

A38 Derby Junctions TR010022

8.4 Responses to Examining Authority's Questions on the Draft Development Consent Order

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Rule 8 (1)(c)(ii)

Infrastructure Planning (Examination Procedure) Rules 2010

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(Examination Procedure) Rules 2010**

**A38 Derby Junctions
Development Consent Order 202[]**

**Responses to Examining Authority's Questions on the
Draft Development Consent Order**

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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This document sets out Highways England's responses to written questions published by the Examining Authority (ExA) on 26 September 2019 ahead of the first Issue Specific Hearing (ISH) on the Draft Development Consent Order, which took place at 1.30pm on 8 October 2019 at the Stuart Hotel (Best Western) in Derby.

Table 1 Responses to Examining Authorities' Questions on the Draft Development Consent Order

No	Reference	Issue or question	Applicant's Response
General matters			
1.	Draft Development Consent Order (dDCO) format and tracking of changes	<p>The Applicant is asked to confirm that subsequent versions of the draft Development Consent Order (dDCO) and Explanatory Memorandum (EM) submitted after the application version will be:</p> <ul style="list-style-type: none"> a) kept up to date with any changes and, if there have been any changes to the latest version provided to the Examination, submitted at the next Examination Deadline; b) supplied in .pdf (dDCO and EM) and Word formats (dDCO only) and in two versions, the first forming the latest consolidated draft and the second showing changes from the previous version in tracked changes, with comments outlining the reason for the change; c) the consolidated draft version of the dDCO in Word is to be supported by a report validating that version of the dDCO as being in the SI template, obtained from the publishing section of the legislation.gov.uk website; and d) the revision number of each subsequent version is updated consecutively from the application version, clearly indicated within the body of each document and included within the electronic filename. 	<p>Highways England confirms that it will comply with the requests listed in a) to d) (although please note the point below regarding the EM).</p> <p>In respect of c), Highways England suggests that a validation report is provided for the final applicant version of the requested dDCO (deadline 6) only as this is the stage at which the confirmation that is provided by the validation report as to the formatting of the dDCO will be important. It can take up to two days for a validation report to be provided by Her Majesty's Stationery Office which means that Highways England will need to have finalised its revised dDCO for submission two days before any deadline imposed by the ExA which could be unnecessarily restrictive. In respect of the EM, Highways England suggests that an updated version of this is provided to the ExA at D6 and this will capture all of the changes which are made to the dDCO (and shown on the dDCO Changes Schedule). Highways England is not providing an updated EM at D2 because the changes to the dDCO are not material enough at this</p>

No	Reference	Issue or question	Applicant's Response
			stage and they are all captured and explained within the dDCO Changes Schedule
2.	Tracking of changes to plans and documents referred to by the dDCO	<p>The Applicant is asked to ensure that:</p> <ul style="list-style-type: none"> a) alongside each update to the dDCO, an up to date "record of plans and documents" is provided in the form of a table that records the names and revision numbers of the latest versions of each plan and document referred to in the dDCO; b) all application or subsequent plans and documents referred to in the dDCO in whatever provision are identified by a unique drawing or document name, electronic filename and revision number; c) the revision number of each plan and document is updated consecutively from the application version, clearly indicated within the body of each plan and document and included within the electronic filename; d) the latest versions of plans and documents, including their revision number, are referenced by and reflected in the latest version of the dDCO; and that e) a full description is provided of all changes included in each revision of each plan and document as it is submitted to the Examination, together with comments outlining the reason for the change. 	<p>Highways England will ensure that points a) to c) are complied with.</p> <p>In respect of d), Highways England confirms that the latest versions of plans and documents (including revision numbers) will be detailed in a document schedule, but not referenced to in the dDCO until the final version (at deadline 6). This is to avoid the potential for errors as documents are being updated.</p> <p>In respect of point e), Highways England suggests that this is done through tracked changes where possible (i.e. not for revised plans) to key documents such as the dDCO, EM, BOR and SOR. In respect of other documents changes will be recorded and summarised in the Guide to the Application, which will be updated throughout the examination.</p>
3.	Final audit of plans and documents	<ul style="list-style-type: none"> a) Please could the Applicant confirm that it will undertake a final audit of plans and documents referred to in the dDCO prior to submitting its final preferred dDCO to the 	a) and b) confirmed by Highways England.

No	Reference	Issue or question	Applicant's Response
		<p>Examination. It should ensure that the results of this audit are reflected in all references in the dDCO and in the "record of plans and documents" requested above?</p> <p>b) Please could any subsequent changes to the "record of plans and documents" be submitted at each Examination Deadline up to the close of the Examination?</p>	
4.	The determination of compensation when not relating to Compulsory Acquisition	<p>a) Several articles make provision for "<i>compensation to be determined, in case of dispute, under Part 1 of the 1961 Act</i>". It is acknowledged that a provision in this form is commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for Compulsory Acquisition. For there to be certainty that it would apply in other situations (e.g. with respect to the felling or lopping of trees under Article 39), should a modification be included? If not, why not?</p> <p>b) If the Applicant takes the view that such an amendment is not necessary, it would assist the ExA to be directed to examples of cases where the Tribunal has accepted jurisdiction over similar matters to those proposed in the dDCO that do not involve Compulsory Acquisition as strictly defined.</p>	<p>a) References in the articles to Part 1 of the 1961 Act (for example in articles 15 (Temporary stopping up and restriction of use of streets and highways), 16 (Permanent stopping up and restriction of use of streets and private means of access), 21 (Protective works to buildings), 22 (Authority to survey and investigate the land), 28 (Private rights over land), 32 (Rights under or over streets), 33 (Temporary use of land for carrying out the authorised development), 34 (Temporary use of land for maintaining the authorised development), 39 (Felling or lopping of trees and removal of hedgerows) and 40 (Trees subject to tree preservation order)) are references to the <i>process</i> under the 1961 Act (in respect of Compulsory Acquisition) being imported into and used for the determination of compensation for damage caused from the carrying out of the activities listed in the articles. On this basis modification of Part 1 of the 1961 Act is not needed as there is no</p>

No	Reference	Issue or question	Applicant's Response
			<p>amendment needed to the wording or operation of that legislation.</p> <p>On the basis that the DCO may apply any statutory provision contained in any Act of Parliament (see s.120(5) of the Planning Act), Highways England considers that the Tribunal's jurisdiction and <i>vires</i> to determine any dispute will be authorised by the DCO. Highways England is not aware of any cases where the Tribunal has accepted jurisdiction in similar circumstances, but this may be because no such references have yet been necessary in relation to approved DCOs. It is worth noting that the provision has been used before on a number of approved DCOs (e.g. A19/A184 Testo's Junction Alteration) and Highways England considers that the Government Legal Department would not have approved these orders had there been issues of competence or jurisdiction.</p>
5.	"Guillotine" provisions	<p>Several provisions confer deemed consent if a consultee does not respond within 28 days (a "guillotine").</p> <p>a) Please provide evidence that the guillotine has been discussed with each relevant consultee, demonstrate that they are aware of it and provide any comments that they have made on their ability to comply.</p>	<p>a) The guillotine provisions will be discussed with each relevant consultee and their agreement sought through a Statement of Common Ground (SoCG). At this stage, this detail is not available but Highways England will provide the ExA with updates on the position with each relevant consultee as progress is made. Highways England notes Derby City Council's comment, which was</p>

No	Reference	Issue or question	Applicant's Response
		b) Should those provisions contain an express requirement that any application for consent should contain a statement drawing the consultee's attention to the guillotine?	<p>endorsed by Derby County Council, Erewash Borough Council and the Environment Agency, made at the DCO Issue Specific hearing, that they are content in principle with a 28 day response period.</p> <p>Currently, 28 day guillotine provisions apply in the following articles:</p> <ul style="list-style-type: none"> • 15 (Temporary stopping up and restriction of use of streets and highways) - street authority; • 19 (Traffic regulations) - traffic authority; • 20 (discharge of water) - owner of sewer or drain; and • 22 (authority to survey and investigate the land) - local highway authority or street authority. <p>b) Highways England does not consider that this is necessary given that the provision will be contained within and controlled by the DCO. In addition, the consultees will be aware of the procedure through the DCO process and can comment on it as part of the negotiations of the SoCG or through the Examination process more generally.</p>

No	Reference	Issue or question	Applicant's Response
Preamble to the dDCO			
6.	Reference to the Panel	Please could the preamble be updated to reflect the appointment of a Panel of 2 members, rather than a single appointed person?	Highways England will make this amendment to the next version of the dDCO.
7.	Powers conferred to the Secretary of State	<p>a) Replace "<i>Part 15 of Schedule 5</i>" with "<i>Part 1 of Schedule 5</i>"?</p> <p>b) Several sections of the Planning Act 2008 (as amended) (PA2008) quoted have been substituted or repealed by other legislation. Does that need to be dealt with?</p> <p>c) Why have other sections of PA2008 not been quoted, e.g. s125, s126, s136?</p>	<p>a) Thank you for pointing this out. This change will be made to the revised version of the dDCO.</p> <p>b) It is not clear which sections in the dDCO the ExA is referring to. All sections of the Planning Act 2008 referred to in the dDCO are valid and remain in force. Where amendments to the provisions have been made, references are provided in the footnotes of the dDCO. Highways England will of course undertake a further check prior to submission of the final DCO to ensure any changes to the relevant legislation are captured.</p> <p>c) These sections will be included in the updated version of the dDCO; they were unintentionally omitted.</p>
Part 1 - Preliminary			

No	Reference	Issue or question	Applicant's Response
8.	Article 2(1) <i>"authorised development" means the development and associated development described in Schedule 1 (authorised development)</i>	<p>a) Why does Associated Development need to be mentioned here, when it is covered in Schedule 1?</p> <p>b) Please could the Applicant consider the following alternative wording, which also clarifies the meaning consistent with PA2008, and is a form commonly used in previous DCOs:</p> <p><i>"authorised development" means the development described in Part 1 of Schedule 1 (authorised development) which is development within the meaning of section 32 of the 2008 Act</i></p>	<p>a) Given the reference to Associated Development in Schedule 1 of the dDCO, Highways England agrees that reference to Associated Development in Article 2(1) can be removed.</p> <p>b) Highways England considers that the removal of the phrase "Associated Development" from Article 2(1) gives the definition sufficient clarity without the need to refer to section 32 of the 2008 Act. In addition, this is a standard definition in Highways England DCOs. Finally, it is worth noting that there is no Part 1 to Schedule 1 of the dDCO.</p>
9.	Article 2(1) <i>"commence" means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of ... remedial work in respect of any contamination or other adverse ground <u>conditions</u></i>	<p>a) Replace <i>"conditions establishment"</i> with <i>"conditions, establishment"</i>?</p> <p>b) How do any activities to be carried out before commencement relate to those set out in the Outline Environmental Management Plan (OEMP)?</p> <p>c) What extent of remedial works in respect of any contamination or establishment of working areas and compounds are envisaged, for example in relation to the former Rowditch Tip and the main construction compound?</p> <p>d) How will it be ensured that any activities carried out before commencement will not result in significant adverse</p>	<p>a) Highways England has made this change to the dDCO.</p> <p>b) The definition of "commence" allows the activities specified in that definition to be undertaken without those activities triggering the implementation of the Order. Highways England anticipates that the activities that will be undertaken under this exception will include those detailed in the OEMP as 'Preliminary Works' (please refer to Table 1.1 in the OEMP).</p> <p>c) Highways England does not intend to undertake extensive remedial works in</p>

No	Reference	Issue or question	Applicant's Response
	<u>establishment of working areas and compounds, ...</u>	<p>impacts, including on any archaeological artefacts, on biodiversity or from noise?</p> <p>e) More generally, how will it be ensured that any activities carried out before commencement would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the Environmental Statement (ES)?</p> <p>f) Is it necessary to make the definition more precise and/or to augment it to clarify that pre-commencement activities remain within the Rochdale envelope as specified and assessed in the certified plans and documents?</p>	<p>respect of contamination. The extent of such works is detailed in the Preliminary Works list in the OEMP. In terms of works at the former Rowditch Tip, this is not listed as a Preliminary Work.</p> <p>For clarity, it is assumed (as detailed in the ES at Chapter 11: Material Assets and Waste [APP-049]) that the contaminated material at the tip will be excavated and then disposed of to landfill (with the works being undertaken in an appropriate manner given the potential for asbestos-containing materials). As part of the detailed design stage, Highways England will carry out supplementary ground investigation to inform preparation of a Remediation Strategy for this location. The ground investigation results may indicate an opportunity to utilise a more sustainable approach by undertaking stabilisation/solidification of the excavated material containing asbestos and re-use that material at depth within the Scheme's earthworks, either beneath the road in the cutting or within other embankments at the Kingsway junction. This reduces the volume of materials requiring disposal and reduces the volume of fill that needs to be imported to the site. Any such works would be undertaken in accordance with the OEMP and only if such activities would not give rise to any materially new or materially worse adverse</p>

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			<p>environmental effects in comparison with those reported in the ES.</p> <p>In terms of working areas and compounds, pre-commencement works would entail establishment of the main construction compound at Little Eaton junction. Here no remediation works are proposed, but as per the ES (para. 10.9.4) <i>"the surface of the construction compound area would be covered by approximately 600mm (subject to detailed design) of compacted stone to form a trafficable surface for site vehicles and to provide a separation layer from the underlying landfill materials to prevent their disturbance and trafficking to other parts of the site"</i>. Highways England intends to undertake a ground investigation at the landfill site during the detailed design stage to confirm this approach.</p> <p>d) The activities Highways England anticipates will occur before "commencement" are covered by the defined environmental mitigation measures detailed in the OEMP (which will be secured through the CEMP). Key activities in respect of impacts on archaeology, biodiversity and noise are also appropriately assessed within the ES. The works that are excluded from the definition of commencement are either <i>de</i></p>

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			<p><i>minimis</i> or have minimal potential for adverse impacts.</p> <p>e) As noted in 9d), all activities carried out before the commencement date are covered by the defined environmental mitigation measures as detailed in the OEMP (which is to be secured through the CEMP), with key activities appropriately assessed within the ES. They may in some cases need to be carried out in order to comply with the pre-commencement requirements (for example, to inform assessments and proposals required to be submitted for approval). Highways England should be permitted to carry out low impact preparatory works following the grant of the DCO, while it is working to discharge the pre-commencement requirements, thereby helping to minimise the construction timetable.</p> <p>f) Highways England considers that any works outside the Rochdale envelope will not be authorised development under the DCO and, as such, if carried out would be subject to enforcement action in accordance with the Planning Act 2008 or the Town and Country Planning Act 1990. On this basis, Highways England does not consider that it is necessary to refer to the</p>

No	Reference	Issue or question	Applicant's Response
			Rochdale envelope. In terms of the development being carried out in accordance with what has been specified and assessed in the certified plans and documents, the dDCO ensures that the certified documents listed in Schedule 10 are complied with, as set out in the Requirements in the dDCO.
10.	Article 2(1) <i>"maintain" includes inspect, repair, adjust, alter, remove, replace or reconstruct in relation to the authorised development and any derivative of "maintain" is to be construed accordingly to the extent assessed in the environmental statement</i>	<p>a) Please provide an explanation of what is meant by "any derivative of maintain".</p> <p>b) Please provide examples of "any derivative of maintain" activities and explain how these differ from "maintain" activities.</p> <p>c) Please provide examples of "remove, replace or reconstruct" activities and clarify whether these could include major construction works during operation, such as the removal and replacement of the proposed A38 embankment at the Little Eaton junction.</p> <p>d) With reference to the advice provided in section 20 of Advice Note 15¹, please identify where all the activities in the definition, including those noted above, have been assessed in the ES.</p>	<p>a) This term means that words which derive from 'maintain' (for example 'maintenance', 'maintained', 'maintaining', 'maintainable' etc.) are to be read as including the actions specified in the definition.</p> <p>b) In practice the activities will depend on the context of the terms used, however, maintain and its derivatives will include those actions specified in the definition. It should be noted that this is a narrower definition than that contained in other Highways England DCOs, for example the M4 Smart Motorways DCO which included demolition activities.</p> <p>c) As detailed in ES Section 2.7 (para. 2.7.4 "Maintenance is defined as actions</p>

No	Reference	Issue or question	Applicant's Response
		<p>e) Please identify proposed mitigation measures for all the activities in the definition, how those are secured and any residual significant impacts.</p> <p>f) How will it be ensured that the activities would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES, recognising the importance of effects as well as the extent?</p> <p>g) Is it necessary to make the definition more precise and/or to augment it to clarify that actions construed as maintenance remain within the Rochdale envelope as specified and assessed in the certified plans and documents?</p>	<p><i>needed to inspect, repair, adjust, alter, remove, replace or reconstruct all aspects that relate to the Scheme.</i></p> <p><i>Typical maintenance activities include: the inspection and repair of safety barriers; signage; drainage infrastructure; lighting; environmental barriers; structures; repairs to the carriageway surface; renewal of road markings; maintenance of highway verges and boundaries; management of the soft estate; and the inspection and clearance of road drains". Maintenance activities are predominantly (though not exclusively) required for the safe ongoing operation of the road network. It is not envisaged that the removal and replacement of the proposed A38 embankment at the Little Eaton junction would fall within this definition (please see the reference in the ES at para. 2.7.10 regarding how activities outside the definition of maintenance would be managed and Highways England's response to FWQ 38 which expands on this point).</i></p> <p>d) Please refer to Section 2.7 (ES Chapter 2: The Scheme) which details the assumed maintenance activities and how they will be managed in order to ensure that materially new or materially worse adverse environmental effects are avoided.</p>

No	Reference	Issue or question	Applicant's Response
			<p>e) Mitigation measures associated with maintenance activities will be as detailed in the Handover Environmental Management Plan (HEMP) as required by the OEMP (and as secured in the draft DCO). With the implementation of the HEMP by the East Midland Asset Delivery team (Highways England), no likely significant effects are predicted. It is worth noting that the HEMP is also to contain Highways England's long term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long terms effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development.</p> <p>f) The ES reports that the defined maintenance activities will be managed by the East Midland Asset Delivery team (Highways England) in accordance with the HEMP once the Scheme is operational. No likely significant effects are predicted in the ES. Applicable sections of the ES also consider the effects of maintenance activities (under sections that consider operational effects). In order to ensure that the maintenance of</p>

No	Reference	Issue or question	Applicant's Response
			<p>the final Scheme to be approved by the Secretary of State under requirement 12 is within the parameters assessed in the environmental statement this requirement provides that any amendment to the Scheme approved by the Secretary of State cannot give rise to any materially new or worse environmental impacts. This, in conjunction with the definition of "maintain" will ensure such impacts do not arise.</p> <p>g) The power to maintain in article 6 is expressed as being a power to "<i>maintain the authorised development</i>" and it does not extend to matters beyond the development as authorised. Maintenance will only occur once the development has taken place and therefore there is not potential for maintenance activities to fall outside the Rochdale Envelope. Again, as the preliminary design of the Scheme is progressed and a detailed design for the Scheme is provided to the Secretary of State for approval, requirement 12 provides that any amendment to the Scheme cannot give rise to any materially new or worse environmental impacts which will ensure such impacts do not arise. The definition of maintain ensures that any such works are within the scope of the ES and these activities have been</p>

No	Reference	Issue or question	Applicant's Response
			appropriately assessed, as detailed above.
11.	<p>Article 2(1)</p> <p><i>"the Order land" means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily, and described in the book of reference;</i></p> <p><i>"the Order limits" means the limits of the land to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;</i></p>	<p>a) Is the "Order land" intended to be the whole of the land within the "Order limits" or to have some different boundary?</p> <p>b) Is there any difference between the red line boundaries shown on the Land plans and on the Works plans? The Land plans keys identify the red boundary as the "Order limits"; however, the Works plans also have a red line boundary, but the key describes it as "Land to be acquired or used permanently or temporarily".</p> <p>c) For clarity, could the definitions in the dDCO and the descriptions in the plans be simplified and made consistent?</p>	<p>a) The "Order Land" means the land which is subject to compulsory or temporary acquisition or use. The Order Land includes all of the land within the Order Limits. The Land Plans include a key which provides that no powers are sought in the DCO in respect of land coloured white. However, on review of the Land Plans there is no 'white land' within the redline boundary of the Land Plans. As such, Highways England will revise the key shown on the Land Plans to reflect this point. These terms are used for differing purposes in the dDCO, for example the term "Order land" is used in connection with the use of land and/or the rights in, on, under or over that land which are being temporarily or permanently acquired. Highways England will undertake a further consistency check of all terms used in the dDCO ahead of the revised version of the dDCO being submitted to the ExA for deadline 1.</p> <p>b) The redline boundaries on the Land Plans and the Works Plans are the same. Both the Works Plans and Land</p>

No	Reference	Issue or question	Applicant's Response
			<p>Plan Keys state the Red Line Boundary as "Limits Of Land To Be Acquired Or Used Permanently Or Temporarily ". Although the Land Plans do have the addition of the term "(The Order Limits)" at the end of the reference which may have caused some confusion.</p> <p>c) Highways England confirms that it will review the definitions in the dDCO, the Land Plans and the Works Plans to ensure consistency and if necessary issue plans with revised keys. Highways England will make the necessary amendments to these plans for D2.</p>
12.	Article 2(1) Definition of " <i>carrying out the authorised development</i> "	The term " <i>carrying out the authorised development</i> " is used several times in the dDCO. Should this be defined to clarify the stages of the Proposed Development that this does or doesn't apply to – e.g. activities before commencement, construction, maintenance, use or demolition of the authorised development?	<p>Highways England considers that the term should be given its natural and ordinary meaning (consistent with the interpretation or construction of any statutory instrument – see: <i>R v Secretary of State for the Environment, Transport and the Regions, Ex p Spath Holme Ltd</i> [2001] 2 AC 349 at 397). Taken in context it is clear what is intended by this term in each case and in the context of the action(s) being undertaken. As the term has a different meaning in different articles it would not be appropriate to provide a definition.</p> <p>In addition, Highways England considers that using a synonym in its place could cause</p>

No	Reference	Issue or question	Applicant's Response
			<p>confusion e.g. 'undertake' may be conflated with the definition of 'undertaker' or 'implement' may confuse a reasonable reader with the term 'implementation' in a statutory planning context. In addition, the term is commonly used in other Highways England DCOs, for example in the M20 Junction 10a DCO, the A19 Testos Junction DCO and the A556 (Knutsford to Bowdon Improvement) DCO.</p> <p>Trying to limit the definition to specified activities would, in Highways England's view, require significant additional and unnecessary drafting when the meaning of the term is clear from the context in which it is used throughout the dDCO.</p>
13.	Article 3 - Disapplication of legislative provisions	<p>a) Has this disapplication and the relevant dDCO provisions been agreed with the drainage authorities?</p> <p>b) What matters, if any, are still subject to agreement and what steps are being taken to resolve them?</p>	<p>a) In respect of the disapplication of the Water Resources Act 1991, the Environment Agency are aware of this proposed disapplication and it will be subject to agreement through the SoCG between Highways England and the EA. The EA is engaged with Highways England on this point.</p> <p>In respect of the disapplication of the Land Drainage Act 1991, Highways England plans to discuss this further with Derby City Council with a view to securing their agreement. This</p>

No	Reference	Issue or question	Applicant's Response
			<p>issue will again be negotiated through the SoCG.</p> <p>b) Agreement is being sought on the disapplication of the noted legislative provisions with the relevant bodies and this agreement will be included as part of the SoCGs.</p>
14.	Article 4 - Maintenance of drainage works	<p>a) How would any other party be able to discharge its responsibility for the maintenance of drainage works when the Undertaker has taken temporary possession?</p> <p>b) Should the Undertaker be required to temporarily have responsibility for the maintenance of drainage works while it has taken temporary possession? If not, why not?</p> <p>c) How will it be ensured that any other parties responsible for the maintenance of drainage would be able to discharge their responsibilities when the Undertaker has taken permanent possession?</p> <p>d) Does this article need to be amended to clarify the ability for responsibilities for the maintenance of drainage works to be discharged when the Undertaker takes temporary or permanent possession of the land?</p>	<p>a) It is acknowledged that taking temporary possession of the land will interfere with third parties' rights and responsibilities to maintain drainage (as noted in article 28(4)). As such, where temporary possession is taken by Highways England, Highways England will become liable under article 33 for any loss or damage caused by the temporary possession (which will be resolved through compensation). As such, as a responsible developer and to minimise the likelihood of any loss or damage caused to the land, Highways England will maintain the drainage whilst in temporary possession.</p> <p>b) Please see the response to a) above. In terms of drainage affecting highways, Highways England will seek to secure arrangements with the local highways authorities to ensure that responsibility</p>

No	Reference	Issue or question	Applicant's Response
			<p>for highways drainage is appropriately maintained.</p> <p>c) Please see the response to a) above. It is worth noting that this article has been used on a number of other Highways England schemes, for example see article 5 of The A19/A184 Testo's Junction Alteration Development Consent Order 2018 and article 4 of The M20 Junction 10a Development Consent Order 2017.</p> <p>d) Given the responses to a) to c) above, Highways England does not consider that this article needs to be amended in this respect.</p>
Part 2 – Principal Powers			
15.	Article 6 – maintenance of authorised development	<p>Please clarify how it is secured that the Undertaker, or other specified bodies, have an obligation to maintain the works, including, but not limited to:</p> <ul style="list-style-type: none"> • Associated and Ancillary Development? • Flood storage areas and drainage? • Noise barriers? • Trees, hedgerows and landscaping? • Public rights of way? 	<p>Highways England and other local highway authorities (LHAs) have a statutory duty (under s.41 of the Highways Act 1980) to maintain their network. Associated and ancillary development, flood storage areas and drainage, noise barriers, trees, hedgerows and landscaping, public rights of way will all form part of the respective parties' highways network. Where they do not (for example, in the case of certain drainage apparatus), maintenance for those assets will</p>

No	Reference	Issue or question	Applicant's Response
		<ul style="list-style-type: none"> Other environmental mitigation and enhancement areas? 	<p>be secured under separate legislative provisions – (for example water undertakers have a duty to maintain their network under the Water Industry Act 1991). Highways England's maintenance responsibilities with regard to essential mitigation features will be defined in the Handover Environmental Management Plan (HEMP) – please refer to the text below.</p> <p>Highways England will secure DLOAs with the other LHAs to detail the extent of each other's responsibilities during the construction of the Scheme.</p> <p>Maintenance of essential environmental mitigation features will be undertaken by the East Midlands Asset Delivery team (Highways England) in accordance with the Handover Environmental Management Plan (HEMP) (as required and specified in the OEMP – refer to MW-G11 in Table 3.2b), unless agreed otherwise with the applicable local authorities. The requirement to maintain the Scheme in accordance with the HEMP is specified in requirement 3(4) of the DCO – it is to contain “the environmental information needed for the future maintenance and operation of the authorised development.” The HEMP is also to contain Highways England's long term commitments to aftercare, monitoring and maintenance activities relating to the</p>

No	Reference	Issue or question	Applicant's Response
			environmental features and mitigation measures that will be required to ensure the continued long terms effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development.
16.	Article 7 - Planning Permission	Should this be subject to any cumulative impacts of the Proposed Development with the development under the terms of the planning permission not giving rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES?	<p>Highways England does not consider that the wording needs to be amended or any inclusion made to Article 7. Any subsequent planning permission applied for under the Town and Country Planning Act 1990 will (if relevant) need to assess any cumulative impacts from the Scheme against that proposal. As such, there is already adequate statutory protection in place to ensure that this issue is dealt with. Derby City Council confirmed that this is the case at the DCO ISH on 8 October 2019. As such, Highways England considers that the inclusion of this wording is necessary and achieves what it is set out to achieve.</p> <p>In addition, this wording is standard to Highways England DCOs, see for example article 7 of The M20 Junction 10a Order and article 5 of The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 where the wording has been included for the reasons stated above.</p>

No	Reference	Issue or question	Applicant's Response
17.	Article 8 – Limits of deviation <i>(a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans;</i>	<p>The EM refers to a lateral deviation to a maximum of 0.5 metres. However, this does not appear to be included in Article 8 or on the works plans. It is noted that the “<i>highway work limit of deviation</i>” currently indicated on the works plans appears to have the potential for the highways to be closer to sensitive receptors than is considered by the ES.</p> <p>Please can the limits of lateral deviation be clarified and quantified and identified as the smallest reasonable distances?</p>	<p>Highways England is grateful to the ExA for noting this point. The EM is incorrect and will be updated by Highways England to reflect the position in the dDCO, as explained below. To confirm, the extent of the authorised lateral deviations is shown on the works plans and this is the smallest reasonable distance because the extent of the Order limits has been so tightly drawn by Highways England.</p>
18.	Article 10 – Consent to transfer benefit of order <i>(4) The consent of the Secretary of State is required for a transfer or grant under this article except where the transfer or grant is made to...</i>	<p>The EM explains that the potential transfer of the powers of this order can be given without Secretary of State (SoS) consent because the companies listed have apparatus present on the order land.</p> <p>Could the Article be made more specific to this purpose, for example to limit the circumstances where a transfer of the benefit of the order can be made without SoS consent to the maintenance and repair of apparatus located in the Order land?</p>	<p>This Article allows for a transfer of any of the relevant provisions of the dDCO to the specified undertakers for the identified works (i.e. for Western Power Distribution a transfer without SoS consent can only take place in relation to Work Nos 9, 21, 22 and 35 which are the relocation of their existing services). In the event that the specified undertaker needed to rely on the DCO rights and powers, it would not be appropriate to limit these as suggested as they may be needed for the carrying out of the work (potentially using compulsory acquisition powers) as well as maintenance and repair.</p> <p>This article has been used in other Highways England DCOs, including A19/A184 Testo's Junction DCO (see Article 8) and M20 Junction 10A DCO (see Article 10) in order to ensure that there is no delay to the statutory</p>

No	Reference	Issue or question	Applicant's Response
			undertakers listed in this article from carrying out their works caused by having to seek Secretary of State consent for those works.
Part 3 - Streets			
19.	Article 11 – street works <i>(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits</i>	Please could the precision of this broad provision be improved by tying it to a schedule as per the model provision and other made orders?	Highways England considers that this article is appropriate for the Scheme on the basis that it is currently anticipated that all streets within the Order limits will need to be accessed for the purposes of the authorised development (and may, in addition, undertake the activities outlined in article 11(1)(a) – (e), as detailed in entry 20 below). The Order limits have been tightly drawn to ensure that this is the case. In addition this provision gives Highways England the power to access all of the streets within the Order limits; this is necessary particularly to ensure adequate flexibility when developing the Scheme. Highways England cannot say definitively at this stage which of the streets within the Order limits will be entered because this will be determined at the detailed design stage.
20.	Article 11 – street works <i>(1)(e) execute any works required for, or incidental to, any works referred to in</i>	The powers sought are broad and appear to have the potential to be greater than are required to provide a reasonable degree of flexibility.	a) The power is limited to those activities specified in (a) to (d) and each entry is limited to works within a street for the purposes of the authorised development. As such, the term is confined to those

No	Reference	Issue or question	Applicant's Response
	<i>sub-paragraphs (a), (b), (c) and (d).</i>	<p>a) Could “any works required for, or works incidental to” be made more specific to the Proposed Development and, perhaps, be included in sub-paragraphs (a), (b), (c) and (d) instead?</p> <p>b) Please provide examples of what is anticipated as “any works required for, or works incidental to, any works referred to in sub-paragraphs (a), (b), (c) and (d)”.</p> <p>c) How can it be ensured that such works will not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES?</p> <p>d) Is it necessary to make this provision more precise and/or to clarify that such works remain within the Rochdale envelope as specified and assessed in the certified plans and documents?</p>	<p>limited activities needed to undertake the works listed in (a) to (d), which are works authorised under the terms of the DCO and may be carried out under article 11. Any works that exceed these limitations will be unauthorised works and not covered by the DCO.</p> <p>b) Examples include: removal and replacement of street furniture or other obstructions (e.g. walls) to gain access to drains or sewers.</p> <p>c) The detailed design of the Scheme has to be based on the preliminary design and any materially new or materially worse adverse environmental impacts would fall outside of the scope of the DCO. Given the limited nature of the inclusion at 11(1)(e) (in terms of its attachment to 11(1)(a) to (d), as mentioned above, in practice the use of this power is to encompass minor works associated with the (a) to (d) activities. Please also see the response to d) below which details the origins of this section and its intended use.</p> <p>d) These works are limited to and are for the purposes of the authorised development. As such, they are limited to what is authorised in the DCO and any works which fall outside of the DCO will not be authorised and will be subject to</p>

No	Reference	Issue or question	Applicant's Response
			<p>enforcement action under the Planning Act 2008. As such, Highways England does not consider that it is necessary to seek to limit these direct and incidental works to the Rochdale envelope. In practice, the power in Article 11 will give Highways England the power to act as a street authority would over all streets within the Order limits. The terminology used in this article, including the inclusion of the phrase "execute any works required for, or incidental to" can also be found in s.50 of the New Roads and Street Works Act 1991, which allows street authority's the power to grant a licence permitting a person to place, or to retain, apparatus in the street and to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it and to "execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain, or tunnel under it, or tunnelling or boring under the street)." As such, the provision is common and is simply importing a common power normally afforded to parties who do not benefit from statutory undertaker status.</p>

No	Reference	Issue or question	Applicant's Response
21.	Article 12 – Application of the 1991 Act	<p>a) Have these provisions been agreed with the Local Highway Authorities?</p> <p>b) Which matters, if any, are still subject to agreement and what steps are being taken to resolve them?</p>	<p>a) The LHAs have been provided with a copy of the dDCO, however, Highways England has not received any comments from the LHAs in respect of these provisions. It is expected that any issues in respect of this article will be raised through the SoCGs, which are currently being negotiated.</p> <p>b) Derby County Council has raised the issue of whether there is any part of the existing carriageway which needs to be detrunked. Highways England is discussing the details of this with Derby County Council. However, it is not clear at this stage what other issues may be raised by the LHAs and we will update the ExA as the SoCGs are progressed between the parties.</p>
22.	Article 13 - Construction and maintenance of new, altered or diverted streets and other structures	<p>a) Have these provisions been agreed with the Local Highway Authorities?</p> <p>b) What matters, if any, are still subject to agreement and what steps are being taken to resolve them?</p> <p>c) Who will be responsible for maintaining public rights of way and how is this secured?</p>	<p>a) These provisions have not been agreed with the LHAs yet, although it is intended that this discussion will form part of the SoCGs being agreed with the relevant LHAs.</p> <p>b) As noted, this is subject to discussion and agreement as part of the SoCG process.</p> <p>c) As noted, this is subject to discussion and agreement as part of the SoCG process. During construction of the Scheme it is anticipated that Highways England's</p>

No	Reference	Issue or question	Applicant's Response
			appointed contractor will construct the public rights of way and maintain them on behalf of Highways England until responsibility is transferred to the LHAs (once they have accepted to their reasonable satisfaction) from which time the rights of way will form part of their rights of way network and be maintained as such.
23.	Article 13 - Construction and maintenance of new, altered or diverted streets and other structures	<p>a) Should sub-paragraph (2) identify the local highway authority <u>in whose area the highway lies</u>?</p> <p>b) Should sub-paragraph (3) identify the street authority <u>in whose area the street lies</u>?</p> <p>c) Should sub-paragraph (4) identify the local highway authority <u>in whose area the bridge lies</u>?</p>	<p>a) No as the definition of 'local highway authority' in the dDCO refers to the definition in s.329(1) of the Highways Act 1980, which sets the limits of each LHA's responsibilities by reference to section 1 of the Highways Act. Highways England considers that this is unambiguous and does not require any further elaboration. This approach has been taken so that the specific LHAs do not need to be mentioned in the dDCO. As there are several LHAs, the respective responsibilities will be limited to their own highway network (as specified in the Highways Act). This avoids having to account for future administrative changes to the functions of the LHAs.</p> <p>b) 'Street authority' has the same meaning as in s.49 of the New Roads and Street Works Act 1991. This approach has been</p>

No	Reference	Issue or question	Applicant's Response
			<p>taken so that the specific LHAs do not need to be mentioned in the dDCO. As there are several LHAs, their respective responsibilities will be limited to their own highway network (as specified in the Highways Act). This avoids having to account for future administrative changes to the functions of the LHAs.</p> <p>c) See point a) (above).</p>
24.	<p>Article 14 – Classification of roads, etc.</p> <p><i>On a date to be determined by the undertaker</i></p>	<p>a) Should each instance of this phrase be amended to “<i>On the date on which the authorised development is completed and open for traffic</i>”?</p> <p>b) Could timing be specified more precisely to avoid any additional impacts or require further assessment if there are substantial delays?</p>	<p>a) Highways England has used this term because the Scheme is for the alteration of an existing highway/trunk road which affects a number of other highways in its vicinity. As such, a number of highways (particularly the main carriageways on the A38) will not close per se (they will remain partially open and partially closed whilst traffic calming measures are implemented). This means there will be incremental completions of the roads subject to this article and parts will be opened at different stages, which may be before or after the authorised development (or any part of it) is open for traffic. To give certainty to the provisions in Article 14 and to the public, Highways England considers it will be clearer if it has responsibility to determine the relevant dates. In addition, this responsibility will</p>

No	Reference	Issue or question	Applicant's Response
			<p>give Highways England flexibility, particularly as, at this stage, the detailed design of the Scheme (and the construction timetable) have not been finalised yet.</p> <p>b) See entry (a) above.</p>
25.	<p>Article 14 – Classification of roads, etc.</p> <p><i>(6) <u>Unless otherwise agreed with the relevant planning authority, the public rights of way set out in Part 7 (public rights of way) of Schedule 3 and identified on the streets rights of way and access plans are to be constructed by the undertaker in the specified locations and open for use from the date on a date to be determined by the undertaker</u></i></p>	<p>a) Unless otherwise agreed with the relevant planning authority and subject to their being no materially new or materially worse adverse effects in comparison with those reported in the ES?</p> <p>b) Is it necessary to make this provision more precise and/or to clarify how actions construed as maintenance will remain within the Rochdale envelope as specified and assessed in the certified plans and documents?</p> <p>c) Please correct the final underlined phrase.</p>	<p>a) Highways England is content to accept a provision which limits this paragraph to there being no materially new or materially worse adverse effects compared to those detailed in the ES. This will ensure that no agreement with the relevant authority results in impacts to public rights of way which are new or worse than those assessed in the ES.</p> <p>b) It is not clear where maintenance could be relevant here as maintenance is not mentioned in this article. The issue of maintenance generally though, as raised on a number of occasions by the ExA, is addressed in this document in response to questions 10, 14, 15, 22 and 23. In respect of the PROWs affected by the scheme, maintenance will fall to Highways England, the local highways authority (where the PROW forms part of its PROW network) or to the landowner.</p>

No	Reference	Issue or question	Applicant's Response
			c) Thank you, Highways England has updated this in the dDCO.
26.	<p>Article 15 - Temporary stopping up and restriction of use of streets and highways</p> <p><i>(4) The undertaker must not temporarily stop up, alter, divert or restrict the use of any street or highway for which it is not the <u>street authority</u> without the consent of the <u>street authority</u>...</i></p> <p><i>(6) If a <u>street authority</u> which receives ...</i></p>	<p>Please clarify the provisions for streets, highways and the relevant authorities:</p> <p>a) The undertaker must not temporarily stop up, alter, divert or restrict the use of any street for which it is not the street authority without the consent of the street authority...?</p> <p>b) The undertaker must not temporarily stop up, alter, divert or restrict the use of any highway for which it is not the highway authority without the consent of the highway authority...?</p> <p>c) If a street or highway authority which receives ...?</p>	<p>a) The second reference to the street authority is to such authority that is not HE, for example this is usually the local highways authority and it relates to those streets within its network. Usually the term would not be used twice but it has to be in this situation because Highways England is a street authority by virtue of being a strategic highways company; so it is used twice to differentiate Highways England and the local highway authority. This is an amendment to article 11(4) of the Model Provisions to recognise the role of Highways England as a street authority. It has been used in the Junction 10a M20 DCO and the A19/A184 Testo's Junction DCO.</p> <p>Under the New Roads and Street Works Act (s. 48) a 'street' includes the whole or any part of any of the following, irrespective of whether it is a thoroughfare—</p> <p>(a) any highway, road, lane, footway, alley or passage,</p> <p>(b) any square or court, and</p>

No	Reference	Issue or question	Applicant's Response
			<p>(c) any land laid out as a way whether it is for the time being formed as a way or not</p> <p>As such, a street also includes any private street (and a street authority may include the owners of such a street (see below)).</p> <p>In terms of the relevant authorities, the 'street authority' is the body with competences and responsibilities under the New Roads and Street Works Act. This might be the council, Highways England or a private landowner.</p> <p>A 'highway authority' has competences and responsibilities under the Highways Act 1980 and may include a strategic highways company (i.e. Highways England) or a local highways authority.</p> <p>As such, paragraph (4) simply reflects the fact that where Highways England is not the street authority, consent must be sought from the relevant street authority where Highways England is seeking to stop up, alter, divert or restrict the use of any street or highway.</p> <p>(b) It is not clear where this entry is in Article 15. However, the reason street authority is used instead of highways authority is because it encompasses a broader class of bodies to be consulted to reflect the extent of the activities listed in</p>

No	Reference	Issue or question	Applicant's Response
			<p>15(4) (as opposed to stipulating the highway authority only, which would essentially be the relevant LHA).</p> <p>(c) See entry b) above.</p>
27.	Article 15 - Temporary stopping up and restriction of use of streets and highways	<p>a) Is this likely to result in vehicles being temporarily parked further from properties than currently?</p> <p>b) If so, what are the anticipated impacts and mitigation, and how is the mitigation secured?</p> <p>c) How will any people with special requirements, emergency access and any requirement for parking permits be catered for?</p>	<p>In response to a) to c) the construction contractor will take into account any issues associated with car parking during temporary stopping up and restrictions of streets. The contractor will liaise with potentially affected parties and develop proposals for special access requirements and emergency access. This would be managed through the contractors Traffic Management Plan.</p> <p>Given that the Scheme is in its preliminary design phase, this detail (including the sequencing of the works) has not been finalised yet. As such, Highways England is not in a position to provide the ExA with this detail at this stage.</p>

28.	Article 18 - Clearways	<p>This article imposes waiting restrictions which would otherwise require an Order under the Road Traffic Regulation Act (a TRO). There are specific consultation and publicity requirements for such orders.</p> <p>Is the Applicant able to point to any elements of the consultation and publicity for the dDCO application that was targeted at those entities that might have expected to be consulted on a TRO for the Clearway proposals?</p>	<p>The Scheme went through a statutory pre-application consultation phase, where the public and relevant consultees were consulted about the proposed development. These parties would have had the opportunity to comment at that time about any aspect of the proposal. These comments were accounted for as part of the DCO application, as detailed in the Consultation Report.</p> <p>With respect to Clearways, the subject is currently being discussed with Derby City Council and is addressed in the Statement of Common ground. Highways England's approach is that, as the detail of the clearways is included within the dDCO and application documents, the examination of Scheme will provide the opportunity for the public to comment on the proposed clearways in the same way as for the stopping up and public rights of way diversions that are being proposed within the Order.</p> <p>The article is included to avoid a situation where approval of a TRO could delay or hold up powers that have been granted to the Scheme as an NSIP.</p> <p>In terms of the TRO process; this is a separate statutory regime which is not required to be followed as part of a DCO application. The LHAs have been approached to provide existing clearway orders. These orders have been used to inform the</p>
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No	Reference	Issue or question	Applicant's Response
			proposals in the dDCO. Any issues raised by the LHAs will be set out in the SoCGs.
29.	Article 19 – Traffic regulations	<p>a) Have these provisions been agreed with the Local Traffic Authorities?</p> <p>b) What matters, if any, are still subject to agreement and what steps are being taken to resolve them?</p>	<p>a) The LTAs have been approached to provide existing orders that will be affected by the Scheme. These orders have been used to inform the dDCO. Issues raised to date by the LHA's have been responded to and are sought to be agreed through the SoCG process.</p> <p>b) These matters are to be agreed as part of the SoCG.</p>

No	Reference	Issue or question	Applicant's Response
Part 4 – Supplemental Powers			

30.	Article 20 - Discharge of water	<p>Should the following provisions be added:</p> <ul style="list-style-type: none"> a) <i>The undertaker must not, in carrying out or maintaining works under this article, damage or interfere with the bed or banks of any watercourse forming part of a main river?</i> b) <i>This article does not authorise any groundwater activity or water discharge activity within the meaning of the Environmental Permitting (England and Wales) Regulations 2010 <u>or</u> nothing in this article overrides the requirement for an environmental permit under Regulation 12(1)(b) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016?</i> c) <i>This article does not relieve the undertaker of any requirement to obtain any permit or licence under any other legislation that may be required to authorise the making of a connection to or, the use of a public sewer or drain by the undertaker pursuant to paragraph (1) or the discharge of any water into any watercourse, sewer or drain pursuant to paragraph (3)?</i> 	<ul style="list-style-type: none"> a) Highways England does not consider that this wording is necessary as no works are proposed as part of the Scheme that would damage or interfere with the bed or banks of any main river. Were any action likely to do so then the statutory framework contained in the Water Resources Act 1991 would apply. Highways England will, however, as was discussed at the DCO ISH, discuss the inclusion of this provision (and those suggested by the ExA in b) and c)) with the EA and the relevant Lead Local Flood Authorities to see whether they consider that this provision is necessary. b) Similarly Highways England does not consider that this addition is required because it is not disapplying any provision of the EPR. This position was confirmed by the EA at the DCO ISH. As such, those provisions remain in full force in respect of the Scheme. It is not desirable to include "for the avoidance of doubt" provisions as otherwise there could be a significant list of legislation that would need to be included in the dDCO, most of which would be reiterating obligations on Highways England which are secured through other statutory frameworks. c) See entry b) above.
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No	Reference	Issue or question	Applicant's Response
31.	Article 20 - Discharge of water	Clarify where consultation and agreement are required with the Environment Agency and where their consent is required?	Please refer to the Consents and Agreement Position Statement [APP-019 / Volume 3.3]. The Environment Agency's consent is detailed in the article itself – it will be required where discharges will be made to any watercourse, public sewer or drain within their ownership or for which they are responsible. Any such discharge will require the EA's consent and they can impose reasonable requirements on any such consent given.
32.	Article 22 – Authority to survey and investigate the land	Add a requirement for the Undertaker to restore the land to the condition and level it was in on the date on which the Undertaker started to survey or investigate the land or such other condition as may be agreed with the owners of the land?	It is not clear why this would be needed given the limited intrusive nature of the activities authorised by this article (i.e. investigation and surveying). As such, the activities are unlikely to result in variations in the condition and level of the land requiring this clause. This is article is a standard article and the conditions itself has been used in other DCO schemes promoted by Highways England. See for example article 19(6) of the A19 order, article 20(6) of the M20 order and article 19(6) of the M4 order and, as far as Highways England is aware, it has not caused any practical issues with landowners to date.
Part 5 – Powers of Acquisition			

No	Reference	Issue or question	Applicant's Response
33.	Article 27 – Public rights of way	<p>a) How are the provision of temporary closures and diversions to public rights of way during construction secured, for example Little Eaton FP17?</p> <p>b) For clarity, can these be set out in a Schedule and plan?</p>	<p>a) This is secured through article 15 (Temporary stopping up and restriction of use of streets and highways).</p> <p>b) At this stage it is not possible for Highways England to definitely state which closures and diversions to public rights of way will be required and over what distances. In addition, the Scheme is at the preliminary design stage and including this detail will limit the options available to Highways England particularly if changes are required as the Scheme progresses to the detailed design stage. The provision of site notices will ensure that the public are notified of closures and diversions at least 28 days before they take effect and the relevant street authority will need to give its consent to these temporary closures and diversions. There will be limited impacts on the users of these routes as article 15(3) provides that Highways England has to provide reasonable access for pedestrians going to or from premises abutting a street or highway affected by the temporary closure and diversion if there would otherwise be no access for these users. As mentioned above, this provision has been used in other Highways England DCOs e.g. the A19 and M20 orders and The A14</p>

No	Reference	Issue or question	Applicant's Response
			Cambridge to Huntingdon Improvement Scheme and this provision has been included to afford Highways England the flexibility it will need during the course of the development.
34.	Article 30 - Application of the 1981 Act (8) In section 7 (constructive notice to treat), in subsection (1)(a), omit "(as modified by section 4 of the Acquisition of Land Act 1981)". <u>In Schedule A1(c) (counter-notice requiring purchase of land not in general vesting declaration) for...</u>	Should the underlined text be in a separate paragraph?	Highways England is grateful to the ExA for pointing this out. Highways England will ensure that this change is included in its next version of the dDCO.
35.	Article 33 - Temporary use of land for carrying out the authorised development (1)(d) <i>construct any permanent works specified in relation to that land in column (2) of Schedule 7 (land of which temporary possession may be taken), or any other mitigation</i>	a) Please clarify the meaning of " <i>any other mitigation works</i> ". b) Could the phrase " <i>in connection with</i> " potentially allow " <i>any other mitigation works</i> " to fall outside the definition of the authorised development?	a) This entry refers to any permanent mitigation works which are required as part of the authorised development and/or the permanent works undertaken to the land which has been temporarily acquired. b) Highways England does not consider that this phrase would extend works beyond the limits of what is authorised by the DCO. The term " <i>in connection with</i> " is itself limiting those mitigation works to

No	Reference	Issue or question	Applicant's Response
	<u>works in connection with the authorised development.</u>		those connected with the authorised development which are listed in column 2 of Schedule 7 of the dDCO. Anything which falls outside of the authorised works would be subject to enforcement action under the Planning Act 2008.
36.	Article 33 - Temporary use of land for carrying out the authorised development <i>(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the condition and level it was in on the date on which possession of the land was first taken by the undertaker or such other condition as may be agreed with the owners of the land ...</i>	For the specific case of this Proposed Development, and with reference to the comment on Article 34 below, should the removal of temporary works and restoration of the land be to the reasonable satisfaction of the owners of the land?	The purpose of this entry is to allow for the condition and level of the restored land to be returned to the condition and level that it was at when it was first taken, or as agreed by the landowner and Highways England. It is a factual position and intends to restore the land owner to the same position as they were in before in respect of the land, save where an agreement between the parties in respect of the condition of the land is reached. The ability to deviate by agreement from the original condition of the land gives both parties the flexibility to ensure that an alternative condition of the land is achievable. This deals with the point, raised by Erewash Borough Council at the DCO ISH in respect of the former landfill at Little Eaton. It would of course be impracticable to restore this area back to its original condition (not to mention the potential environmental impacts of attempting to do so). As such, Highways England can agree an alternative condition and level with a landowner, ensuring that

No	Reference	Issue or question	Applicant's Response
			<p>there is flexibility to both parties and to avoid anomalies such as the former landfill point.</p> <p>Allowing the restoration to be to the 'reasonable satisfaction of the owners of land' could cause delay where the landowner does not intimate approval/satisfaction or there is a delay in such approval being provided. In addition, it puts the balance of the relationship on an unequal footing, whereas allowing for the land to be returned to the condition and level it was at the date that it was possessed is a clear requirement. In addition, giving the landowner the opportunity to agree to a different condition and level allows for greater flexibility between the parties.</p>
37.	<p>Article 33 - Temporary use of land for carrying out the authorised development</p> <p><i>(7) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.</i></p>	<p>Should this read as follows:</p> <p><i>(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.</i></p>	<p>Highways England is grateful to the ExA for pointing this out. Highways England has made the relevant changes to the dDCO.</p>

No	Reference	Issue or question	Applicant's Response
38.	<p>Article 34 - Temporary use of land for maintaining the authorised development</p> <p><i>(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the condition and level it was in on the date on which possession of the land was first taken by the undertaker or such other condition as may be agreed with the owners of the land.</i></p>	Should the removal of temporary works and restoration of the land be to the reasonable satisfaction of the owners of the land, as noted in the EM?	See Applicant's response to entry 36. The wording in paragraph 4.127 of the EM will be amended in the revised version of the EM.
39.	Article 38 – Special category land	<p>a) Should the replacement land be required to be provided prior to, or at the same time as, the vesting of the special category land, as in the model provisions?</p> <p>b) Otherwise, how can the SoS be <u>certain</u> that the replacement land will be provided in accordance with s131 and s132 of PA2008?</p>	<p>a) As explained in the EM, the Special Category Land is to vest in the undertaker once the Secretary of State (in consultation with the relevant planning authority) has certified that a scheme for the provision of the replacement land as open space, and a timetable for the implementation of that scheme, have been received from the undertaker to the Secretary of State's satisfaction. On the date on which the replacement land is laid out and provided in accordance with the scheme, the</p>

No	Reference	Issue or question	Applicant's Response
			<p>replacement land will vest in the person in whom the special category land was previously vested and will be subject to the same rights, trusts and incidents as attached to the special category land. It differs from the model provisions in that it does not require the approved scheme for the provision of replacement land to be implemented before the special category land can vest in Highways England. Highways England is however still required to acquire the replacement land before the special category land can vest. Although it is likely that the replacement land will be provided prior to, or at the same time as, the vesting of the special category land, there may be circumstances (for example in relation to the phasing of the construction works, or securing the local authority's approval to the works) in which it is not possible, or may result in additional cost or delay to the progress of the main development, for Highways England to provide the replacement land in advance of the special category land vesting. This provision grants Highways England that flexibility, subject to the Secretary of State certifying that they are content with the timetable for the provision of the replacement land.</p>

No	Reference	Issue or question	Applicant's Response
			<p>b) The certainty for the Secretary of State derives in the control provided through article 38 i.e. through the replacement land scheme together with the timetable required under article 38(1)</p> <p>Article 38 is based on article 30 of the model provisions and article 36 of the M20 Junction 10a Development Consent Order 2017.</p>
Part 6 - Operations			
40.	Article 39 - Felling or lopping of trees and removal of hedgerows	<p>For the avoidance of doubt, please add the following:</p> <p><i>"Nothing in this article authorises any works to any tree subject to a Tree Preservation Order"</i>?</p>	<p>Please see the entry to point 30 above in respect of this type of additional wording. In addition, trees subject to Tree Preservation Orders which may be felled, lopped, have their roots cut back or have any other work undertaken to them and which fall within the Order limits are detailed in article 40 and Schedule 8.</p>
41.	Article 39 - Felling or lopping of trees and removal of hedgerows	<p>Should specific provisions and a plan be provided for the extent of removal of existing screening vegetation alongside the A38 corridor?</p>	<p>Article 39 controls the removal of such vegetation (more particularly described as "any tree or shrub" in 39(1)). As such, it is not clear what additional provisions are required, particularly when Highways England has included provisions for the felling and lopping etc. of trees subject to Tree Preservation Orders (Article 40), there are no special hedgerows affected by the Scheme (as</p>

No	Reference	Issue or question	Applicant's Response
			<p>defined in the Hedgerows Regulations 1997) and any activity under 39(1) is subject to 39(2) which requires steps under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 (where applicable) to apply.</p> <p>A plan is provided in the ES which contains details of vegetation to be retained and removed (ES Figure 7.6 A&B), though this is indicative only given that the design of the Scheme is preliminary at this stage and has not yet been finalised.</p>
42.	<p>Article 39 - Felling or lopping of trees and removal of hedgerows</p> <p><i>(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), <u>remove any hedgerow within the Order limits that is required to be removed.</u></i></p>	<p>This article includes a power to remove hedgerows within the Order limits without the need for consent under the Hedgerows Regulations 1997.</p> <p>Paragraph 22.1 and Good practice point 6 of Advice Note 15² recommends that, provided they can be identified, provisions of this kind are made relevant to specific hedgerows to be removed by including a Schedule and a plan to specifically identify the hedgerows to be removed, whether in whole or in part.</p> <p>To comply with advice and good practice, please therefore:</p>	<p>Highways England does not consider that it is necessary to include the detail listed in a) to c) because Highways England, having carried out an assessment of the hedgerows affected by the Scheme, does not anticipate at this stage that any hedgerows subject to protection under the Hedgerows Regulations 1997 will be removed.</p> <p>Notwithstanding this point, Highways England proposes to retail this provision in the dDCO because the assessment noted above is based on the preliminary design of the Scheme. Highways England proposes to</p>

No	Reference	Issue or question	Applicant's Response
		<p>a) Include for a Schedule and a plan to specifically identify any hedgerows whose removal, in whole or in part, would otherwise require consent under the 1997 Regulations.</p> <p>b) Identify each specific hedgerow, or part of hedgerow, that cannot be identified for removal, if any, and justify why it cannot be identified.</p> <p>c) Add a paragraph to require consent from the relevant Local Authority prior to the removal of any hedgerow, or part of hedgerow, that is not specifically identified on the Schedule and plan.</p>	<p>retain these provisions because it could transpire that hedgerows are affected, in which case, these provisions will mean that Highways England does not need to seek consent under the Hedgerows Regulations (which could cause delay to the delivery of the Scheme). As such, it is not possible at this stage for Highways England to include a schedule and plan detailing this. Highways England considers it necessary to retain the powers within Article 39 in the dDCO because it gives Highways England flexibility in the event that this is required, notwithstanding the fact that it is not anticipated that it will be required.</p> <p>In terms of c), as noted, it is not anticipated that hedgerows covered by the Hedgerows Regulations will be removed as part of the Scheme. On this basis, Highways England does not consider the Local Authority's approval is required.</p>
43.	<p>Article 39 - Felling or lopping of trees and removal of hedgerows</p> <p><i>(1)(c) take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981(a) and the Conservation of</i></p>	<p>Is the wording "<i>take steps to avoid</i>" sufficiently clear and precise?</p>	<p>Yes, Highways England considers that this wording is sufficiently clear and ensures that Highways England and its contractors are aware of the legislation cited. The article does not seek to alter Highways England's liability but to alert it to the importance of this legislation by taking measures to avoid a breach. It is a term used in a number of</p>

No	Reference	Issue or question	Applicant's Response
	<i>Habitats and Species Regulations 2017(b) or any successor acts and regulations.</i>		DCOs, including the M20 Junction 10a Development Consent Order 2017. As such, it is considered appropriate to be used in this DCO.
Part 7 – Miscellaneous and General			
44.	Article 43 - Defence to proceedings in respect of statutory nuisance <i>(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph (d), (fb), (g) or (ga) of section 79(1) (statutory nuisances and inspections therefor) of that Act ...</i>	Please justify why the following potential nuisances, as defined by s79(1) of the Environmental Protection Act 1990, have been included in this article when the ES does not identify a potentially significant effect: (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance? (fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance?	Given the assessment in the ES that neither of these issues are likely, Highways England will delete these sections from this article in the dDCO.
45.	Article 45 – Crown Rights	Can the Applicant provide evidence that the Crown has agreed to the inclusion of this article in the DCO?	The inclusion of the article itself in the dDCO protects the Crown and does not require Crown consent to be included in the dDCO. It has been included, for example, in the A19/A1058 Coast Road (Junction

No	Reference	Issue or question	Applicant's Response
			<p>Improvement) Order as article 37 and it reflects the provisions of section 135 of the 2008 Act.</p> <p>Highways England confirms that it is in active negotiations with the Ministry of Defence in respect of acquiring the Territorial Army and Reserves Centre's interest in the site (which is owned by the MoD and is the only Crown Land relevant to this Scheme).</p> <p>Highways England is seeking clarity on the process by which it can achieve the Crown's consent under s.135 and will update the ExA on the progress of these negotiations in due course.</p>
46.	Article 50 - Appeals relating to the Control of Pollution Act 1974	<p>a) Have these provisions been agreed with the Local Authorities?</p> <p>b) Do the Local Authorities consider that the process and timescales are fair and reasonable?</p> <p>c) What matters, if any, are still subject to agreement and what steps are being taken to resolve them?</p>	<p>a) These measures have not been agreed with the Local Authorities (LAs) to date, however, they will be progressed and discussed with the LAs through the SoCGs.</p> <p>b) Please see entry a)</p> <p>c) Please see entry a)</p>
Schedule 1 – Authorised Development			
47.	Authorised development Little Eaton	Please could this reflect that some of the works at Little Eaton are in the administrative area of Derby City Council?	Highways England has amended the dDCO to reflect this as there are works shown within the Little Eaton Works Plan which are within

No	Reference	Issue or question	Applicant's Response
			the administrative area of DCiC (e.g. works to Ford Lane and to Lambourne Road).
48.	Authorised development Work No. 23	<p>a) Should the Work No. 3 item be identified as (a), consistent with the Works plans, rather than (b)?</p> <p>b) Should the Work No. 23 items be identified as (a) to (d), consistent with the works plans, rather than (i) to (l)?</p>	There is an error with the formatting in the Schedule 1 of dDCO and Highways England is grateful to the ExA for picking up these inconsistencies. These have been amended in the dDCO.
49.	Further development	<p>This is an extensive list of further development, for which no location is identified.</p> <p>a) Is each activity sufficiently certain and justified, as it may imply uncertainty as to the extent, location and effect of what is being permitted?</p> <p>b) If these items are necessary, why can they not be identified in more detail in connection with the works to which they are relevant?</p>	<p>a) The list of activities cannot, at this stage, be limited to each specific work package because the Scheme is in a preliminary design stage. Whilst Highways England may have an indication at this stage of what further works may be attributable to each works number, Highways England would not want to limit the flexibility afforded to it through the DCO process by including this level of detail in Schedule 1. Nevertheless, Highways England has prepared a matrix linking the further works to the relevant works numbers. This is indicative only at this stage given the preliminary design of the Scheme and is provided to the ExA for information only. This table is provided as Appendix A to this document.</p> <p>b) Please see response to entry a). It is worth noting that the principle of including "further works" in DCOs has been</p>

No	Reference	Issue or question	Applicant's Response
			accepted by the Secretary of State before e.g. M20 Junction 10A and Testo's Junction.
50.	Associated and Ancillary Development	<p>DCLG guidance³ sets out the core principles for Associated Development and states that “<i>As far as practicable, applicants should explain in their explanatory memorandum which parts (if any) of their proposal are associated development and why</i>”.</p> <p>The dDCO seeks powers for Associated Development but neither it nor the EM distinguish between Principal Development and Associated Development. Section 2 of the EM argues that there is no requirement to distinguish between those categories, that to do so could potentially lead to an error and refers to precedent for this approach in previous DCOs, including A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016.</p> <p>Paragraphs 8.3.1 – 8.3.7 of the A14 Recommendation Report make it clear that the Panel accepted equivalent drafting from a position of having received detailed submissions explaining which works were understood to be Principal, Associated or Ancillary Development. It was able to use those submissions to assure itself that the dDCO in that case was legally sound and that relevant guidance had been responded to. For these reasons, the Applicant is requested to prepare a table that:</p>	<p>Highways England considers it has taken a robust and appropriate approach to associated development within the dDCO. Whilst it is acknowledged that the A14 ExA required the submission of further detail in the manner detailed in question 50, this additional detail was not binding given that the proposed scheme was at the preliminary design stage. Nevertheless, Highways England understands the ExA's concern relating to the necessity of all of the works proposed, particularly in a compulsory purchase context. As such, Highways England has produced an indicative table to be considered by the ExA. This table categorises the works in the terms suggested by the ExA and is contained as Appendix B to this document.</p> <p>From this table, as mentioned by Highways England at the DCO ISH, it is difficult to be definitive about whether works can be classified as associated works, ancillary works or both. This is because all of works listed in</p>

³ Planning Act 2008, Guidance on associated development applications for major infrastructure projects, DCLG, April 2013

No	Reference	Issue or question	Applicant's Response
		<ul style="list-style-type: none"> Itemises all proposed works (Works Nos. 1 – 37 and “<i>further development</i>” items (a) – (o)) Categorises each of the works in the following terms: <ul style="list-style-type: none"> Principal Development; Associated Development; Ancillary Development; or Composite development, being works having the character of a composite of any two or all three of Principal, Associated or Ancillary development at the same time. Includes comments on why each of the works should be classified accordingly. 	<p>Schedule 1 are integral to the Scheme and many are consequential to the principal works. Highways England considers that all of the works listed in Schedule 1 are necessary for the Scheme to be developed and the justification for the use of third party land and the interference with rights in this land is detailed in the Statement of Reasons.</p> <p>It is worth noting that separating out the works in a DCO is not the usual approach taken on highways schemes. The ExA in the A14 examination sought no amendment to Schedule 1 of that DCO and (as detailed in the A14 Recommendation Report at the same paras 8.3.1 – 8.3.7) there was no requirement to separate out the principal development from the associate development in the DCO as there was ‘no specific advantage’ in doing so. In addition, it was recognised in the A14 scheme that other ExA’s had taken this approach of not separating out the works (e.g. on the A19, Morpeth and M1 Luton).</p>
Schedule 2 - Requirements			

No	Reference	Issue or question	Applicant's Response
51.	Requirement 1 <i>"Ecological Clerk of Works" means the individual appointed as such by the undertaker</i>	<p>a) Will the Ecological Clerk of Works be appointed directly to the Undertaker, or to the Principal Contractor, as noted in Table 2.1 of the OEMP?</p> <p>b) Given the importance of this role for mitigation, would a direct appointment to the Undertaker be preferable?</p>	<p>a) The Ecological Clerk of Works would, in practice, be appointed by the Principal Contractor as is standard Highways England practice, although the obligation in the requirement is for this to be a Highways England appointment.</p> <p>b) Whilst the Ecological Clerk of Works would be appointed by the Principal Contractor, Highways England standard auditing procedures would be undertaken to ensure that the contractor's duties as required by the OEMP/ CEMP were being implemented and adhered to (contractual requirement between Highways England and the Principal Contractor). This is essentially a matter for Highways England to determine outside of the DCO process.</p>
52.	Requirement 3	<p>a) Should it be secured that the Construction Environmental Management Plan (CEMP) and the Handover Environmental Management Plan (HEMP) are to ensure no materially new or materially worse adverse environmental effects in comparison with those reported in the ES?</p> <p>b) Should provisions be included for the consultation and agreement of the initial version and every subsequent revision of the CEMP and HEMP with the relevant planning authority, the local highway authority and the Environment Agency?</p>	<p>a) Given that the Requirement states that the CEMP would be substantially in accordance with the OEMP, such additional text is not considered to be needed.</p> <p>b) The CEMP is to be approved by the Secretary of State, following Highways England consulting with the relevant planning authority and highway authority. Subsequent amendments to details approved as part of the requirements are to be approved or</p>

No	Reference	Issue or question	Applicant's Response
		<p>c) Should the HEMP be “<i>be substantially in accordance with the outline environmental management plan certified under article 46 (certification of plans etc.)</i>”?</p> <p>d) Should the HEMP be required to be submitted to and approved in writing by the SoS?</p>	<p>agreed by the Secretary of State as per requirement 17.</p> <p>c) The CEMP would be converted into the HEMP at the end of the Scheme construction phase. Given that the CEMP has to be approved by the Secretary of State and must be substantially in accordance with the OEMP, it not necessary for this additional wording to be included.</p> <p>d) See entry to c).</p>
53.	Requirement 3 <i>(2)(b) require adherence to working hours of 07:30 to 18:00 on Mondays to Friday and 08:00 to 13:00 on Saturdays, except for ...</i>	<p>a) Please provide a detailed explanation as to why each activity (i) to (viii) cannot be carried out during the specified working hours.</p> <p>b) Does “core hours” need to be defined?</p> <p>c) Should any other work carried out outside the core hours or any extension to the core hours only be possible with the prior agreement of the relevant environmental health officer and only be possible provided that there are no materially new or materially worse adverse environmental effects in comparison with those reported in the ES?</p>	<p>a) Activities (i) to (viii) need to be undertaken outside of specified working hours in order to avoid significant disruption and delay to the travelling public given that they require road closure/ lane closures (e.g. removal of the Markeaton footbridge and installation of the replacement footbridge requires the closure of the A38 for safety purposes).</p> <p>b) Core hours refers to the hours of construction which are detailed in Requirement 3(2)(d). Given that there is no link between the terms and the hours listed in 3(2)(d) Highways England will include a definition in the dDCO to tighten this up.</p> <p>c) The current wording is “<i>Any other work carried out outside the core hours or any extension to the core hours may be possible with the prior agreement of the relevant</i></p>

No	Reference	Issue or question	Applicant's Response
			<p><i>environmental health officer provided that the activity is not materially worse than the activities assessed in the environmental statement". Suggest amending this to "Any other work carried out outside the core hours or any extension to the core hours may be possible with the prior agreement of the relevant environmental health officer provided that the activity does not result in materially new or materially worse environmental effects as reported in the environmental statement".</i></p>

No	Reference	Issue or question	Applicant's Response
54.	Requirements 3, 5, 8, 11, 12, 13, 14, 15, 16, etc.	Should agreement, as well as consultation, be required with the relevant planning authority or local highway authority?	<p>In June 2016 the Department for Transport (DfT) agreed to be the competent authority signing off compliance for the requirements for DCOs relating to the strategic road network. The process for this was established through the A14 Cambridge to Huntingdon scheme and the M4 J3-12 DCO promotion.</p> <p>It would not be appropriate for the agreement of the relevant planning authority or local highway authority to be required as they are not the discharging authority for the requirements and this would create a double approval process requiring approval from the Councils and from the Secretary of State which risks significant delay to the discharge of the relevant requirements. Highways England considers that consultation with the relevant planning authority is appropriate (as set out in requirement 4 of the dDCO) and does not consider that a double approval process is necessary or appropriate for this scheme.</p>
55.	Requirements 3, 8, 13, 14, etc..	For clarity, the avoidance of doubt and to avoid confusion, should requirements for consultation and agreement with the Environment Agency be identified for each relevant requirement in Schedule 2.	<p>The competent authority in the DCO approval process for roads is the SoS. This was established in the A14 scheme in 2016 where it was provided that in June 2016 the Department for Transport agreed to be the competent authority signing off compliance with the requirements for DCOs concerning</p>

No	Reference	Issue or question	Applicant's Response
			<p>the strategic road network. The process was established through the A14 Cambridge to Huntingdon scheme and M4 J3012 DCO promotions and that model is now available for other Highways England DCO schemes, hence the inclusion in the dDCO of the same provision.</p> <p>As required by requirement 4, Highways England has to consult with local authorities (and others where provided for in the requirements) and provide evidence of the relevant third party consultation as well as evidenced submissions relating to the discharge of the relevant requirements to the SoS. Having to agree the relevant detail, as opposed to ensuring consultation is undertaken, would produce a two stage sign-off process which would cause delay and could limit the SoS's discretion where he disagrees with a point agreed by the EA.</p>
56.	Requirement 4	Should timescales be identified for consultation to ensure that there is enough time for any responses to be reflected in the details to be submitted to the SoS for approval?	<p>This process is standard in a number of Highways England DCOs, for example it is contained in the M20 Junction 10a DCO. This was not contained in the Model Provisions but is a commitment by Highways England to ensure that appropriate consultation is undertaken and accounted for as part of the process of discharging requirements. However, adding further stipulations to this</p>

No	Reference	Issue or question	Applicant's Response
			<p>requirement is not considered necessary given the additional commitments made by Highways England as part of this consultation. The concern around including timescales is that this could cause delay in the event that a body does not intend to respond (and so the full deadline has to run its course) or where a submission is made within a deadline but it missed thus causing an added delay. Highways England will discuss this approach with the relevant authorities and provide the ExA with an update in the relevant SoCGs.</p>
57.	<p>Requirement 8</p> <p><i>(4) Where the undertaker determines that remediation is necessary ...</i></p>	<p>Should any consultation and agreement be required from Local Authorities or the Environment Agency before the Undertaker can determine that remediation is necessary be identified?</p>	<p>Highways England does not consider that this is necessary as it will be achieved through the operation of requirement 8(3) and reporting on previously unidentified contamination material. The approach to be followed by Highways England in respect of an unexpected contamination is outlined in the OEMP at PW-GE05 and MW-GE05.</p> <p>The Secretary of State will be approving the remediation written scheme of investigation required in article 8(4) and in coming to that conclusion the SoS will take into account any representations made by the relevant planning authority. Adding in a provision which requires agreement of these parties could, in Highways England's view, create a double</p>

No	Reference	Issue or question	Applicant's Response
			approval process that is not necessary and could delay the discharge of the requirement.
58.	Requirement 9	<p>a) Should it be secured that the Derwent Valley Mills World Heritage Site Partnership is to be consulted?</p> <p>b) Please ensure consistency of the provisions and terms used here with those used in the OEMP.</p>	<p>a) It is considered appropriate that archaeological matters are agreed with the County Archaeologist (Derbyshire County Council), noting that they can then provide advice as to whether the Derwent Valley Mills World Heritage Site Partnership needs to be consulted. Highways England notes the local planning authorities' request that this is done directly with the Partnership but the partnership consists of nearly 50 different bodies (including each of the councils). Undertaking this outside of the County Archaeologist would be logistically difficult and time consuming given the number of parties involved. It is suggested that the Partnership is consulted through Derbyshire County Council as applicable.</p> <p>b) Provisions and terms will be cross checked with those used in the OEMP and amended as applicable.</p>
59.	Requirement 10	Please include provisions for the consultation, agreement and approval of the written scheme for the protection and mitigation measures for the protected species.	Highways England will update requirement 10 to contain a provision for a scheme of protection and mitigation measures to be submitted to and approved in writing by the

No	Reference	Issue or question	Applicant's Response
			Secretary of State after consultation with Natural England.
60.	Requirement 11	<p>a) Should reference be made to the Traffic Management Plan submitted with the application?</p> <p>b) Should the Traffic Management Plan submitted with the application be certified under article 46 and should the Traffic Management Plan to be submitted for construction be required to be substantially in accordance with it?</p> <p>c) Should it be secured that the Traffic Management Plan is to ensure no materially new or materially worse adverse environmental effects in comparison with those reported in the ES?</p>	<p>a) Requirement 11(1) makes reference to the outline Traffic Management Plan as submitted in ES Appendix 2.3 (Volume 3). This document is not currently listed separately in Schedule 10 (Documents to be Certified) because it forms part of the ES which is secured by Schedule 10. Highways England consider that this document should be included separately in Schedule 10 and will amend the dDCO to reflect this.</p> <p>b) Requirement 11(1) makes reference that the Traffic Management Plan should be developed substantially in accordance with the outline traffic management plan as submitted in ES Appendix 2.3 (Volume 3). Thus this item is appropriately covered. In terms of the level of detail in the outline traffic management plan, Highways England is proposing to discuss this with the LHAs and will look to capture any agreement on this in the SoCGs secured with those parties.</p> <p>c) The Secretary of State has to approve the TMP and ensuring that there are no materially worse adverse environmental effects will be something that he will have</p>

No	Reference	Issue or question	Applicant's Response
			to consider at that time. If effects are beyond those assessed he will not be in a position to approve the TMP as they will fall outside of the scope of the DCO.
61.	Requirement 12	<ul style="list-style-type: none"> a) Is "<i>compatible with</i>" sufficiently precise? b) Which other bodies should be consulted with or should agreement be required from? c) Are the process and roles sufficiently clear? d) Will records be maintained of the revised plans, documents, consultations, agreement and approvals, who do these need to be made available to and how will they be made available? 	<ul style="list-style-type: none"> a) Highways England considers that this is precise enough given that the Scheme will require further design work. There are appropriate controls on the final design of the Scheme through the second part of this requirement which states that the Secretary of State may only approve changes to the preliminary scheme design if they would not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement. b) There is no need to consult other bodies in respect of the detailed design of the Scheme, given the link to the preliminary design. Any amendment to this position needs to be agreed with the Secretary of State in consultation with LPAs and LHAs. c) Highways England considers the process is sufficiently clear. Requirement 12 provides that the authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the Works Plans and the Engineering Section Drawing.

No	Reference	Issue or question	Applicant's Response
			<p>These documents are being considered by the ExA through the Examination process. As such the parameters of the detailed scheme will have been considered through the DCO process and all parties affected by the proposal will have had an opportunity to comment on the application. In addition, any deviation from the preliminary design approved will need to be agreed with the SoS in consultation with the LPAs and the LHAs</p> <p>d) Under requirement 12(2), Highways England is under an obligation to make amendments approved by the Secretary of State available in electronic form for inspection by member of the public.</p>
62.	Requirement 13	Do the provisions for maintenance need to be clarified?	Highways England confirms that an additional sub-clause will be included in article 13 to ensure that the surface and foul water drainage shall include details for maintaining the system.
63.	Requirement 14	<p>a) Consultation and agreement with the relevant flood authorities?</p> <p>b) Please clarify the meaning and basis for a 50% allowance for climate change?</p>	<p>a) As this is a matter to be approved by the SoS in consultation with the relevant planning authorities (who will also be the relevant flood authorities) in accordance with requirement 4 of the dDCO Highways England does not consider that there needs to a two stage approval process</p>

No	Reference	Issue or question	Applicant's Response
		c) What does “ <i>maintained</i> ” include for and by whom? Is a definition required?	<p>where the agreement of these parties is secured in advance of the SoS's approval. It should be noted that Highways England has amended the wording of this requirement to clarify the split between the provision of flood compensation (at Little Eaton) and flood storage (at Kingsway). The reason for this change is outlined in the dDCO Changes Schedule [doc ref:].</p> <p>b) The provisions detailing this meaning and the basis for the figures is provided at <i>Chapter 13: Road Drainage and the Water Environment (para. 13.7.62)</i>. The EA confirmed at the DCO ISH that it is content that this climate change allowance figure is acceptable and it is happy with this provision.</p> <p>The flood storage areas at Kingsway junction will need to be maintained by the East Midlands Asset Delivery team (Highways England), in accordance with the HEMP. Maintenance activities include: checking the flap valves of the storage ponds to ensure they still operate; ensuring silt and sediment do not reduce the total capacity of the storage areas; ensuring silt and sediment do not prevent flow through the low-level pipes; maintaining the access road between the most upstream storage area and the middle</p>

No	Reference	Issue or question	Applicant's Response
			storage area to ensure year round access to the electrical pylon; checking the slope stability of the most downstream storage area to ensure the integrity of the electrical pylon after flood events; ensuring the level of the spillway does not get eroded away over time or after a flood event). The floodplain compensation area at Little Eaton junction does not require any maintenance.
64.	Requirements 15(2) and 16(2)	Who will be consulted on and who will agree alternative noise barrier or highway lighting proposals?	<p>The SoS is the approving authority for any noise mitigation under this requirement, following consultation with the relevant planning authority.</p> <p>Both 15(2) and 16(2) refer back to their respective sub-paragraphs (1). As such it is the process in sub-paragraph (1) which controls alternatives proposed and the agreement will be sought from the SoS.</p>

No	Reference	Issue or question	Applicant's Response
65.	Model provisions	Please justify the omission of the model provisions for Tree Planting, Ecological Management Plan and Dust Emissions.	The model provisions have been repealed and are not in force. Nevertheless, aspects relating to these three issues are dealt with elsewhere in the dDCO and other requirements (e.g. requirement 5 (Landscaping), requirement 10 (Protected species), requirement 3 (Construction Environmental Management Plan)).
66.	Other management plans	Should the dDCO include requirements for any of the key management plans referenced by table 3b of the OEMP?	MW-G7 in Table 3.2b (page 45) of the OEMP provides details of the key management plans to be included in the CEMP. Given that the DCO Requirement 3 stated that the CEMP must "be substantially in accordance with the outline environmental management plan", it is considered that it is not necessary for these plans to be specifically referenced in the dDCO
Schedule 3 – Classification of Roads, etc.			
67.	Parts 1-7	<ul style="list-style-type: none"> a) Have these provisions been agreed with the Local Authorities? b) What matters, if any, are still subject to agreement and what steps are being taken to resolve them? c) Some of the works at Little Eaton fall within the area of Derbyshire County Council and some within the area of Derby City Council. Are the correct Local Authorities 	<ul style="list-style-type: none"> a) These provisions have not yet been agreed with the LHAs. b) Agreement on these matters will be sought through the SoCGs. c) This point is correct and the dDCO has been amended to reflect this. Schedule 3 has been amended by changing the DCiC

No	Reference	Issue or question	Applicant's Response
		identified for each section of road or public right of way at Little Eaton?	references to DCC on the top two lines of the Little Eaton section of the table.
68.	Part 1 Trunk Roads <i>A38 northbound carriageway between point A and point B, as shown on Sheet 1 (Kingsway junction) of the <u>classification of roads plan</u>, comprising of 1200 metres.</i>	Should the underlined phrase be " <i>the classification of roads plans</i> "?	Yes, Highways England has made this change to the dDCO.
Schedule 4 – Permanent Stopping Up of Highways, etc.			
69.	Parts 1-4	<ul style="list-style-type: none"> a) Have these provisions been agreed with the Local Authorities? b) What matters, if any, are still subject to agreement and what steps are being taken to resolve them? c) Some of the works at Little Eaton fall within the area of Derbyshire County Council and some within the area of Derby City Council. Are the correct Local Authorities identified for each section of road or public right of way at Little Eaton? 	At the DCO ISH, the ExA confirmed that it considered that responses to these points have been covered elsewhere in their questions. As such, Highways England will not respond to these points.
70.	Part 1 Highways to be stopped up for which no substitute is to be provided	The 4th column is superfluous.	Agreed, this has been deleted from the dDCO accordingly.

No	Reference	Issue or question	Applicant's Response
Schedule 5 – Land in Which New Rights, etc. May be Acquired			
71.	Consistency	Is this schedule consistent with the Book of Reference and with the Statement of Reasons?	Yes, Highways England considers it is as a consistency check was undertaken prior to the DCO application being submitted. Highways England has undertaken a further consistency check to ensure that there are no anomalies in the drafting.
Schedule 6 – Modification of Compensation and Compulsory Purchase Enactments, etc.			
72.	Paragraphs 1-5	This schedule is not covered by the EM. Please could its purpose and effect be clarified, including with reference to the model provisions?	As the DCO includes CPO provisions, this schedule sets out the elements of existing relevant legislation that are relevant to the Order and how they need to be amended to apply to the Order. Highways England will however undertake a rolling audit of the BoR and make changes to it as required. Highways England preferred option, given the size and extent of the BoR, is to provide the ExA with an updated version of the BoR at the end of the Examination. Highways England will also provide the ExA with an update on its progress with securing voluntary agreements with landowners.
Schedule 7 – Land for Which Temporary Possession Might be Taken			

No	Reference	Issue or question	Applicant's Response
73.	Consistency	Is this schedule consistent with the Book of Reference and with the Statement of Reasons?	Yes, Highways England considers it is, as a consistency check was undertaken prior to the DCO application being submitted. Highways England has undertaken a further consistency check to ensure that there are no anomalies in the drafting.
Schedule 8 – Trees Subject to Tree Preservation Orders			
74.	Identification of all trees subject to tree preservation orders	With reference to paragraph 22.3 of Advice Note 15 ⁴ , please ensure that each tree subject to a tree preservation order (TPO) is specifically identified with reference to an appropriate plan.	The TPOs included in the DCO cover areas of trees and not individual trees, as such it is not possible to identify each individual tree with reference to a plan. A plan showing Scheme effects upon TPOs is provided in ES Appendix 7.2 [APP - 177] – in particular Appendix F.
75.	Extent of loss of trees	For TPO No. 160, please justify the extent of loss of trees within G361 - categorised as A1,2, as referenced by Appendices B and F of the Arboricultural Impact Assessment.	Tree loss within TPO No. 160 (G361) would be associated with Work No 13, as well as due to area clearance needed in order to facilitate Scheme construction activities (e.g. demolition of the existing Markeaton footbridge and construction of the new footbridge). The area would be appropriately restored in order to provide replacement

⁴ Advice note 15: Drafting Development Consent Orders, The Planning Inspectorate, July 2018

No	Reference	Issue or question	Applicant's Response
			public open space. The ES thus assesses appropriate worst case tree losses.
Schedule 9 – Protective Provisions			
	7 Part 1 – For the protection of electricity, gas, water and sewerage undertakers	a) Please identify the name of each Statutory Undertaker that these protective provisions apply to. b) Have these provisions been agreed with each Statutory Undertaker? c) What matters, if any, are still subject to agreement with each Statutory Undertaker and what steps are being taken to resolve them?	a) WPD; Cadent; Severn Trent Water b) Highways England's legal teams are engaged with each of these SU's legal teams. c) The PPs are still subject to negotiation and agreement. Highways England will update the ExA in due course on progress through the SoCG we are seeking to discuss with these parties.
	7 Part 2 – For the protection of operators of electronic communications code networks	a) Please identify the name of each operator that these protective provisions apply to. b) Have these provisions been agreed with each operator? c) What matters, if any, are still subject to agreement with each operator and what steps are being taken to resolve them?	a) Virgin Media, Openreach, City Fibre, CTiL, MBNL b) Highways England has tried to progress these with the relevant providers, however, to date there has been little progress with agreeing the protective provisions. c) The PPs are still subject to negotiation and agreement. Highways England will update the ExA in due course on progress through the SoCG we are seeking to discuss with these parties.

No	Reference	Issue or question	Applicant's Response
	Part 3 – For the protection of the Environment Agency	<p>a) This part departs from the model provisions and is not covered by the EM. Please could its purpose and effect be clarified, including with reference to the model provisions?</p> <p>b) Please justify the inclusion of protective provisions for the Environment Agency for the specific case of this Proposed Development and how they relate to the DCO?</p> <p>c) Have these provisions been agreed with the Environment Agency?</p> <p>d) What matters, if any, are still subject to agreement and what steps are being taken to resolve them?</p> <p>e) Do these provisions in any way reduce the Environmental Agency's role and/or responsibilities when compared with those on Nationally Significant Infrastructure Projects where the Applicant is a private sector developer? If so, how and why?</p>	<p>a) These are standard Highways England Protective Provisions for the EA. Highways England has now received the EA's own version which are being reviewed and discussed with the EA.</p> <p>b) The protective provisions for the EA have been included on a precautionary basis at this stage. Their purpose is to ensure that the EA has input and is consulted on any works or operations which :</p> <ul style="list-style-type: none"> • are within 8 metres of any main river (including any land which provides flood storage capacity for any main river or bank, or used for land drainage or flood defence); • affect the flow, purity or quality of water in any river, stream, ditch, drain, cut, sluice etc.; • obstruct the free passage of fish; • affect the conservation, distribution or use of water resources; or • affect the conservation value of main rivers and habitats <p>The protective provisions put in place a process through which the EA has to approve the works or operations noted in the list above and gives the EA the ability to impose</p>

No	Reference	Issue or question	Applicant's Response
			<p>requirements which Highways England has to comply with.</p> <p>c) These provisions have not been agreed with the Environment Agency to date. However, Highways England is engaged with the Environment Agency and is currently negotiating them. Highways England will update the ExA on progress in due course.</p> <p>d) This will be confirmed to the ExA by Highways England once discussions with the EA are at a more advanced stage.</p> <p>e) The EA has confirmed (in the DCO ISH) that it is not treating this project any differently than it would a private developer and that it is satisfied that the protective provisions do not change its role in this respect.</p>
79	Part 4 – For the protection of Network Rail	<p>a) Have these provisions been agreed with Network Rail?</p> <p>b) What matters, if any, are still subject to agreement and what steps are being taken to resolve them?</p>	<p>a) Draft PPs were issued to NR for comment (on 4/7/19). A meeting was held with NR on 9/7/19 and reminders sent on 23/7/19, 17/9/19 and 2/10/19), but no comments have been received on draft PPs. A further meeting has also been requested in the last 2 reminders. Network Rail's legal team requested an undertaking for their legal costs on 3 October 2019.</p>

No	Reference	Issue or question	Applicant's Response
			b) Once Highways England's legal team has engaged with NR's legal team (and provided them with the undertaking), Highways England will be able to provide the ExA with further detail on the ongoing negotiations of these provisions.
Schedule 10 – Documents to be Certified			
80.	Updates during the Examination	Please could the Applicant update this schedule in each subsequent version of the dDCO?	Please see the response to question 1 above.
81.	Identifying the correct revision numbers of individual plans and documents	Some of the Document References cover several plans or documents that may have different revision numbers by the end of the Examination. How will this schedule identify those different revision numbers and, for clarity, should each plan and document be itemised individually?	Please see the response to question 2 above.
82.	The completeness of the list of plans and documents to be certified	Why other documents submitted with the application not to be certified, particularly those referenced by documents which are to be certified?	Highways England has included the list of document in Schedule 10 that it considers need to be certified. This list is consistent with the document included in a number of other approved DCOs (e.g. the Junction 10a of the M20). Highways England has confirmed that it will be happy to update the Schedule to include the Outline Traffic Management Plan (as this is incorporated within the ES, which is also a certified document).

Appendix A Principal, Associated, Ancillary and Composite development

The table which follows this introduction has been compiled in response to the ExA's written question no. 50 regarding 'Associated and Ancillary Development' (Questions for Issue Specific Hearing 1 dealing with matters relating to the draft Development Consent Order, issued on 26 September 2019) .

As requested by the ExA, the table itemises all development identified as part of the A38 Derby Junctions Scheme under FOUR different headings: Principal Development, Associated Development, Ancillary Development and Composite Development. In each case, the key factor used to determine which category the works fall into is necessity. Detailed definitions for the four categories are given below and explain why each works number or further development item is listed under a particular heading.

Principal Development – refers to the overall purpose of the scheme

In the case of application number TR010022, the principal development is defined in section 2 of the Explanatory Memorandum as comprising: 'the alteration, realignment and grading of two separate sections of the A38 near Derby'. This includes the alteration of three existing at-grade roundabouts to grade separated interchanges at Kingsway (junction of A38 and A5111), Markeaton (junction of A38 and A52) and Little Eaton (junction of A38 and A61). The scheme also includes the lowering of the A38 to pass underneath the altered Kingsway and Markeaton junctions, the widening of the A38 to three lanes in both directions between the Kingsway and Kedleston Road junction and the construction of two new bridges to carry the A38 over the altered roundabout at Little Eaton junction.

Associated development – as defined in guidance issued by the Secretary of State

According to the DCLG guidance on associated development for major infrastructure projects, associated development:

- is 'typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project' (paragraph 6)
- requires 'a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts. Associated development should not be an aim in itself but should be subordinate to the principal development' (paragraph 5)

Ancillary Development – further works that are not associated development but are necessary to ensure that the authorised development is constructed efficiently and without impediment

Ancillary Development means other works, of whatever nature, as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the authorised development; for example, works that are constructed as a consequence of works carried out for drainage purposes, or the alteration/construction of private means of access.

Composite Development – works having the character of a composite of any two or all three of Principal, Associated or Ancillary development at the same time.

Work No.	Principal	Associated	Ancillary	Composite
KINGSWAY				
1	Alteration, re-alignment and grading of the northbound and southbound lanes of the A38			In so far as this is a Principal work which includes consequential associated and/or ancillary works, it is considered to constitute an overarching category and as such has the character of Composite Development.
1a		Construction of a drainage attenuation pond and pipe outfall into Bramble Brook adjacent to the altered A38 (Work no. 1) including a private means of access	Construction of a drainage attenuation pond and pipe outfall into Bramble Brook adjacent to the altered A38 (Work no. 1) including a private means of access	The drainage attenuation pond and pipe outfall are considered to be Associated Development. The private means of access is Ancillary Development.
1b		Diversion of existing Bramble Brook and connection into a new section of culvert		
1c		Construction of a flood storage area with piped outfall return to Bramble Brook adjacent to the drainage attenuation pond (Work No. 1(a))		
1d		Extension of the existing Bramble Brook culvert 152 metres in length		
1e		Extension of the existing Bramble Brook culvert for a length of 30 metres in a north westerly direction below the southbound A38 merge slip road (Work No. 5) and the realigned A38 (Work No.1)		
1f		Construction of flood storage areas		

Work No.	Principal	Associated	Ancillary	Composite
1g		Improvement of a non-segregated footway/cycle track 80 metres in length on each side of Lyttelton Street		
1h		Construction of a gantry or similar signage 55m south of the southbound A38 diverge slip road (Work No. 4) at chainage 1850m		
1i		Widening of the Brackensdale Avenue east and west underbridges		
1j		Works to effect the stopping up of part of the entry and exit lanes of Brackensdale Avenue which connect to the A38		
1k		Construction of a gantry or similar signage at chainage 2080m		
1l		Works to effect the stopping up of the entry and exit lanes of Raleigh Street which connect to the A38		
1m		Alteration of part of Brackensdale Avenue slip road which connects to the A38		
2	Construction of a northbound diverge slip road off the A38, 570 m in length that begins at the realigned A38 (Work no. 1) and connects to the Kingsway West Roundabout (Work no. 6)			As for Principal work no. 1
2a		Construction of highway drainage attenuation, outfall and access		

Work No.	Principal	Associated	Ancillary	Composite
3	Construction of a northbound merge slip road 550 m in length off the Kingsway West Roundabout (Work no. 6(a)) connecting into the realigned A38 (Work no. 1)			
3a		Construction and realignment of a section of the National Cycling Network (No. 68 and 54) and the Regional Route (No. 66) 170 m in length		
4	Construction of a southbound A38 diverge slip road 540 m in length that begins at the realigned A38 (Work no. 1) and connects into the Kingsway East Roundabout (Work no. 6(b))			
5	Construction of a southbound A38 merge slip road 510 m in length beginning at the Kingsway East Roundabout (Works no. 6(b)) and connecting to the realigned A38 (Work no. 1)			
6	Alteration, realignment and grading of the A5111			As for Principal work no. 1
6a	Construction of a roundabout (the Kingsway West Roundabout) connecting to the northbound diverge slip road (Work no. 2) and the			

Work No.	Principal	Associated	Ancillary	Composite
	northbound merge slip road (Work no. 3)			
6b	Construction of a roundabout (the Kingsway East Roundabout) connecting to the southbound diverge slip road (Work no. 4) and the southbound merge slip road (Work no. 5)			
6c		Construction of a link road 65 m in length connecting the Kingsway East Roundabout and the Kingsway West Roundabout including the construction of an over bridge		
6d		Construction of 2 controlled crossings in an east and west bound direction		
6e		Construction, improvement and widening of an existing footway to a non-segregated footway/cycleway track 110 m in length		
6f		Construction, improvement and widening of an existing footway to a non-segregated footway/cycleway track 20 m in length		
6g		Construction of a footway/cycleway 300 m in length linking the A5111 Kingsway to Greenwich Drive south and the National Cycle Routes		
7	Construction of a link road 220 m in length connecting			As for Principal work no. 1

Work No.	Principal	Associated	Ancillary	Composite
	the Kingsway East Roundabout (Work no. 6(b)) and Kingsway Park Close			
7a		Construction of a new junction and footways		
7b		Reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close		
7c		Construction, improvement and realignment of the existing footway/cycleway route approximately 50 m in length including a controlled crossing		
8a, 8b		Establishment of environmental mitigation areas to the west and east of the realigned A38 (Work no. 1) at Mackworth Park (a) and Kingsway Hospital (b)		
9a-l		Diversion of utilities to accommodate the realignment of the A38, to include diversion of: An 11kV electricity cable by 720 m An 11kV electricity cable by 137 m An 11kV electricity cable by 115 m An 11kV electricity cable by 115 m A telecoms cable by 72 m A telecoms cable by 45 m A foul sewer pipe by 33 m A water trunk main by 474 m A water trunk main by 61 m		

Work No.	Principal	Associated	Ancillary	Composite
		An 11kV electricity cable by 61 m A 132kV electricity cable by 61 m A gas main by 61 m		
MARKEATON				
10	Alteration, realignment and grading of the northbound and southbound lanes of the A38 totally 1.25 km in length			As for Principal work no. 1
10a		Construction of a gantry or similar signage 105 m south of the A38 northbound diverge slip road (Work no. 11) at chainage 2310		
10b		Construction of a gantry or similar signage 115 m south of the A38 northbound merge slip road (Work no. 12) at chainage 2890		
10c		Demolition of existing Markeaton Park footbridge and construction of a replacement footbridge including reconfigured ramps and steps		
10d		Construction of a gantry or similar signage 20 m south of northbound diverge slip road connecting to Kedleston Road (Work no. 11) at chainage 3250		
10e		Construction of a gantry or similar signage 70 m north of the A38 northbound diverge slip road (Work no. 11) at chainage 3375		

Work No.	Principal	Associated	Ancillary	Composite
11	Construction of a northbound diverge slip road 330 m in length beginning at the realigned A38 (Work no. 10) and connecting to Markeaton Junction Roundabout (Work no. 16(a))			As for Principal work no. 1
11a		Construction of a gantry or similar signage 35 m north of the northbound A38 diverge slip road (Work no. 11) at change 2500		
11b		Works to effect the stopping up of Enfield Road Entry and exit roads onto the realigned A38 including a turning head (Work no. 10)		
11c		Amendments to the access and egress for the filling station and fast-food site		
12	Construction of a northbound merge slip road 255 m in length beginning at the Markeaton Junction Roundabout (Work no. 16(a)) and connecting to the realigned A38 (Work no. 10)			
13	Construction of a southbound diverge slip road 275 m in length beginning at the realigned A38 (Work no.10) and connecting to Markeaton Junction Roundabout (Work no. 16(a))			As for Principal work no. 1

Work No.	Principal	Associated	Ancillary	Composite
13a		Construction of a pumping station adjacent to the realigned A38 (Work no. 10) to include associated drainage works		
13b		Construction of a pond		
13c		Construction of an access track and footway/cycleway		
14	Construction of a southbound merge slip road 280 metres in length beginning at the Markeaton Junction Roundabout (Work No. 16(a)) and connecting to the realigned A38 (Work No. 10)			
15		Construction, improvement and realignment of the existing cycle Regional Route (No. 66) 1.2 kilometres in length adjacent to the realigned A38 (Work No. 10)		
16	The alteration realignment and grading of the A52			As for Principal work no. 1
16a	Construction of a roundabout (the Markeaton Junction Roundabout) connecting the realigned A52 (Work No. 16) with the northbound A38 diverge and merge slip roads (Work Nos 11 and 12) and the southbound A38 diverge and merge slip roads (Work Nos 13 and 14) including the			

Work No.	Principal	Associated	Ancillary	Composite
	construction of two over bridges			
16b		Construction of a new junction for access to and egress from Markeaton Park 110 metres in length including a roundabout and a park & ride bus stop		
16c			Construction and alteration of a private means of access to Sutton Close and 253 and 255 Ashbourne Road	
16d		Works to the entrance of Markeaton Park and the construction of a new emergency only access from Markeaton Park 20 metres in length	Works to the entrance of Markeaton Park and the construction of a new emergency only access from Markeaton Park 20 metres in length	The works to the entrance of Markeaton Park are considered to be Associated Development. The new access is Ancillary Development.
16e			Relocation of approximately 186m in length of the boundary wall to Markeaton Park	
16f		Alterations to the access to and egress from the filling station and fast-food site		
16g		Alterations to the access to and egress from the A52 to the Royal School for the Deaf		
16h		Removal and relocation of a mobile phone mast		
17		The realignment and grading of the A38 northbound diverge slip road 200 metres		

Work No.	Principal	Associated	Ancillary	Composite
		in length connecting to the realigned A38 (Work No. 10) to Kedleston Road		
18		The realignment and grading of the A38 southbound merge slip road 185 metres in length connecting Kedleston Road with the realigned A38 (Work No. 10)		
19		Construction of a temporary compound area/material storage area		
20		Establishment of environmental mitigation areas to the west and east of the realigned A38 (Work No. 10)		
21a-l		<p>Diversion and construction of a utility corridor housing multiple utility apparatus as specified in this work no., including the diversion of:</p> <p>an 11kv cable by 627 metres an 11kv cable by 625 metres an 11kv cable by 623 metres a foul sewer pipe by of 480 metres a foul sewer pipe by of 269 metres a foul sewer pipe by of 506 metres a Cadent medium pressure pipe by 654 metres a combined sewer pipe by 512 metres a mains water pipe by 491 metres a telecoms cable by 1146 metres a telecoms cable by 785 metres a telecoms cable by 785 metres</p>		

Work No.	Principal	Associated	Ancillary	Composite
22a-h		Diversion of utilities to accommodate the realignment of the A38 (Work No. 10), to include the diversion of: an 11kV electricity cable by 309 metres an 11kV electricity cable by 7 metres a water trunk main by 773 metres a foul sewer pipe by 308 metres a foul sewer pipe by 25 metres a telecoms cable by 28 metres a telecoms cable by 414 metres a telecoms cable by 17 metres		
LITTLE EATON				
23	Alteration, re-alignment and grading of the northbound and southbound lanes of the A38 totalling 1.3 kilometres in length to include:			As for Principal work no. 1
23a		Works to effect the stopping up and diversion of a section of the Breadsall Footpath (No. 7) 100 metres in length and works to effect the stopping up and diversion of a private means of access 100 metres in length	Works to effect the stopping up and diversion of a section of the Breadsall Footpath (No. 7) 100 metres in length and works to effect the stopping up and diversion of a private means of access 100 metres in length	Diversions works are considered to be Associated Development and stopping up is Ancillary Development
23b		Alteration and extension of the existing flood arch bridge		
23c		Alteration and extension of the existing railway bridge		

Work No.	Principal	Associated	Ancillary	Composite
23d	Construction of two new bridges over Little Eaton Roundabout (Work No. 30(a))			
24	Construction of a northbound diverge slip road 215 metres in length beginning at the realigned A38 (Work No. 23) and connecting to Little Eaton Roundabout (Work No. 30(a)).			
25	Construction of a northbound merge slip road 380 metres in length beginning at Little Eaton Roundabout (Work No. 30(a)) and connecting to the realigned A38 (Work No. 23).			
26	Construction of a southbound diverge slip road 540 metres in length beginning at the realigned A38 (Work No. 23) and connecting to Little Eaton Roundabout (Work No. 30(a))			As for Principal work no. 1
26a		Alteration and extension of an existing culvert 125 metres in length		
26b		Alteration and extension of an existing culvert 290 metres in length under the realigned A38 (Work No. 23)		

Work No.	Principal	Associated	Ancillary	Composite
26c		Diversion of the existing Dam Brook watercourse by 340 metres connecting to the culvert beneath the A61 (Alfreton Road)		
26d		Works to effect the stopping up and diversion of a section of the Breadsall Foot Path (No. 3) for a distance of 405 metres		
26e		Construction of two drainage attenuation ponds and piped outfall into Dam Brook including the construction of a private access to the attenuation ponds	Construction of two drainage attenuation ponds and piped outfall into Dam Brook including the construction of a private access to the attenuation ponds	Construction of the drainage attenuation ponds is considered to be Associated Development. Construction of a private access to the ponds is Ancillary Development.
26f		Ecology mitigation including ponds		
26g		Construction of a segregated left lane to the A61		
26h		A flood alleviation channel including environmental mitigation measures		
27	Construction of a southbound merge slip road 280 metres in length beginning at the Little Eaton Roundabout (Work No. 30(a)) and connecting to the realigned A38 (Work No. 23).			
28		Works to stop up Ford Lane		
28a		Construction of a turning head		

Work No.	Principal	Associated	Ancillary	Composite
29		Works to alter Ford Lane Bridge		
30	Alteration, realignment and grading of the A61 (Alfreton Road)			As for Principal work no. 1
30a	Alteration of a roundabout (Little Eaton Roundabout) connecting the realigned A61 (Work No. 30) with the northbound A38 diverge and merge slip roads (Works Nos 24 and 25) the southbound A38 merge slip roads (Works Nos 26 and 27) the realigned B6179 (Work No. 30(b)) and Ford Lane (Work No. 30(c))			
30b		Realignment and grading of the B6179 to connect to Little Eaton Roundabout (Work No. 30(a))		
30c		Realignment and grading of Ford Lane to connect with Little Eaton Roundabout (Work No. 30(a))		
30d		Construction and diversion of the existing National Cycle Network Route No. 54 around Little Eaton Roundabout (Work No. 30(a)) connecting to the B6179 for 340 metres		
30e			Works to effect the stopping up and relocation of the private means of access adjacent to the realigned Alfreton Road	

Work No.	Principal	Associated	Ancillary	Composite
31		Construction of a flood plain compensation area from the River Derwent adjacent to the existing A38 including access		
31a		Diversion of a foul sewer by approximately 244 metres in length		
32		Erection and accommodation of a temporary works compound		
33		Realignment of Ford Lane and reconfiguration of the junction with Lambourn Drive		
34		Reconfiguration of the junction between the A6 Duffield Road and Ford Lane		
35		Diversion of utilities to accommodate the realignment of the A38, to include the diversion of: an 11kV electricity cable by 106 metres an 11kV electricity cable by 409 metres a water trunk main by 326 metres a water trunk main by 332 metres a foul sewer pipe by 521 metres a Cadent medium pressure gas pipe by 192 metres a telecoms cable by 84 metres a telecoms cable by 221 metres a combined sewer pipe by 86 metres an 11 kV electricity cable by 211 metres		

Work No.	Principal	Associated	Ancillary	Composite
36		Installation of advanced directional signage, safety barriers and associated equipment.		
37		Establishment of environmental mitigation areas to the north of the realigned A38 (Work No. 10).		
Further development a		Alteration to the layout of any street permanently or temporarily, including but not limited to increasing or reducing the width of the carriageway of the street by reducing or increasing the width of any kerb, footpath, footway, cycle track or verge within the street; and altering the level of any such kerb, footpath, footway, cycle track or verge.		
Further development b		Works required for the strengthening, improvement, maintenance or reconstruction of any street		
Further development c		Refurbishment works to any existing bridge		
Further development d		Strengthening, alteration or demolition of any structure		
Further development e		Ramps, means of access including private means of access, public rights of way, cycle tracks and crossing facilities	Ramps, means of access including private means of access, public rights of way, cycle tracks and crossing facilities	Ramps, public rights of way, cycle tracks and crossing facilities are considered to be Associated development. Private means of access are Ancillary Development.
Further development f		Embankments, viaducts, aprons, abutments, shafts, foundations, retaining		

Work No.	Principal	Associated	Ancillary	Composite
		walls, barriers, pumping stations, parapets, drainage, outfalls, ditches, wing walls, highway lighting, fencing and culverts		
Further development g		Street works, including breaking up or opening up a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street		
Further development h		Works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, pipes, cables, ducts and lights		
Further development i		Works to alter the course of or otherwise interfere with a watercourse including private water supplies	Works to alter the course of or otherwise interfere with a watercourse including private water supplies	Works to alter the course of or interfere with a watercourse are considered to be Associated development. Works to private water supplies are Ancillary Development.
Further development j		Landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development		
Further development k			Works for the benefit or protection of land affected by the authorised development	
Further development l			Site preparation works, site clearance (including fencing, vegetation removal, demolition of existing	

Work No.	Principal	Associated	Ancillary	Composite
			structures, earthworks (including soil stripping and storage, site levelling), remediation of contamination	
Further development m			Felling of trees	
Further development n		Working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences.		
Further development o		Provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development.		

Appendix B Further Works

This table has been compiled in response to the ExA's written question no. 49 'Further Development' (Issue Specific Hearing 1, questions and issues, 26 September 2019)

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
Kingsway																
Work No.1 – shown on sheet(s) no.1 of the works plans being the alteration, re-alignment and grading of the northbound and southbound lanes of the A38 totalling approximately 1.2 kilometres in length to include		✓	☐	✓	✓	☐	✓	☐	✓	☐	✓	☐	✓	✓	☐	✓
	a. the construction of a drainage attenuation pond and pipe outfall into Bramble Brook adjacent to the altered A38 (Work No.1) including a private means of access;	☐	☐	☐	☐	☐	✓	☐	✓	✓	☐	☐	✓	✓	☐	✓
	b. the diversion of the existing Bramble Brook and connection into a new section of culvert;	☐		☐	✓	☐	✓	☐	☐	✓	☐	✓	✓	✓	☐	✓
	c. the construction of a flood storage area with piped outfall return to Bramble Brook adjacent to the drainage attenuation pond (Work No. 1(a));	☐		☐	☐	☐	✓	☐	✓	✓	☐	✓	✓	✓	☐	✓
	d. the extension of the existing Bramble Brook culvert 152 metres in length;	☐		☐	✓	☐	✓	☐	☐	✓	☐	☐	✓	✓	☐	✓
	e. the extension of the existing Bramble Brook culvert for a length of 30 metres in a north westerly direction below the southbound A38 merge slip road (Work No. 5) and the realigned A38 (Work No.1);	☐	☐	☐	✓	☐	✓	✓	✓	✓	☐	✓	✓	✓	☐	✓
	f. the construction of flood storage areas;	☐		☐	☐	☐	✓	☐	✓	✓	☐	✓	✓	✓	☐	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
	g. the improvement of a non-segregated footway/cycle track 80 metres in length on each side of Lyttelton Street;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	h. the construction of a gantry or similar signage 55m south of the southbound A38 diverge slip road (Work No. 4) at chainage 1850m;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	i. the widening of the Brackensdale Avenue east and west underbridges;	✓		✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	j. works to effect the stopping up of part of the entry and exit lanes off Brackensdale Avenue which connect to the A38;	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	k. the construction of a gantry or similar signage at chainage 2080m;	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	l. works to effect the stopping up of the entry and exit lanes of Raleigh Street which connect to the A38; and	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	m. the alteration of part of Brackensdale Avenue slip road which connects to the A38.	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	Work No. 2 – shown on sheet no. 1 of the works plans being the construction of a northbound diverge slip road off the A38 570 metres in length that begins at the realigned A38 (Work No. 1) and connects to the Kingsway West Roundabout (Work No. 6(a)) to include	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. the construction of highway drainage attenuation, outfall and access.			<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	✓	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
Work No. 3 - shown on sheet no. 1 of the works plans being the construction of a northbound merge slip road 550 metres in length off the Kingsway West Roundabout (Work No. 6(a)) connecting into the realigned A38 (Work No. 1), to include		✓		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. the construction and realignment of a section of the National Cycling Network (No. 68 & 54) and the Regional Route (No. 66) 170 metres in length, as shown on the streets rights of way and access plan.	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 4 – shown on sheet no. 1 of the works plans being the construction of a southbound A38 diverge slip road 540 metres in length that begins at the realigned A38 (Work No. 1) and connects into the Kingsway East Roundabout (Work No. 6(b)).		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 5 – shown on sheet no. 1 of the works plans being the construction of a southbound A38 merge slip road 510 metres in length beginning at the Kingsway East Roundabout (Works No. 6(b)) and connecting to the realigned A38 (Work No. 1)		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓
Work No. 6 – shown on sheet no. 1 of the works plans being the alteration, realignment and grading of the A5111, to include		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
	a. the construction of a roundabout (the Kingsway West Roundabout) connecting to the northbound diverge slip road (Work No. 2) and the northbound merge slip road (Work No. 3);	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓
	b. the construction of a roundabout (the Kingsway East Roundabout) connecting to the southbound diverge slip road (Work No. 4) and the southbound merge slip road (Work No. 5);	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	c. the construction of a link road 65 metres in length connecting the Kingsway East Roundabout and the Kingsway West Roundabout including the construction of an over bridge;	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	d. the construction of 2 controlled crossings in an east and west bound direction;	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	e. the construction, improvement and widening of an existing footway to a non-segregated footway/cycleway track 110 metres in length;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓
	f. the construction, improvement and widening of an existing footway to a non-segregated footway/cycleway track 20m in length; and	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	g. the construction of a footway/cycleway 300 metres in length linking the A5111 Kingsway to Greenwich Drive south and the National Cycle Routes	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
Work No. 7 – shown on sheet no. 1 of the works plans being the construction of a link road 220 metres in length connecting the Kingsway East Roundabout (Work No. 6(b)) and Kingsway Park Close to include		✓		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. the construction of a new junction and footways;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓
	b. the reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close; and	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓
	c. the construction, improvement and realignment of the existing footway/cycleway route approximately 50m in length including a controlled crossing	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓
Work No. 8 – shown on sheet no. 1 of the works plans being the establishment of environmental mitigation areas to the west and east of the realigned A38 (Work No. 1) at				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	a. Mackworth Park; and	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Kingsway Hospital.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work No. 9 – shown on sheet no. 1 of the works plans being the diversion of utilities to accommodate the realignment of the A38, to include the diversion of:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. an 11kV electricity cable by 720 metres;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	b. an 11kV electricity cable by 137 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	c. an 11kV electricity cable by 115 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	d. an 11kV electricity cable by 115 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
	e. a telecoms cable by 72 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	f. a telecoms cable by 45 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	g. a foul sewer pipe by 33 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	h. a water trunk main by 474 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	i. a water trunk main by 61 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	j. an 11 kV electricity cable by 61 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	k. a 132 kV electricity cable by 61 metres; and			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	l. a gas main by 61 metres.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Markeaton				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work No.10 shown on sheet no. 2 of the works plans and being the alteration, realignment and grading of the northbound and southbound lanes of the A38 totalling 1.25 kilometres in length to include		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. the construction of a gantry or similar signage 105 metres south of the A38 northbound diverge slip road (Work No. 11) at chainage 2310;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓
	b. the construction of a gantry or similar signage 115 metres south of the A38 northbound merge slip road (Work No. 12) at chainage 2890;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓
	c. the demolition of the existing Markeaton Park footbridge and the construction of a replacement footbridge including reconfigured ramps and steps;	✓	<input type="checkbox"/>	✓	✓	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
	d. the construction of a gantry or similar signage 20 metres south of the northbound diverge slip road connecting to Kedleston Road (Work No. 11) at chainage 3250; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. the construction of a gantry or similar signage 70 metres north of the A38 northbound diverge slip road (Work No. 11) at chainage 3375.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Work No. 11 – shown on sheet no. 2 of the works plans and being the construction of a northbound diverge slip road 330 metres in length beginning at the realigned A38 (Work No. 10) and connecting to Markeaton Junction Roundabout (Work No. 16(a)), to include		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. the construction of a gantry or similar signage 35 metres north of the northbound A38 diverge slip road (Work No. 11) at chainage 2500;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. works to effect the stopping up of Enfield Road entry and exit roads onto the realigned A38 including a turning head (Work No. 10); and	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. amendments to the access and egress for the filling station and fast-food site.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Work No. 12 – shown on sheet no. 2 of the works plans and being the construction of a northbound merge slip road 255 metres in length beginning at the Markeaton Junction Roundabout (Work No. 16(a)) and connecting to the realigned A38 (Work No. 10).		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
Work No. 13 – shown on sheet no. 2 of the works plans and being the construction of a southbound diverge slip road 275 metres in length beginning at the realigned A38 (Work No. 10) and connecting to Markeaton Junction Roundabout (Work No. 16(a)), to include		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. the construction of a pumping station adjacent to the realigned A38 (Work No. 10) to include associated drainage works;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	b. a pond; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	c. an access track and footway/cycleway.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 14 – shown on sheet no. 2 of the works plans and being the construction of a southbound merge slip road 280 metres in length beginning at the Markeaton Junction Roundabout (Work No. 16(a)) and connecting to the realigned A38 (Work No. 10)		✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	✓
Work No. 15 – shown on sheet no. 2 of the works plans and being the construction, improvement and realignment of the existing cycle Regional Route (No. 66) 1.2 kilometres in length adjacent to the realigned A38 (Work No. 10).		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
Work No. 16 – shown on sheet no. 2 of the works plans and being the alteration realignment and grading of the A52, to include		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. the construction of a roundabout (the Markeaton Junction Roundabout) connecting the realigned A52 (Work No. 16) with the northbound A38 diverge and merge slip roads (Work Nos 11 and 12) and the southbound A38 diverge and merge slip roads (Work Nos 13 and 14) including the construction of two over bridges;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	b. the construction of a new junction for access to and egress from Markeaton Park 110 metres in length including a roundabout and a park & ride bus stop;	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	c. the construction and alteration of a private means of access to Sutton Close and 253 and 255 Ashbourne Road;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	d. works to the entrance of Markeaton Park and the construction of a new emergency only access from Markeaton Park 20 metres in length;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	e. relocation of approximately 186m in length of the boundary wall to Markeaton Park;	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	f. alterations to the access to and egress from the filling station and fast-food site;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	g. alterations to the access to and egress from the A52 to the Royal School for the Deaf; and	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
	h. removal and relocation of a mobile phone mast.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	Work No. 17 - shown on sheet no. 2 of the works plans and being the realignment and grading of the A38 northbound diverge slip road 200 metres in length connecting to the realigned A38 (Work No. 10) to Kedleston Road.	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	Work No. 18 - shown on sheet no. 2 of the works plans and being the realignment and grading of the A38 southbound merge slip road 185 metres in length connecting Kedleston Road with the realigned A38 (Work No. 10).	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	Work No. 19 – shown on sheet no. 2 of the works plans and being the construction of a temporary compound area/material storage area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>
	Work No. 20 – shown on sheet no. 2 of the works plans being the establishment of environmental mitigation areas to the west and east of the realigned A38 (Work No. 10).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Work No. 21 – shown on sheet No. 2 of the works plans being the diversion and construction of a utility corridor housing multiple utility apparatus as specified in this work no., including the diversion of:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. an 11kv cable by 627 metres;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
	b. an 11kv cable by 625 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. an 11kv cable by 623 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. a foul sewer pipe by of 480 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. a foul sewer pipe by of 269 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. a foul sewer pipe by of 506 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	g. a cadent medium pressure pipe by 654 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	h. a combined sewer pipe by 512 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	i. a mains water pipe by 491 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	j. a telecoms cable by 1146 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	k. a telecoms cable by 785 metres; and			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	l. a telecoms cable by 847 metres.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work No. 22 – shown on sheet no. 2 of the works plans being the diversion of utilities to accommodate the realignment of the A38 (Work No. 10), to include the diversion of:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	a. an 11kV electricity cable by 309 metres;	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	b. an 11kV electricity cable by 7 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	c. a water trunk main by 773 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	d. a foul sewer pipe by 308 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	e. a foul sewer pipe by 25 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	f. a telecoms cable by 28 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	g. a telecoms cable by 414 metres; and			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
<input type="checkbox"/>	h. a telecoms cable by 17 metres.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Little Eaton				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work No. 23 – shown on sheet no.3 of the works plans and being the alteration, re-alignment and grading of the northbound and southbound lanes of the A38 totalling 1.3 kilometres in length to include		✓	✓	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. works to effect the stopping up and diversion of a section of the Breadsall Footpath (No. 7) 100 metres in length as shown on the streets rights of way and access plan and works to effect the stopping up and diversion of a private means of access 100 metres in length;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	b. the alteration and extension of the existing flood arch bridge;	✓	✓	✓	✓	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	c. the alteration and extension of the existing railway bridge;	✓	✓	✓	✓	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	d. the construction of two new bridges over Little Eaton Roundabout (Work No. 30(a)).	✓		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 24 – shown on sheet no. 3 of the works plans and being the construction of a northbound diverge slip road 215 metres in length beginning at the realigned A38 (Work No. 23) and connecting to Little Eaton Roundabout (Work No. 30(a)).		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
Work No. 25 – shown on sheet no.3 of the works plans and being the construction of a northbound merge slip road 380 metres in length beginning at Little Eaton Roundabout (Work No. 21(a)) and connecting to the realigned A38 (Work No. 23).		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 26 – shown on sheet no. 3 of the works plans and being the construction of a southbound diverge slip road 540 metres in length beginning at the realigned A38 (Work No. 23) and connecting to Little Eaton Roundabout (Work No. 30(a)), to include		✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. the alteration and extension of an existing culvert 125 metres in length;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	b. the alteration and extension of an existing culvert 290 metres in length under the realigned A38 (Work No. 23);	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	c. the diversion of the existing Dam Brook watercourse by 340 metres connecting to the culvert beneath the A61 (Alfreton Road);	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	d. works to effect the stopping up and diversion of a section of the Breadsall Foot Path (No. 3) for a distance of 405 metres as shown on the streets rights of way and access plan;	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	e. the construction of two drainage attenuation ponds and piped outfall into Dam Brook including the construction of a private access to the attenuation ponds;	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	f. ecology mitigation including ponds;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
	g. the construction of a segregated left lane to the A61; and	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	h. a flood alleviation channel including environmental mitigation measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	✓
Work No. 27 – shown on sheet no. 3 of the works plans and being the construction of a southbound merge slip road 280 metres in length beginning at the Little Eaton Roundabout (Work No. 30(a)) and connecting to the realigned A38 (Work No. 23).		✓	✓	✓	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 28 – shown on sheet no.3 of the works plans and being the works to stop up Ford Lane, to include		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	a. the construction of a turning head.	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 29 – shown on sheet no.3 of the works plans and being works to alter Ford Lane Bridge.		✓	✓	✓	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 30 – shown on sheet No. 3 of the works plans and being the alteration, realignment and grading of the A61 (Alfreton Road), to include		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
	a. the alteration of a roundabout (Little Eaton Roundabout) connecting the realigned A61 (Work No. 30) with the northbound A38 diverge and merge slip roads (Works Nos 24 and 25) the southbound A38 merge slip roads (Works Nos 26 and 27) the realigned B6179 (Work No. 30(b)) and Ford Lane (Work No. 30(c));	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	b. the realignment and grading of the B6179 to connect to Little Eaton Roundabout (Work No. 30(a));	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	c. the realignment and grading of Ford Lane to connect with Little Eaton Roundabout (Work No. 30(a));	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	d. the construction and diversion of the existing National Cycle Network Route No. 54 around Little Eaton Roundabout (Work No. 30(a)) connecting to the B6179 for 340 metres; and	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
	e. works to effect the stopping up and relocation of the private means of access adjacent to the realigned Alfretton Road.	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No 31 – shown on sheet no. 3 of the works plans and being the construction of a flood plain compensation area from the River Derwent adjacent to the existing A38 including access; and				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	✓
	a. the diversion of a foul sewer by approximately 244 metres in length.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
Work No 32 – shown on sheet no. 3 of the works plans and being the erection and accommodation of a temporary works compound.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓
Work No 33 – shown on sheet no. 3 of the works plans and being the realignment of Ford Lane and reconfiguration of the junction with Lambourn Drive.		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 34 – shown on sheet no. 3 of the works plans and being the reconfiguration of the junction between the A6 Duffield Road and Ford Lane.		✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 35 – shown on sheet no. 3 of the works plans being the diversion of utilities to accommodate the realignment of the A38, to include the diversion of:		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	a. an 11kV electricity cable by 106 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	b. an 11kV electricity cable by 409 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	c. a water trunk main by 326 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	d. a water trunk main by 332 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	e. a foul sewer pipe by 521 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	f. a cadent medium pressure gas pipe by 192 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	g. a telecoms cable by 84 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	h. a telecoms cable by 221 metres;			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓

Work No		Additional elements in connection with the construction of any of those works														
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o
<input type="checkbox"/>	i. a combined sewer pipe by 86 metres; and			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
<input type="checkbox"/>	j. an 11 kV electricity cable by 211 metres.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 36 – shown on sheets nos 1, 2, 3 and 4 of the works plans being the installation of advanced directional signage, safety barriers and associated equipment.		✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	✓
Work No. 37 – shown on sheet no. 3 of the works plans being the establishment of environmental mitigation areas to the north of the realigned A38 (Work No. 10).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	✓