
Construction Environmental Management Plan (CEMP)	A plan prepared by a contractor which sets out how a construction project will avoid, minimise or mitigate effects on the environment and surrounding area and the protocols to be followed in implementing these measures, in accordance with environmental commitments.
Construction plant	Portable construction machinery and equipment.
Contractor	A general term used to describe an individual or company appointed by a developer to construct or manage a project at a certain price or rate.
Controlled waters	Rivers, streams, estuaries, lakes, canals, ditches, ponds and groundwater as far out as the UK territorial limit. The statutory definition is provided in section 104 (1) of the Water Resources Act 1991 and section 30A (d) of the Control of Pollution Act 1974.
Culvert	A tunnel (pipe or box shaped) that carries a stream or open drain under a road or railway.

Term	Description
Cumulative effects (or impact)	Effects upon the environment that result from the incremental impact of an action when added to other past, present or reasonably foreseeable actions. Each impact by itself may not be significant but can become a significant effect when combined with other impacts.
Cutting	An earthwork to establish the road foundations (along with embankments), where the road is cut into the landscape, providing potential for visual screening and noise attenuation.
Cycle lane	A lane reserved exclusively for the use of bicycles.
Decibel (dB)	The scale used to measure noise is the decibel scale which extends from 0 to 140 decibels, corresponding to the intensity of the sound pressure level.
Delay	For pedestrians, this is the increase in the 'person-minutes' of the journey times of pedestrians and other non-motorised travellers. For traffic, this is the increase in journey times for drivers and passengers.
Department for Transport (DfT)	Government department responsible for the transport network in England, and for aspects of the transport network in the devolved administrations.
Deposition (dust)	The vertical passage of a substance (e.g. dust) to a surface or the ground.
Design Manual for Roads and Bridges (DMRB)	A series of 15 volumes that provide standards, advice notes and other published documents relating to the design, assessment and operation of trunk roads, including motorways in the United Kingdom, and, with some amendments, the Republic of Ireland.
Design-development	The process in which technical specialists (engineers and environmentalists) refine the design for the various elements of a development project.
Detailed assessment	Method applied to gain an in-depth appreciation of the beneficial and adverse consequences of the project and to inform project decisions. Detailed Assessments are likely to require detailed field surveys and/or quantified modelling techniques.
Determination	The formal judgement as to whether a project requires statutory Environmental Impact Assessment or not.
Development Consent Order (DCO)	The means of applying for consent to undertake a Nationally Significant Infrastructure Project (NSIP). NSIPs include, for example, major energy and transport projects.
Disbenefit	A disadvantage or loss resulting from something.
Dust	All airborne particulate matter.
Earthworks	The removal or placement of soils and rocks such as in cuttings, embankments and environmental mitigation, including the in-situ improvement of soils/rocks to achieve the desired properties.
Effect	Term used to express the consequence of an impact (expressed as the 'significance of effect'), which is determined by correlating the magnitude of the impact (or change) to the importance, value or sensitivity of the receptor or resource, in accordance with defined significance criteria.
Embankment	Artificially raised ground, commonly made of earth material, such as stone, on which the carriageway is laid.
Embedded mitigation	Mitigation measures incorporated (embedded) into the design of a development project, for example earthworks to visually screen traffic movements in available views.

Term	Description
Enhancement	A measure that is over and above what is required to mitigate the adverse effects of a project.
Environmental assessment	A method and process by which information about environmental effects is collected, assessed and used to inform decision-making.
Environmental Health Officer (EHO)	A local authority officer with responsibilities for protecting public health through the administration and enforcement of environmental health legislation.
Environmental Impact Assessment (EIA)	A process by which information about environmental effects of a proposed development is collected, assessed and used to inform decision making. For certain projects, EIA is a statutory requirement.
Environmental effect	The consequence of an action (impact) upon the environment such as the decline of a breeding bird population as a result of the removal of hedgerows and trees.
Environmental impact	The change in the environment from a development such as the removal of a hedgerow.
Environmental masterplan	Plan which illustrates the mitigation measures integrated into the design of the Scheme.
Environmental Quality Standard (EQS)	Standards that have been developed with the aim to meet the requirements of the WFD Directive.
Environmental Statement (ES)	A document produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations to report the results of an EIA.
European Protected Species	Species of plants and animals (not birds) which are protected by European law.
European site	The generic term used to describe the following designated sites: <ul style="list-style-type: none"> <li>• Special Areas of Conservation (SACs) and Special Protection Areas (SPAs);</li> <li>• Sites that are in the process of designation as SACs and SPAs - these are known as proposed SACs (pSACs), candidate SACs (cSACs), potential SPAs (pSPAs) and Sites of Community Importance (SCIs), depending on the type of designation and point of progression through the designation process; and</li> <li>• Ramsar Sites.</li> </ul>
Examining Authority	A panel of inspectors appointed by the Secretary of State who are responsible for examining Development Consent Order applications for nationally significant infrastructure projects.
Excavated material	Largely natural soil and rock material that is removed from the ground during construction.
Exchange land	Mitigation land which is not smaller in area and is equally advantageous to the users of land taken by a development project.
False cutting	A means of screening the road from the surrounding landscape.
Flood Risk Assessment (FRA)	The process of assessing potential flood risk to a site and identifying whether there are any flooding or surface water management issues that may warrant further consideration or may affect the feasibility of a development.

Term	Description
Flood Zone	Flood Zone definitions are set out in the National Planning Policy Guidance. Used to create a flood map for planning risk. There are 3 flood zones which refer to the probability of river and sea flooding, ignoring the presence of defences.
Flood Zone 1	Flood Zone 1: land outside the floodplain. There is little or no risk of flooding in this zone;
Flood Zone 2	Flood Zone 2: the area of the floodplain where there is a low to medium flood risk; and
Flood Zone 3	Flood Zone 3: the area of the floodplain where there is a high risk of flooding.
Floodplain	Land adjacent to a watercourse over which water flows or would flow in times of flood, but for defences in place.
Fluvial	A term that relates to rivers and streams and the processes that occur within them.
Fugitive dust	Visible emissions of dust that does not come from a definable point source, for example a smoke stack. Typical examples would include stored piles of soil, dry bare earth on construction sites or haul roads etc.
Grade-separated junction	A type of junction where the major route (or routes) through the junction do not stop and do not cross any other road on the level. Movements to other roads are made using slip roads and bridges.
Green belt	A designation for land around certain cities and large built-up areas, which aims to keep this land permanently open or largely undeveloped.
Greenhouse gases	Atmospheric gases such as carbon dioxide, methane, chlorofluorocarbons, nitrous oxide, ozone, and water vapour that absorb and emit infrared radiation emitted by the Earth's surface, the atmosphere and clouds.
Groundwater	All water which is below the surface of the ground and within the permanently saturated zone.
Groundwater source protection zone (SPZ)	Areas defined by the Environment Agency which show the risk from contamination/pollution to groundwater that is extracted for drinking water.
Habitat	The natural home or environment of an animal, plant, or other organism.
Habitat of principal importance	Habitats in England identified as requiring action in the UK Biodiversity Action Plan and which are regarded as having biodiversity conservation priorities.
Habitat Regulations Assessment (HRA)	A Habitat Regulations Assessment is required where a project may have significant effects on a site by affecting its function to support protected habitats or species. Its purpose is to assess the implications of the proposal in respect of the site's ' <i>conservation objectives</i> '. The assessment is undertaken by the competent authority, in this case the Secretary of State.
Haul road	A temporary road provided within a contractor's site area to allow for the movement of construction material, construction machinery and/or construction labour around the site.
Heavy goods vehicle (HGV)	A commercial carrier vehicle with a gross vehicle weight of more than 3.5 tonnes.
Hectare	A metric unit of measurement, equal to 2.471 acres or 10,000 square metres.

Term	Description
Highways England	The government agency responsible for the operation, maintenance and improvement of England's trunk roads and motorways.
Historic Environmental Record (HER)	A record of all known archaeological finds and features and historic buildings and historic /landscape features, relating to all periods from the earliest human activity to the present day; maintained by each County and Unitary Authority in the United Kingdom.
Impact	Change that is caused by an action; for example, land clearing (action) during construction which results in habitat loss (impact).
Junction	A place where two roads meet, regardless of design or layout.
Key characteristics (landscape)	The combination of elements that are particularly important to the current character of the landscape and help to give an area its particularly distinctive sense of place.
Landscape character area (LCA)	Areas of landscape that have a broadly consistent pattern of topography, land use and vegetation cover.
Land take	Land required for the Scheme
Lane	A section of carriageway marked out for the use of traffic, and typically intended for use in one direction.
Light goods vehicle	A motor vehicle used to carry goods with a total mass of up to 3.5 tonnes.
Link	A section of road between two junctions.
Local Biodiversity Action Plan	A plan that identifies threatened species and habitats and seeks to protect and restore biological systems.
Local Nature Reserves (LNR)	Local Nature Reserves are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities.
Local planning authority	The local authority or council that is empowered by law to exercise planning functions.
Local Wildlife Site (LWS)	Non-statutory sites of nature conservation value that have been designated 'locally'. These sites are referred to differently between counties with common terms including site of importance for nature conservation, county wildlife site, site of biological importance, site of local importance and sites of metropolitan importance.
Low-noise surfacing	See thin surface course.
Made ground	Land where natural and undisturbed soils have largely been replaced by man-made or artificial materials. It may be composed of a variety of materials including imported natural soils and rocks with or without residues of industrial processes (such as ash) or demolition material (such as crushed brick or concrete).
Main river	A river maintained directly by the Environment Agency. They are generally larger arterial watercourses.
Mitigation	Measures including any process, activity, or design to avoid, reduce, remedy or compensate for negative environmental impacts or effects of a development.
Modelling	The process of estimating changes within an area of interest under a specific set of conditions.

Term	Description
Monitoring	A continuing assessment of the performance of the project, including mitigation measures. This determines if effects occur as predicted or if operations remain within acceptable limits, and if mitigation measures are as effective as predicted.
Multi-Agency Geographic Information Service (MAGIC)	A website which provides geographic information about the natural environment.
National Character Area (NCA)	Areas of England defined by their unique combination of landscape, biodiversity, geodiversity, history and cultural and economic activity.
National Cycle Network	A national cycling route network of the United Kingdom, which was established to encourage cycling throughout Britain, as well as for the purposes of bicycle touring.
National Planning Policy Framework (NPPF)	A planning framework which sets out the Government's planning policies for England and how these are expected to be applied.
National Policy Statement (NPS) for England	Statements prepared and designated by the Secretary of State under the Planning Act 2008, which establish national policy for Nationally Significant Infrastructure Projects, including energy, transport and water, wastewater and waste and against which applications for Development Consent Orders are assessed.
National Policy Statement for National Networks (NPSNN)	A statement setting out the need for, and Government's policies to deliver, the development of nationally significant infrastructure projects on the national road and rail networks in England.
National speed limit	The default speed limit which applies to roads without any posted limit, this being 60mph on single carriageway roads and 70mph on dual carriageways and motorways.
Nationally Significant Infrastructure Project (NSIP)	Nationally Significant Infrastructure Projects ("NSIP") are large scale developments such as certain new harbours, power generating stations (including wind farms), highways developments and electricity transmission lines, which require a type of consent known as 'development consent' under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011).
Natura 2000	A network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right.
No Observed Adverse Effect Level (NOAEL)	The no-observed-adverse-effect level (NOAEL) denotes the level of exposure of an organism, found by experiment or observation, at which there is no biologically or statistically significant increase in the frequency or severity of any adverse effects (e.g. alteration of morphology, functional capacity, growth, development or life span) in the exposed population when compared to its appropriate control.
Noise barrier	A solid construction that reduces unwanted sound. It may take many forms including: engineering cutting; retaining wall; noise fence barrier; landscape earthworks; a 'low level' barrier on a viaduct; a parapet barrier on a viaduct; or any combination of these measures. Also called an attenuation barrier.

Term	Description
Noise Important Area	Areas identified with respect to noise from major roads and from roads within agglomerations where 'the 1% of the population that are affected by the highest noise levels from major roads' are located according to the results of the strategic noise mapping.
Noise sensitive receptor	These comprise mainly residential buildings, but also include educational buildings, hospitals and places of worship.
Non-motorised users (NMU)	A collective term used to describe pedestrians, cyclists and equestrians (horse riders).
Operational	The functioning of a project on completion of construction.
Outline Environmental Management Plan (OEMP)	The OEMP identifies environmental mitigation measures and has been used to inform the EIA. It defines those environmental commitments and actions which will be implemented (within the REAC). It includes a brief scheme description, identifies the roles and responsibilities of those who will be responsible for managing and reporting the construction phase environmental aspects. The OEMP will be used as a basis for the contractor's development of a Construction Environmental Management Plan (CEMP) and Handover Environmental Management Plan (HEMP).
Phase 1 habitat survey	A habitat classification and field survey technique to record semi-natural vegetation and other wildlife habitats.
Photomontage	Inserting an image of a proposed development onto a photograph for the purposes of creating an illustrative representation of potential changes to existing views.
Planning Inspectorate	An executive agency with responsibilities for planning appeals, national infrastructure planning applications, local plan examinations and other planning-related casework in England and Wales.
Planning Statement	A document prepared by applicants which provides background and technical information on a development project, the purpose being to inform determination of a planning application by demonstrating its compliance with relevant planning policy.
Pollution prevention guidance (PPG)	A series of guidance notes produced by the Environment Agency to advise industry and the public on legal responsibilities and good environmental practice.
Potential Local Wildlife Site (pLWS)	An area being considered against defined nature conservation value criteria. This criteria takes into account the most important, distinctive and threatened species and habitats. If considered suitable pLWS are confirmed as LWS. See Local Wildlife Site.
Preferred option	The chosen design option that most successfully achieves the project objectives and becomes subject to further design and assessment.
Preferred Route Announcement (PRA)	An announcement made by Highways England following the selection of a preferred option or solution for a given road project.
Project Control Framework (PCF)	A joint Department for Transport and Highways England approach to developing, delivering and managing major road projects.
Protected species	Species of wild plants, birds and animals which are afforded protection through legislative provisions.

Term	Description
Public right of way (PRoW)	A highway where the public has the right to walk. It can be a footpath (used for walking), a bridleway (used for walking, riding a horse and cycling), or a byway that is open to all traffic (including motor vehicles).
Ramsar (site)	Wetland sites that are of international importance, as designated under Article 2(1) of the Convention on Wetlands of International Importance especially as Waterfowl Habitat. Ramsar (Iran), 2 February 1971. UN Treaty Series No. 14583.
Receptor	A defined individual environmental feature usually associated with population, fauna and flora that has potential to be affected by a project.
Residual effect	The predicted consequential change on the environment from the impacts of a development after mitigation.
Road Investment Strategy (RIS)	A document which sets out a long-term vision for England's motorways and major roads, outlining how smooth, smart and sustainable roads will be achieved through investment over a five year period (2015 - 2020).
Rochdale Envelope	An approach to consenting and environmental impact assessment, named after a UK planning law case, which allows the promoters of development projects to broadly define their schemes within agreed parameters to retain flexibility of design.
Roundabout	A circular, one-way junction at which other roads meet and terminate.
Runoff	The flow of water over the ground surface.
Scheduled monument	A ' <i>nationally important</i> ' archaeological site or historic building, given protection against unauthorised change and included in the Schedule of Monuments kept by the Secretary of State for Culture, Media and Sport. The protection given to scheduled monuments is given under the Ancient Monuments and Archaeological Areas Act 1979.
Scheme	All works associated with the A38 Derby Junctions Scheme.
Scoping	The process of identifying the issues to be addressed by the Environmental Impact Assessment process. It is a method of ensuring that an assessment focuses on the important issues and avoids those that are considered not to be significant.
Scoping Opinion	The written opinion of the relevant authority, following a request from the applicant for planning permission, as to the information to be provided in an Environmental Statement.
Scoping Report	A report which records the outcomes of the scoping process and is typically submitted as part of a formal request for a Scoping Opinion.
Screening	The formal process undertaken to determine whether it is necessary to carry out a statutory Environmental Impact Assessment and publish an Environmental Statement in accordance with the EIA Regulations.
Secretary of State (SoS)	The cabinet minister who (among other things) acts as decision-maker on all national infrastructure applications for development consent.
Setting (cultural heritage)	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive, negative or neutral contribution to the significance of an asset and may affect the ability to appreciate it.
Severance (land)	The splitting of a land holding into more than one part, for example through the introduction of a new section of road.

Term	Description
Severance (non-motorised users)	The perceived separation of residents from facilities and services they use within their community caused by new or improved roads, or by changes in traffic flows.
Significance (of effect)	A measure of the importance or gravity of the environmental effect, defined by generic significance criteria or criteria specific to an environmental topic.
Significant Observed Adverse Effect Level (SOAEL)	The level of noise exposure above which significant adverse effects on health and quality of life occur.
Site of Importance for Nature Conservation (SINC)	Sites designated by local authorities for the purpose of conserving wildlife.
Site of Special Scientific Interest (SSSI)	Area of land notified by Natural England under section 28 of the Wildlife and Countryside Act 1981 as being of special interest due to its flora, fauna or geological or physiological features.
Special Area of Conservation (SAC)	Sites designated under EU legislation for the protection of habitats and species considered to be of European interest.
Species of Principal Importance	Habitats and species of principal importance in England. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.
Stakeholder	An organisation or individual with a particular interest in a development project.
Standard mitigation	Measures comprising standard techniques and activities which are implemented during the construction of a development project to protect the environment and/or mitigate adverse effects, for example the covering of exposed materials to reduce dust emissions.
Strategic road network (SRN)	The network of motorways and trunk roads in England.
Study area	The spatial area within which environmental effects are assessed (i.e. extending a distance from the project footprint in which significant environmental effects are anticipated to occur).
Surface water	Waters including rivers, lakes, loughs, reservoirs, canals, streams, ditches, coastal waters and estuaries.
Sustainable drainage systems (SuDs)	Measures designed to control surface runoff close to its source, including management practices and control measures such as storage tanks, basins, swales, ponds and lakes. Sustainable drainage systems allow a gradual release of water and thereby reduce the potential for downstream flooding.
Swale	A low or hollow place, especially a marshy depression between ridges.
Traffic	The total volume of vehicle traffic on a road flowing past a certain point over a year, divided by 365 days.
Trunk road	A road operated and maintained in England by Highways England.
Unacceptable Adverse Effect Level	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.

Term	Description
Unitary Development Plan (UDP)	A statutory document that sets out the council's planning policies for development, conservation, regeneration and environmental improvement activity.
Visual amenity	The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area.
Visual receptor	People who may have a view of a proposed development during construction or operation.
World Heritage Site (WHS)	A site inscribed by UNESCO because of its Outstanding Universal Value under the terms of the UNESCO World Heritage Convention.

Abbreviation	Description
AA	Appropriate Assessment
AADT	Annual Average Daily Traffic
AIES	Assessment of Implications on European Sites
ALC	Agricultural Land Classification
AOD	Above Ordinance Datum
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
BAP	Biodiversity Action Plan
BGS	British Geological Survey
BGL	Below Ground Level
BS	British Standard
CDPLR	City of Derby Local Plan Review
CEMP	Construction Environmental Management Plan
CWS	County Wildlife Site
dB	Decibel
DCC	Derby County Council
DCiC	Derby City Council
DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EBC	Erewash Borough Council
EBLP	Erewash Borough Council Local Plan
EcIA	Ecological Impact Assessment
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
GIS	Geographical Information System
GLVIA	Guidelines for Landscape and Visual Impact Assessment
HPI	Habitat of Principal Importance
HRA	Habitats Regulations Assessment
IAN	Interim Advice Note
IDB	Internal Drainage Board
IEMA	Institute of Environmental Management and Assessment
LAQM	Local Air Quality Management
LAQM.TG	Local Air Quality Management Technical Guidance
LBAP	Local Biodiversity Action Plan
LCA	Landscape Character Area

LCLIP	Local Climate Impacts Profile
LCT	Landscape Character Type
LLCA	Local Landscape Character Area
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
NE	Natural England
NIA	Noise Important Area
NIR	Noise Insulation Regulations
NIRS	National Incident Reporting System
NMU	Non-motorised Users
NNL	No-net Loss
NNR	National Nature Reserve
NOEL	No Observed Effect Level
NOx	Nitrogen Oxide
NO <sub>2</sub>	Nitrogen Dioxide
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPSE	Noise Policy Statement for England
NPSNN	National Policy Statement for National Networks
NSIP	Nationally Significant Infrastructure Project
NTS	Non-technical Summary
NVC	National Vegetation Classification
NVZ	Nitrate Vulnerable Zone
OEMP	Outline Environmental Management Plan
OS	Ordnance Survey
PA 2008	Planning Act 2008
PCF	Project Control Framework
PPG	Planning Practice Guidance
PPG-N	Planning Practice Guidance on Noise
PPS	Planning Policy Statement
PPV	Peak Particle Velocity
PRA	Preferred Route Announcement
PROPWET	Proportion of time soils are WET
PRoW	Public Right of Way
RIS	Road Investment Strategy
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monument
SI	Statutory Instrument
SM	Scheduled Monument
SOAEL	Significant Observed Adverse Effect Level

SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SSSI	Sites of Special Scientific Interest
SSWSI	Site Specific Written Scheme(s) of Investigation
SuDS	Sustainable Drainage Systems
SWMP	Site Waste Management Plan
TAG	Transport Analysis Guidance
TPO	Tree Preservation Order
WFD	Water Framework Directive
WHO	World Health Organisation
WHS	World Heritage Site
ZoI	Zones of Influence
ZTV	Zone of Theoretical Visibility