

A38 Derby Junctions TR010022

8.6 Statement of Common Ground with Derbyshire County Council

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Statement of Common Ground
Derbyshire County Council

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Derbyshire County Council.

Signed

[] on behalf of Highways England

Date: []

Signed.....

[], on behalf of Derbyshire County Council

Date: []

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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the proposed A38 Derby Junctions ('the Scheme') made by Highways England Company Limited ('Highways England') to the Secretary of State for Transport ('Secretary of State') for a Development Consent Order ('the Order') under section 37 of the Planning Act 2008 ('PA 2008').
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/ or The Planning Inspectorate's website¹.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the Applicant and Derbyshire County Council (DCC).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1st April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency to be conferred upon or assumed by Highways England.
- 1.2.3 Derbyshire County Council is the upper-tier local authority for the non-metropolitan county of Derbyshire. It is the Highways Authority for the parts of the Scheme that lie outside Derby City Council's administrative area (i.e. the Little Eaton junction). However, it is not the local planning authority for this area, this is the responsibility of Erewash Borough Council. Derbyshire County Council is the Minerals and Waste Planning Authority for the administrative area of Derbyshire that lies outside Derby City's administrative area.

1.3 Terminology

- 1.3.1 In the tables within the Issues chapter (Section 3) of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" is where points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to DCC, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to DCC.

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2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between Highways England (and AECOM as Highways England's design consultant) and DCC in relation to the Scheme is outlined in Table 2.1.

Table 2.1: Record of engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
04.06.15	Meeting between DCC (and other ecology stakeholders) and AECOM	Meeting to discuss baseline ecological survey data, survey requirements, and outline mitigation details.
14.02.17	Meeting between DCC, Derby City Council, Erewash Borough Council, South Derbyshire District Council, Amber Valley Borough Council and Highways England	Meeting to introduce Scheme (announced at preferred route announcement) and the Statement of Community Consultation report.
03.03.17	Meeting between DCC (and other ecology stakeholders) and AECOM	Meeting to provide a Scheme update, ecology survey data, survey requirements, and mitigation proposals.
12.05.17	Email to Derby City Council and DCC	Confirmation of bridge headroom parameters.
22.02.18	Email from DCC to AECOM	Comments on draft Statement of Community Consultation report provided.
11.04.18	E-mail from DCC to AECOM	Confirmation that DCC were content with the scope of the proposed archaeological investigation works.
13.04.18	Letter to the Planning Inspectorate	DCC comments on the EIA Scoping Report.
09.07.18	Meeting between DCC and AECOM	Meeting to discuss the heritage impact assessment to be reported in the Environmental Statement.
11.07.18	E-mail from DCC to AECOM	Confirmation that the flood risk modelling approach associated with the Dam Brook realignment works was acceptable.
06.08.18	E-mail from DCC to AECOM	Details of viewpoints to potentially be considered by the Heritage Impact Assessment (HIA).
29.08.18	Meeting between DCC (and other ecology stakeholders) and AECOM	Meeting to provide a Scheme update, discuss points raised by Natural England, ecology survey data, mitigation requirements, environmental assessment methodologies and Highways England Designated Fund proposals.
25.09.18	E-mail from DCC to AECOM	Comments on a selection of viewpoints used in the landscape and visual impact assessment.
10.10.18	E-mail from DCC to AECOM	DCC comments on the HIA Scoping Report.
06.12.18	Email from DCC to AECOM	Confirmation that the Ford Lane road bridge has been assessed at 7.5 tonnes.
11.01.19	DCC site visit with AECOM	Site visit during the archaeological investigation works.

28.02.19	E-mail from DCC to AECOM	Comments on the outline landscape design for the Scheme.
02.08.19	Relevant Representation comments provided	Comments on aspects of the Scheme, including landscape impact, green belt issues and flood risk.

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between Highways England and DCC in relation to the issues addressed in this SoCG.

3 Issues

3.1 Introduction and General Matters

- 3.1.1 This chapter sets out the 'issues' which are agreed, not agreed, or are under discussion between DCC and Highways England.
- 3.1.2 The letter provided to Highways England by The Planning Inspectorate on the 23rd of August 2019 under Section 88 of the Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6 (hereafter referred to as the 'Rule 6 Letter'), sets out the issues that The Planning Inspectorate want Highways England and the relevant parties to address in their SoCG. Specifically, Annex E sets out the parties that The Planning Inspectorate wants Highways England to produce a SoCG with and the issues that they want to see addressed. This bullet point list has been replicated using a numbered list and is available at Appendix A of this SoCG. The issues set out below refer to this numbered list, making it clear which issues have been addressed.
- 3.1.3 It should be noted that certain issues requested within the Rule 6 Letter are not addressed within this SOCG. These issues and the reasons for their exclusion are explained in the bullets below:
- **A.8** (Air quality and the potential for a zone compliant with the Air Quality Directive to become non-compliant and the potential for delays for a non-compliant zone to achieve compliance): not used as air quality issues are outside of the remit of DCC.
 - **A.12** (Impacts on open space, any assessments of whether any open space is surplus to requirements and the suitability of proposed replacement): the Scheme impacts open space land and proposes replacement land in exchange within the administrative area of Derby City Council. As such, this issue does not fall within the remit of DCC and therefore they have not provided commentary on this issue.
 - **A.23** (Safety impact assessment and consistency with relevant highways safety frameworks): Safety matters are embedded in the design of the Scheme and conform with the relevant highway safety frameworks. DCC and Highways England have not engaged specifically to discuss safety impact assessments or consistency with highways safety frameworks. It should be noted that Highways England has internal governance processes that assess the safety of proposed schemes (which the Scheme has been subject too). Hereafter, safety impact assessments and consistency with highways safety frameworks are not discussed, however, some issues and/or points of discussion may relate to highways safety matters.
 - **A-D.17** (The identification of consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted): not used as this is generally outside of the remit of DCC (with regard to the Scheme).
 - **A-D.21** (Any other relevant matters included in the Initial Assessment of Principal Issues in Annex B): not used as at present no issues outside of the Initial Assessment of Principal Issues have been identified.

- **A-D.22** (Any other relevant matters and important considerations): not used as at present as no other relevant matters or important considerations have been identified.
- **A-D.23** (Any other matters on which agreement might aid the smooth running of the Examination): not used as all matters agreed or under discussion are covered by other specified issues.

3.1.4 It is noted that where DCC requests changes to the draft DCO Requirements, we will work with DCC and propose new Requirement wording.

Legislation, Policy and Land Use Change

3.1.5 The Planning Statement **[APP-252]** and the Environmental Statement **[APP-039 to 055]** identify the relevant policy framework set out within the National Policy Statement for National Networks (NPSNN), as outlined in Appendix A of the Planning Statement **[APP-252]** and within section 1 of Chapters 5 to 15 of the Environmental Statement **[APP-039 to 053]**. The Planning Statement also sets out compliance with the policies of the NPSNN. (Issues ref A.1).

3.1.6 In addition, the applicable legislation and policies (from the relevant local development plans) considered by the Highways England, during the production of the DCO documents, are set out within Chapter 1, 4 and 5 to 16 of the Environmental Statement **[APP-039/ 042/ and 043 to 053]**; and Chapter 6 and Appendix A of the Planning Statement **[APP-252]** (Issues ref A.1).

3.1.7 In their relevant representation comments, DCC stated that:

“DCC considers that the A38 junctions scheme, particularly relating to the Little Eaton junction element of the scheme, is broadly in accordance with the policy principles of National Policy Statement for National Networks (NPDNN), National Planning Policy Framework (NPPF) and Erewash Borough Core Strategy (EBCS) and the vision and objectives of the Derbyshire Local Transport Plan (LTP).”

3.1.8 From our discussions with DCC, and their relevant representation comments, it is considered that DCC are content with the approach that Highways England has taken in regard to the application of legislation and policy.

3.1.9 Furthermore, Highways England and DCC have undertaken numerous discussions in regard to land use change, both temporary and permanent, in the lead up to the submission of the Application. DCC and Highways agree on the extent and the need for the proposed land use change, as set out within the Land Plans **[APP-006]** (Issues ref: A.5).

Need for the Scheme

3.1.10 The need for the Scheme is set out within Chapter 6 of the Planning Statement **[APP-252]** (Issues ref: A.2). In addition, the economic case for the Scheme is set out within Chapter 4 of the Planning Statement **[APP-252]** (Issues ref A.4 and 18). The key need aspects as set out within the Planning Statement can be summarised as follows:

- *“The NPSNN places a strong emphasis on the need to improve and integrate the strategic highway network and the Scheme would deliver against this national objective...”*
- *The need for the Scheme is recognised by Central Government in the Roads Investment Strategy published by the Department for Transport. The A38 Derby Junction Scheme is included as a committed Scheme in the Highways England Roads Investment Strategy which provides the long term programme for improvement of motorways and Major A roads.*
- *Paragraphs 2.1 to 2.11 of the NPSNN set out the summary of need for improvements to the road and rail network. The critical need to improve the national networks to address road congestion and support economic growth is identified. Development of the national road network including the A38 Derby Junctions Scheme would support and promote national and local economic growth and regeneration by reducing congestion and journey times, increasing capacity and improving journey times. The NPSNN recognises that improving transport links is key to facilitating growth and the Scheme would allow for greater movement of people and goods along the strategic highway network with increased efficiency.*
- *The Scheme would provide journey time benefits to all vehicles, including local traffic and those travelling along this strategic route during peak and off-peak periods. There would also be benefits to many local trips (including buses), which would result from the overall increase in the capacity of these junctions and resolve conflicts between local traffic and strategic movements using the A38. The junction improvements offer the potential to remove conflicts between walkers and cyclists and vehicles using the A38 to the benefit of both.*
- *The capacity issues associated with the existing A38 Derby junctions and requirement for improvements to the junctions is acknowledged in a number of Local Development Plan documents including the DCC Local Transport Plan. It is collectively acknowledged in this Development Plan, and others, that the A38 Derby junctions are currently congested and that this may constrain economic growth and the construction of new homes in the future.”*

3.1.11 In addition, DCC have stated that the Scheme will provide Derby with economic benefits (Issues ref: A.18) and state in their relevant representation comments² that:

“The scheme would be likely to generate significant economic benefits for the area, in providing additional capacity on the network that would help to deliver and facilitate the significant planned housing and employment growth in the Derby City and wider Derby Housing Market Area (HMA) that is set out in the three Local Plans for the Derby HMA. This capacity would particularly help facilitate the delivery of a number of large strategic housing and employment allocations in the vicinity of the A38 corridor that are set out in the three local plans within and on the edge of Derby City.

The A38 improvements would address congestion and delay problems on the existing network and help provide better connectivity between people and jobs across the HMA and provide significant benefits to businesses in being able to transport their goods and

² <https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37017>

services more quickly and efficiently on the network and across the Derby HMA and wider area of the East Midlands providing other economic and social benefits.”

Alternatives and Legal Compliance

- 3.1.12 DCC have been involved in the optioneering for the Scheme since April 2001, when Highways England undertook a Road Based Study (RBS) to consider Scheme options for dealing with congestion and safety, environmental impacts, economic, accessibility and integration problems associated with the Kingsway, Markeaton and Little Eaton junctions on the A38 Trunk Road route through Derby. As part of the RBS, a Project Management Group (PMG) was created for key stakeholders expected to influence Study decisions, such as DCC. Following three years of engagement of various forms, a preferred Option was presented in the Junction's Options Report published in March 2004. Before the preferred route was announced, the Scheme was put on hold twice between 2003 and 2008 by the Department for Transport (DfT) due to economic downturns and funding issues.
- 3.1.13 Development of the Scheme restarted in 2014 and this was followed shortly afterwards by an extra non-statutory engagement exercise in early 2015. The purpose of this non-statutory engagement was to present the Options that had been developed from previous consultations in 2001 and 2002. The aim was to obtain objective feedback and carry this through into developing the Scheme design where feasible. DCC was asked to provide commentary as part of this process.
- 3.1.14 The consultation responses and alternative options assessment informed actions for each proposed junction in preparation for the statutory consultation and design progression. Engagement continued with key stakeholders (including DCC) and affected land owners throughout the Scheme development process and outside the periods of non-statutory and statutory consultation. This included a series of meetings, which DCC have been a part of in some cases, to discuss key issues.
- 3.1.15 Following the 2015 non-statutory consultation, alternative options were proposed by members of the public, DCC were made aware of these options and Highways England's intention to include these in the options assessment process. Further options were presented by members of the public, which DCC were made aware of, and these options were subject to an initial sifting process, which they failed to pass and so were not subject to further assessment.
- 3.1.16 The preferred route announcement was made by Highways England in January 2018. DCC, and other statutory and non-statutory consultees were invited to provide comments on the preferred route as part of consultation undertaken in 2018.
- 3.1.17 More detail on the consultation undertaken and the options assessed to date is available within the Consultation Report **[APP-023]** and Chapter 3 of the Environmental Statement **[APP-041]**.
- 3.1.18 Through this process of consultation and optioneering, DCC's concerns in relation to land take and land use change have been addressed by Highways England, where it has been

possible to address them in accordance with the Scheme's objectives. DCC therefore agrees with Highways England's proposed, permanent and temporary, land use change.

Compulsory Purchase of Land

- 3.1.19 The Book of Reference **[APP-022]** identifies which land will be acquired, permanently and temporarily, through the Compulsory Purchase powers set out in the Planning Act 2008 (as amended) (Issues ref: A.3). Highways England and DCC have discussed the proposed acquisitions of DCC land, and in some cases have come to an agreement on how this land will be purchased, used and/ or reinstated but, in other cases discussions are still on-going.

National Security and Defence Matters

- 3.1.20 DCC has reviewed the Planning Statement **[APP-252]**, and the NPSNN Accordance Table at Appendix A, and are content that the Scheme is in accordance with paragraphs 4.76 – 4.77; 5.55 - 5.58 and 5.62 of the NPSNN. In that regard, DCC agree with Highways England that no national security implications have been identified for the Scheme and that the Scheme would not impede or compromise the safe and effective use of defence assets or significantly limit military training (Issues ref: A.24).
- 3.1.21 In addition, DCC agrees with Highways England that the Scheme will not compromise the safe and effective operation of sites used for military aviation (Issues ref: A.25).

The Environmental Statement, Environmental Management Plans and Permits, Consents and Licenses

- 3.1.22 Generally, no objections to the Outline Environmental Management Plan (OEMP) **[APP-249]** have been provided by DCC, therefore, it is considered that DCC agrees with Highways England on the contents of this document (Issues ref A-D.15). Comments have been received from DCC in relation to the traffic management, see Table 3.3. It should be noted that a Construction Environmental Management Plan (CEMP) (as based upon the OEMP) and a Handover Environmental Management Plan (HEMP) have not been produced as of yet, as a contractor has not been procured to construct the Scheme. Where appropriate these matters have been explored further in the issues tables within Sections 3.2 to 3.4 herein.

Moreover, DCC have not provided comment on permits, consents, licenses (and their appropriateness) or potential pollution releases (and their management) (Issues ref: B.5 and B.8; A-D.13; A-D.17; A-D.18; A-D.19 and A-D.20), as this is generally outside of the remit of DCC.

3.2 Issues related to the Environmental Statement

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Alternatives						
Issues ref: A.3, alternatives and legal compliance	Environmental Statement Chapter 3 Scheme History and Assessment of Alternatives (including Appendices 3.1 to 3.4) [APP-041]	-	-	DCC is content that Highways England undertook an appropriate assessment of alternatives at Little Eaton junction that resulted in the definition of the proposed Scheme as assessed in the ES [APP-039 to 055] .	ES Chapter 3: Scheme History and Assessment of Alternatives [APP-041] details the Scheme history and the process adopted to identify the proposed Scheme.	Agreed
Environmental Impact Assessment						
Issues ref: A-D.1, applicable legislation and policy	Environmental Statement [APP-039 to 055] - chapters of interest to DCC	-	Applicable legislation and policy	DCC is content that the ES [APP-039 to 055] includes details of applicable legislation and policy for those topics of DCC interest.	Details of the applicable legislation and policy, impact assessment methodologies, study areas, limits of deviation, baseline information, limitations and assumptions, identification of receptors and their sensitivity, and predicted impacts and effects are reported in the ES [APP-039 to 055] .	Agreed
Issues ref: A-D.2, relating to impact assessment methodologies	Environmental Statement [APP-039 to 055] - chapters of interest to DCC	-	Impact assessment methodologies	Unless otherwise stated herein, DCC is content that the impact assessment methodologies applied within the ES [APP-039 to 055] are appropriate, as applicable to the topics of DCC interest.	Details of the impact assessment methodologies are reported in the ES [APP-039 to 055] (refer to each topic-specific chapter within the ES).	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Issues ref: A-D.3, relating to the extent of the areas of potential impact	Environmental Statement [APP-039 to 055] - chapters of interest to DCC	-	Study areas	DCC is content that the study areas considered by the topics of DCC interest are appropriate.	Details of study areas are reported in the ES [APP-039 to 055] (refer to each topic-specific chapter within the ES).	Agreed
Issues ref: A-D.4, relating to baseline information	Environmental Statement [APP-039 to 055] - chapters of interest to DCC	-	Baseline information	DCC is content that the ES [APP-039 to 055] appropriately defines baseline conditions for those topics of DCC interest.	Details of baseline information are reported in the ES [APP-039 to 055] (refer to each topic-specific chapter within the ES).	Agreed
Issues ref: A-D.5, relating to expert judgements and assumptions	Environmental Statement [APP-039 to 055] - chapters of interest to DCC	-	Limitations and assumptions	DCC is content that the limitations and assumptions made within the ES [APP-039 to 055] (as applicable to the topics of DCC interest) are reasonable and do not impact upon the validity of the assessment findings.	Details of applicable limitations and assumptions are reported in the ES [APP-039 to 055] (refer to each topic-specific chapter within the ES).	Agreed
Issues ref: A-D.6, relating to the Identification and sensitivity of receptors	Environmental Statement [APP-039 to 055] - chapters of interest to DCC	-	Identification and sensitivity of receptors	DCC is content that applicable sensitive receptors have been identified and their sensitivities appropriately defined within the ES [APP-039 to 055] for those topics of DCC interest, except in respect of the River Derwent floodplain and its importance as an attribute to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site (see comments on page 15	Details of the receptors and their sensitivity are reported in the ES [APP-039 to 055] (refer to each topic-specific chapter within the ES).	Under discussion

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				below: Issue ref D2 Derwent Valley Mills WHS).		
Issues ref: A-D.7, 8, 12, relating to likely effects and their significance	Environmental Statement [APP-039 to 055] - chapters of interest to DCC	-	Predicted impacts and effects	DCC is content that the predicted impacts and effects are appropriately covered in the ES [APP-039 to 055] , as applicable to the topics of DCC interest, except in respect of the River Derwent floodplain and its importance as an attribute to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site (see comments on page 15 below: Issue ref D2 Derwent Valley Mills WHS).	Details of the predicted impacts and effects are reported in the ES [APP-039 to 055] (refer to each topic-specific chapter within the ES).	Under discussion
Issues ref: A-D.9, relating to reasonable worst case parameters	Environmental Statement [APP-039 to 055] - chapters of interest to DCC	-	Limits of deviation	DCC is content that the limits of deviation are appropriately taken into account within the topics of DCC interest as reported in the ES [APP-039 to 055] .	Details of the applicable limits of deviation that are taken into account within the ES are detailed in Section 2.5 of the ES [APP-040] (refer to paras. 2.5.37 to 2.5.43).	Agreed
Issues ref: A.21, maintenance and decommissioning activities	Environmental Statement [APP-039 to 055] and EIA Scoping Opinion [APP-166]	-	Maintenance and decommissioning activities	DCC is content that decommission activities have been scoped out of the impact assessment (as per the EIA Scoping Opinion [APP-166]). DCC is content that Scheme maintenance activities have been	As detailed in para. 4.1.13 in ES Chapter 4 (Environmental Impact Assessment Methodology) [APP-042] , and in accordance with the Scoping Opinion (Planning Inspectorate, 2018), Scheme decommissioning and demolition was scoped out of the EIA.	Under discussion

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				appropriately defined and assessed within applicable sections of the ES [APP-039 to 055] . Clarification is required, however, as to which body / authority would be responsible for maintaining the flood alleviation channels, swales etc proposed in the scheme (see comments below on page 29: Issue Ref B4: Drainage).	Operational and long term maintenance activities (as detailed in Section 2.7 of ES Chapter 2: The Scheme [APP-040]) are assessed in the various technical chapters (5 to 15) as applicable.	
Issue ref: A.3, legal compliance; A-D.1, applicable legislation and policy	Environmental Statement [APP-039 to 055]	-	EIA Regulations	DCC is content that the EIA as reported in the Environmental Statement [APP-039 to 055] has been prepared in accordance with the Infrastructure Planning Environmental Impact Assessment 2017 Regulations (as amended 2018) (the EIA Regulations).	The EIA as reported in the Environmental Statement [APP-039 to 055] has been prepared in accordance with the Infrastructure Planning Environmental Impact Assessment 2017 Regulations (as amended 2018) (the EIA Regulations).	Agreed
Good Environmental Design						
Issue ref: A.13, good environmental design	Environmental Statement Figures 2.12A-H: Environmental Masterplans [APP-068]	-	Good environmental design as detailed on the Environmental Masterplans	DCC has reviewed the Environmental Masterplan figures [APP-068] as included in the ES. DCC considers that the proposed grade separated junction would be high level and introduce	The Environmental Masterplans [APP-068] illustrate the mitigation measures (including the landscape design) that aim to integrate the Scheme into its surrounding area.	Under discussion

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				incongruous landscape features in the shape of embankments and extensive woodland planting along these embankments. With regard to landscape character, it is difficult to accept that a large embankment crossing the floodplain compounded by proposed planting along these embankments would only have a slight adverse effect when this is clearly an incongruous landscape feature that blocks off the natural connections and functionality of a linear landscape.		
Dust, odour, artificial light, smoke and steam						
Issues ref: A.9 and B.1, A-D.10, 11, 13, 14, 15, dust, odour, light, smoke, steam nuisance	Environmental Statement [APP-039 to 055]	-	-	DCC is content that the Environmental Statement [APP-039 to 055] appropriately assesses Scheme impacts and effects associated with dust and artificial light. DCC has not made any specific comments on the impacts associated with odour, smoke and steam that may arise during the Scheme construction phase.	During the Scheme construction phase best practice construction mitigation measures as detailed in the OEMP [APP-249] would be implemented to control issues associated with dust, odour, artificial light, smoke and steam. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Nuisance						
Issues ref: A.20, A-D.10, 11, 13, 14, 15, common law and nuisance	Environmental Statement [APP-039 to 055] , OEMP [APP-249] and Statement of Statutory Nuisance [APP-248]	-	Creation of nuisance and securing mitigation measures	DCC has not made any specific comments on nuisance mitigation measures that have been defined that will be applied during Scheme construction and operation.	Nuisance mitigation measures are set out in the OEMP [APP-249] . Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Cultural Heritage						
Issue ref: D.4 and D.6, approach to archaeology and written scheme of investigation	Environmental Statement Chapter 6: Cultural Heritage [APP-044]	Section 6.14	Scope of archaeological investigation works	DCC were content with the proposed scope of the archaeological investigation works to support the Environmental Impact Assessment.	The scope of the archaeological investigation works was agreed with DCC through submission a Written Scheme of Investigation (WSI).	Agreed
Issues ref: A-D.2, A-D.3, and D.1, EIA methodology and extent of impact areas methodology and extent of impacts	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.3	Heritage impact assessment methodology and study area	DCC reviewed the scope of the heritage assessment (and the defined study area) and provided comments to the Planning Inspectorate. These comments have been included for in the Environmental Statement [APP-039 to 055] .	The scope of the heritage impact assessment and the applicable study area is detailed in the EIA Scoping Report and the Environmental Statement [APP-039 to 055] .	Agreed
Issues ref: A-D.2 and 3, and D.1, D.2, appropriate assessment methodology and	ES Appendix 6.1: Historic Impact Assessment (HIA) [APP-173]	Section 3 and 4	Scope and methodology of Historic Impact Assessment (HIA)	DCC reviewed the scope of the HIA [APP-173] in relation to the Derwent Valley Mills World Heritage Site, which would be carried out in accordance with the	The scope of the HIA was agreed with applicable consultation bodies through submission of the HIA Scoping Report. The scope and methodology for the HIA is	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
extent of impacts; and the World Heritage Site (WHS)				guidance of ICOMOS as advisors on World Heritage to UNESCO, and provided comments to the Planning Inspectorate. These comments have been incorporated into the HIA [APP-173].	set out in ES Appendix 6.1 [APP-173].	
Issues ref: D.2, Derwent Valley Mills WHS	Environmental Statement Chapter 6: Cultural Heritage [APP-044] and Historic Impact Assessment (ES Appendix 6.3 [APP-173])	Paragraph 3.1.1	Viewpoints considered by the HIA	DCC provided advice regarding viewpoints to be considered by the HIA.	The viewpoints included in the HIA were amended to capture DCC comments, with visualisations being provided in the HIA Appendix 6.1 (ES Appendix 6.1 [APP-173]).	Agreed
Issues ref: D.1, D.5 and D.7, and A-D.6, identified historic assets and historic landscape character areas; and identified receptors	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.8 to 6.11 (ES Chapter 6) and ES Figures 6.1 to 6.6	Identification of baseline heritage assets and historic landscape character areas and their defined sensitivities	DCC is content that the assessment has appropriately identified heritage assets and historic landscape character areas in the defined study area, and that the defined sensitivities of such assets are appropriate.	Baseline heritage assets are detailed in Sections 6.8 to 6.11 of the ES Chapter 6 [APP-044].	Agreed
Issues ref: A-D.5, assumptions	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.5	ES assessment assumptions and limitations	DCC is content that the ES assessment assumptions and limitations are acceptable and do not alter the assessment findings.	ES assessment assumptions and limitations as related to the heritage assessment are detailed in Section 6.5 of ES Chapter 6: Cultural Heritage [APP-044].	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Issues ref: D.2, Derwent Valley Mills WHS	ES Chapter 6 Cultural Heritage [APP-044] and ES Appendix 6.1: Heritage Impact Assessment (HIA) [APP-173]	Section 6.15 (ES Chapter 6) and Section 7 (ES Appendix 6.1)	Effects upon the Derwent Valley Mills WHS	DCC considers that the scheme at Little Eaton junction falls partly within the Derwent Valley Mills World Heritage Site, the remainder being within the Buffer Zone. A stand-alone heritage impact assessment in relation to the World Heritage Site is provided at ES Appendix 6.1. While much of this study is useful DCC considers that it omits discussion of the importance of the Derwent floodplain as an attribute of the World Heritage Site. For a more detailed expert view, DCC would suggest that Highways England should consult the Derwent Valley Mills World Heritage Site Partnership directly on these proposals. However, to summarise DCC's concerns, the floodplain is an attribute that manifests Value 1 in the Statement of Outstanding Universal Value ('The successful harnessing of natural energy to deliver the power to drive newly derived machines housed in mills...') because of its role as source, sink and landscape context of the mills' water	Scheme effects upon the Derwent Valley Mills WHS are detailed in Section 6.15 (ES Chapter 6: Cultural Heritage [APP-044]) and Section 7 (ES Appendix 6.1 [APP-173]).	Under discussion

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				management. Further, the Derwent floodplain manifests Value 3 ('A 'relict' industrial landscape, where late 18 th and early 19 th century industrial development may be seen in an 18 th /19 th century agricultural landscape...). The role of the floodplain landscape as an attribute is borne out by the observation that the World Heritage Site boundaries in this location are drawn to the edges of the Derwent floodplain. The proposed embankments may be seen as harmful to this attribute because they will detract from the legibility and intact-ness of the Derwent floodplain landscape in this location. DCC therefore takes issue with the conclusion of the submitted study that the impacts to the World Heritage Site are 'negligible'/slight adverse/not EIA significant. A more balanced conclusion might be that the proposals result in a 'minor adverse' impact upon an asset of 'very high' value, thus producing a 'moderate adverse' effect which would be viewed as EIA		

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				significant. It is also noted that UNESCO's Operational guidelines for the implementation of the World Heritage Convention state at 15h) that State Parties have the responsibility to 'not take any deliberate measures that directly or indirectly damage their heritage...'		
Issues ref: D.3, Darley Abbey Scheduled Monument	ES Chapter 6 Cultural Heritage [APP-044]	Section 6.15 (ES Chapter 6)	Effects upon the Darley Abbey Scheduled Ancient Monument	DCC is content that the assessment indicates that the Scheme would have no impact upon the Darley Abbey Scheduled Ancient Monument (thus effects being neutral).	Scheme effects upon the Darley Abbey Scheduled Ancient Monument are detailed in Section 6.15 (ES Chapter 6 [APP-044]).	Agreed
Issues ref: D.1, D.5 and D.7, heritage assets have been identified and assessed appropriately, other heritage assets and historic landscape character areas	ES Chapter 6 Cultural Heritage [APP-044] and ES Appendix 6.1: Heritage Impact Assessment (HIA) [APP-173]	Section 6.15 (ES Chapter 6)	Effects upon non-designated historic assets, historic landscape character areas, conservation areas and listed buildings	DCC is content that the assessment appropriately assesses effects upon non-designated historic assets, historic landscape character areas, conservation areas and listed buildings (including impacts upon their setting).	Scheme effects upon non-designated historic assets are detailed in Section 6.15 (ES Chapter 6 [APP-044]) and Section 7 (ES Appendix 6.1 [APP-173]) as applicable.	Agreed
Issues ref: D.8, A-D.10, 11, 12, 13, 14 and 15, specific	ES Chapter 6: Cultural Heritage [APP-044]	Section 6.14	Heritage mitigation measures	DCC is content that the heritage mitigation requirements as detailed in the ES are appropriate and would result in the defined	Heritage mitigation measures are detailed in Section 6.14 in ES Chapter 6, and translated into the OEMP [APP-249] . Delivery of the	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
requirements in the dDCO, mitigation, enforceable, precise and reasonable; and environmental management plan				residual effects, and that such measures are covered by the OEMP [APP-249].	OEMP is a Requirement in the draft DCO.	
Issue ref: D.4 and D.6, D.8, A-D.10, 11, 13, 14, 15, 16, approach to archaeology and written scheme of investigation	Environmental Statement Chapter 6: Cultural Heritage [APP-044]	Section 6.14	Scope of archaeological mitigation works	DCC is content with the proposed archaeological mitigation strategy. The DCC archaeologist will require consultation during the development of the final archaeological mitigation strategy to be used during Scheme construction.	An archaeological mitigation strategy would be discussed and agreed with the DCC archaeologist. As detailed in the Environmental Statement Chapter 6: Cultural Heritage [APP-044], the Archaeological Mitigation Strategy (AMS), Overarching Written Scheme of Investigation (OWSI) and Site Specific Written Scheme(s) of Investigation (SSWSIs) would be prepared and agreed in consultation with the DCC archaeologist prior to preliminary works commencing on site. In addition, the development of Heritage Management Plan (HMP) as based on the AMS would be prepared in consultation with the DCC archaeologist and the Derwent Valley Mills World Heritage Site Partnership (DVMWHSSP). The DCC	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
					archaeologist would be invited to attend site meetings to review progress and results of the fieldwork. Such mitigation measures are detailed in the OEMP [APP-249] which is a Requirement in the draft DCO.	
Issue ref: D.4 and D.6, approach to archaeology and written scheme of investigation	Relevant Representations Comments*	-	Archaeological impacts	DCC considers that archaeological impacts are not considered to be EIA significant, the relevant assets being of a local to low-regional level of importance, and that appropriate investigation and survey work has been carried out by the applicant to ensure that these impacts have been properly assessed and appropriate mitigation proposed.	Noted.	Agreed
Landscape and Visual						
Issues ref: A.14, landscape and visual impact and lighting	Environmental Statement Chapter 7: Landscape and Visual [APP-045]	Paragraph 7.4.1	Selection of viewpoints used in the landscape and visual impact assessment	DCC requested additional viewpoints to be added into the landscape and visual impact assessment (i.e. viewpoint 5 (near to Breadsall Hilltop)) and viewpoint 10 (the edge of Allestree within the assessment).	Additional viewpoints were added into the assessment as reported in Environmental Statement Chapter 7: Landscape and Visual [APP-045].	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Issues ref: A.14 landscape and visual impact and lighting	Landscape Design drawings (Little Eaton junction) – ES Figure 7.8c [APP-094]	Paragraph 7.4.4	Landscape design proposals at Little Eaton junction	DCC had no significant comments on the proposed landscape planting proposals other than stating 'less is often more' with regard to the number of proposed species, but the majority of the landscape design seem appropriate to the relevant planting guidance in the 'Landscape Character of Derbyshire' publication www.derbyshire.gov.uk/landscape	The landscape design at Little Eaton junction aims to provide a range of functions, including screen planting and ecological mitigation – details are included on the Landscape Design drawings (Little Eaton junction) – ES Figure 7.8c [APP-094] .	Agreed
Issues ref: A.9, A.14 and A-D.2, 10, 11, 12, 13, 14, 15, 18, lighting, landscape and visual impact and lighting, and EIA methodology	Environmental Statement Chapter 7: Landscape and Visual [APP-045]	-	Landscape and visual impact assessment (including the effects of lighting)	DCC does not accept all of the findings in the LVIA. It is considered that the landscape character and sensitivity of the landscape surrounding the Little Eaton Junction has not been fully reflected in the LVIA and as a result the overall effects on landscape have been under-assessed. With regard to landscape character, it is difficult to accept that a large embankment crossing the floodplain compounded by proposed planting along these embankments would only have a slight adverse effect when this is clearly an incongruous landscape feature that blocks off the natural	ES Chapter 7: Landscape and Visual [APP-045] assesses Scheme effects upon the landscape and visual receptors, taking account of defined mitigation measures. Landscape and visual mitigation measures are detailed in ES Chapter 7 and translated into the OEMP [APP-249] . Delivery of the OEMP is a Requirement in the draft DCO.	Under discussion

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				connections and functionality of a linear landscape. Other environmental mitigation proposals such as noise barriers and flood attenuation measures would also be perceived as alien features in the landscape that would further contribute to adverse landscape effects.		
Biodiversity						
Issues ref: A.11 C.2 and A-D.2, biodiversity, impacts on habitats and species, and EIA methodology	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.3	Scope and extent of ecological surveys	DCC has confirmed that the survey coverage and methodologies used are appropriate for the ecological impact assessment.	The surveys required to appropriately define ecological baseline conditions sufficient to enable the ecological impact assessment have been subject to ongoing discussions between Highways England and DCC during the DCO application.	Agreed
Issues ref A.11, C.3, A-D.2 and 3, biodiversity, impacts on habitats and species, and assessment of noise, vibration, air etc on nature conservation	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.3	Ecological impact assessment methodology (and study areas)	DCC has confirmed that the ecological impact assessment methodology (and defined study areas) is appropriate for assessing the effects of the Scheme on ecological receptors, including designated and non-designated site, protected species associated with waterbodies, agricultural land and green infrastructure. In addition, DCC is	The ecological impact assessment methodology used was reported in the EIA Scoping Report and Environmental Statement Chapter 8: Biodiversity [APP-046] and has taken account of DCC comments.	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
sites, protected species etc				content that the assessment methodology takes into consideration noise, vibration, artificial lighting, air quality and water quality impacts.		
Issues ref: A-D.4 and 6, baseline information and identification and sensitivity of receptors	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.7 (ES Chapter 8) and ES Figures 8.1 to 8.36	Identification of baseline conditions and their defined sensitivities/ importance	DCC is content that the assessment has appropriately identified biodiversity resources in the defined study areas, and that the defined sensitivities/ importance of such assets is appropriate.	Baseline biodiversity assets are detailed in Section 8.7 of ES Chapter 8: Biodiversity [APP-046].	Agreed
Issues ref: A-D.6 and 7, receptors and likely effects	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.7 (ES Chapter 8)	Rationale for scoping in/ out sites and species	DCC is content that appropriate biodiversity receptors have been scoped into the biodiversity impact assessment.	Section 8.7 of ES Chapter 8: Biodiversity [APP-046] details the rationale for the scoping in/ out sites and species.	Agreed
Issues ref: A.11 and C.2, A-D.7, 8, 18, impacts on habitats and species	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.10 (ES Chapter 8)	Assessment of Scheme effects upon biodiversity, habitats and species	DCC is content that the assessment has appropriately identified impacts and effects upon biodiversity, habitats and species in the defined study areas.	Effects upon biodiversity assets are detailed in Section 8.10 of ES Chapter 8: Biodiversity [APP-046].	Agreed
Issues ref: A.11, C.4 and A-D.10, 11, 13, 14, 15, biodiversity and ecological conservation mitigation measures and	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.9	Scheme ecological mitigation measures	DCC is content with proposed ecological mitigation measures. Mitigation measures have been defined taking account of DCC comments.	Environmental Statement Chapter 8: Biodiversity provides details of ecological mitigation measures (construction and operation). Mitigation measures have been translated into the OEMP [APP-249]. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
mitigation is necessary						
Issues ref: C.2 and C.4, and A-D.10, 11, 12, 13, 14, 15, 16, 18, biodiversity and ecological conservation mitigation measures and mitigation is necessary, mitigation delivery	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.9	Delivery of ecology mitigation measures	DCC is content that the biodiversity mitigation requirements as detailed in the ES are appropriate and would result in the defined residual effects, and that such measures are covered by the OEMP [APP-249].	Biodiversity mitigation measures are detailed in Section 8.9 in ES Chapter 8: Biodiversity [APP-046] and translated into the OEMP [APP-249]. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: A-D.10 and 15, necessary mitigation and environmental management plans	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.12	Pre-commencement and construction phase monitoring	DCC is content with the defined pre-commencement and construction phase ecological monitoring proposals.	Pre-commencement and construction phase ecological monitoring proposals are detailed in ES Section 8.12 and within the OEMP [APP-249]. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: C.1, Habitat Regulation Assessment	Environmental Statement Chapter 8: Biodiversity [APP-046] (ES Appendix 8.2: Habitat Regulations Assessment – No Significant Effects	Section 8.10 Assessment of likely significant effects	To confirm no impact upon European Designated Sites	DCC is content that Appendix 8.2: Habitats Regulations Assessment – NSER [APP-179] is appropriate in its conclusion of no likely significant effects on protected European sites.	Appendix 8.2: Habitats Regulations Assessment – NSER [APP-179] indicates that there are no likely significant effects on protected European sites.	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
	Report (NSER) [APP-179]					
Issues ref: A.11, C.2, impacts upon habitats and species	Relevant Representations Comments*	-	-	DCC stated that ecological impacts are considered to be minimal and appropriate investigation and survey work has been carried out by the applicant to ensure that these impacts have been properly assessed and appropriate mitigation proposed.	Noted.	Agreed
Noise and Vibration						
Issues ref: A.10 and A-D.10, noise barriers, other mitigation and the need for any specific requirements in the draft Development Consent Order (dDCO); and necessary mitigation	Environmental Statement Chapter 9: Noise and Vibration [APP-047] and Environmental Statement Figures 2.12A-H: Environmental Masterplans [APP-068]	Section 9.9	Noise mitigation	DCC welcome the inclusion of measures to reduce noise to neighbouring residents. They wish to stress the importance of ensuring connectivity and promotion of alternative transport is maintained and where possible, improved. DCC welcome the use of green infrastructure such as green walls, hedgerows and trees for visual screening and noise reduction.	The Scheme design includes a number of noise barriers as well as visual screens. Such features have been integrated into an overarching environmental and landscape design illustrated on a set of Environmental Masterplans (Environmental Statement Figures 2.12A-H: Environmental Masterplans [APP-068]).	Agreed
Geology and Soils						
Issues ref: A-D.10, 11, 13, 14, 15, 19 and 20,	Environmental Statement Chapter	Section 10.9	Measures to control potential impacts associated with	DCC considers that the mitigation measures (as detailed in the Environmental Statement Chapter 10: Geology and Soils; and in the	Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement Chapter	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
and B.6, land contamination	10: Geology and Soils [APP-048]		contamination materials	OEMP [APP-249] are appropriate for managing impacts associated with contaminated materials.	10: Geology and Soils [APP-048] (and in the OEMP [APP-249]. Delivery of the OEMP is a Requirement in the draft DCO.	
People and Communities						
Issues ref: A.22, A-D.10, 11, 13, 14, 15, measures to avoid, reduce or compensate for adverse health impacts	Environmental Statement Chapter 12: People and Communities [APP-050] and ES Appendix 12.2: Human Health [APP-227]	Section 12.10	Human health effects	DCC is content that adequate measures have been taken to avoid, reduce and mitigate potential health effects (including potential cumulative effects).	Mitigation measures as detailed in the OEMP [APP-249] are appropriate for avoiding, reducing and mitigating potential health effects. Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Road Drainage and the Water Environment						
Issues ref: B.3, Flood Risk Assessment	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051]	13.4.1	Dam Brook realignment flood risk modelling	DCC would be grateful if the applicant could provide clarification that none of the proposed works to the Dam Brook (watercourse diversion etc.) will increase flood risk further upstream. There have been previous occurrences of internal flooding to properties in Breadsall, in particular, around where the Dam Brook is culverted under Brookside Road and where	The design of the Dam Brook realignment was undertaken using an appropriate method of hydraulic modelling. Highways England confirms that the design of the Dam Brook realignment would not increase floods risk upstream.	Under discussion

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				<p>Boosemoor Brook is culverted under Rectory Lane.</p> <p>If any further opportunities can be sought by the applicant to make Dam Brook Diversion more naturalised this would be welcomed by the DCC.</p>		
Issues ref: B.3, Flood Risk Assessment	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051], plus the Flood Risk Assessment in ES Appendix 13.2C (Little Eaton Junction) [APP-231]	Section 13.10 and FRA in ES Appendix 13.2C	Scheme effects on flooding risks at Little Eaton junction	DCC would like to see and comment on all of the hydraulic calculations for the proposed highway drainage system, including the attenuation ponds.	<p>Flood risk modelling undertaken has been undertaken in order to confirm flood risk mitigation features which have been integrated into the Scheme design.</p> <p>Areas have been identified for surface water attenuation features to provide solutions that accord with SuDS.</p> <p>The highway drainage network will be designed in accordance with DMRB HD33/16 Design of Highway Drainage Systems. There will be continual discussions with DCC during the next design stage where upon detailed information can be provided.</p>	Under discussion
Issues ref: B.2, A-D. 8, 12, 18,	Environmental Statement Chapter	Section 13.10	Impacts upon main rivers, groundwater	DCC is content that the ES has identified and assessed Scheme	Impacts upon water environment receptors are detailed in Section	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
impacts on the water environment	13: Road Drainage and the Water Environment [APP-051]		and other water bodies	impacts upon relevant water environment resources.	13.10 of ES Chapter 13: Road Drainage and the Water Environment [APP-051] .	
Issues ref: B.2 and B.5, A-D.10, 11, 13, 14, 15, 19 and 20, the water environment and mitigation	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051]	Section 13.9	Construction phase mitigation measures to protect controlled waters	DCC is content that there would be effective water pollution prevention control in place to minimise risks to controlled waters (as detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051] ; and in the OEMP – [APP-249] .	Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051] (an in the OEMP – [APP-249]). Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: A-D.10, 11, 12, 13, 14, 15, 16, 18, mitigation measures and defined residual impacts, and mitigation delivery	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051]	Section 13.9	Delivery of water environment mitigation measures	DCC is content that the water environment mitigation requirements as detailed in the ES are appropriate and would result in the defined residual effects, and that such measures are covered by the OEMP [APP-249] .	Water environment mitigation measures are detailed in Section 13.9 in ES Chapter 13, and translated into the OEMP [APP-249] . Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: B.4, drainage	Road Drainage Strategy (refer to ES Appendix 13.4) [APP-234]	Section 2	Provision of a highway drainage system that appropriately controls highway runoff quality and quantity	The use of by-pass separators is mentioned in the Section 7.1 Flood Risk Assessment. Wherever possible DCC would prefer to try and avoid the use of these, as they are a greater maintenance burden in terms of resources and cost. It is considered that the water quality	The road drainage strategy has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) and includes sustainable drainage (SuDS) features where feasible. Where SuDS features have not been feasible the preliminary design conforms to the requirements of	Under discussion

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				<p>element from the Highways surface water-run-off would be more appropriately achieved through more natural processes (SuDS).</p> <p>Note that DCC will be responsible for the long term maintenance of the highway runoff attenuation feature at Little Eaton junction that receives runoff from the A61.</p> <p>DCC would welcome clarification from the applicant as to whom will be responsible for maintaining Flood Alleviation channels, Swales, etc. A drawing would be beneficial highlighting who will be responsible for what.</p>	HD49/16, Details are provided in the Road Drainage Strategy (refer to ES Appendix 13.4 [APP-234]).	
Issue ref: B.3, Flood Risk	Relevant Representation Comments*	-	-	Some issues have been raised on flood risk requiring further clarification from the applicant as set out above.	Noted.	Under discussion
Issues ref: B.7, climate change	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051] and Road Drainage Strategy (ES Appendix 13.4) [APP-234]	Para. 13.7.62 and the Road Drainage Strategy (refer to ES Appendix 13.4)	Climate change provisions associated with the drainage design and the flood risk mitigation proposals	DCC is content that the climate change provisions included within the drainage design and the flood risk mitigation proposals take account of latest UK Climate Projections.	Climate change provisions associated with the drainage design and the flood risk mitigation proposals are detailed in para. 13.7.62 (ES Chapter 13: Road Drainage and the Water Environment [APP-051]) and the Road Drainage Strategy (ES Appendix 13.4) [APP-234] .	Agreed

Issues Reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Cumulative Effects						
Issues ref: A-D.2, assessment of cumulative effects and the other plans/projects included	ES Statement Chapter 15: Assessment of Cumulative Effects [APP-053]	Section 5.10	Developments to be considered within the cumulative impact assessment as reported in the Environmental Statement	DCC is content with the developments that should be considered with the cumulative impact assessment as reported in the ES Chapter 15: Assessment of Cumulative Effects [APP-053] .	AECOM provided details of the developments to be included in the cumulative impact assessment, as reported in ES Chapter 15: Assessment of Cumulative Effects [APP-053] , to the applicable local authorities in the vicinity of the Scheme.	Agreed
Issues ref: A-D.2, EIA methodology and the assessment of cumulative effects	ES Chapter 15: Assessment of Cumulative Effects [APP-053]	Sections 15.1 to 15.13	-	DCC is content with the cumulative impact assessment methodology and the assessment findings.	Cumulative effects are reported in ES Chapter 15: Assessment of Cumulative Effects [APP-053] .	Agreed
* https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37017						

3.3 Issues related to Traffic, Non-Motorised Users and Transport

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Issues ref: A.6 and 7, traffic impacts and management	Consultation Report Annex O [APP-024]	Annex O	Statutory Consultation under s42(1)(b) of the Planning Act 2008 with Local Authorities Consultation – 7 September to 18 October 2018 table	DCC considers it very important that extensive transport modelling works are carried out to assess the likely impacts on the highway network during construction and operation. The Environmental Statement will need to take the traffic modelling outcomes into account as traffic flows will impact on air quality, noise, vibration and communities well beyond the red line boundaries. Changes to Traffic Regulation Orders affecting roads in the vicinity of the Scheme should be set out in the Environmental Statement.	Details of the traffic modelling for the Scheme are set out in the Transport Assessment Report which has been submitted with the DCO application. In addition, an outline Traffic Management Plan has also been submitted with the DCO application and includes construction stage phasing. The traffic data generated for Scheme construction and operation has been used to assess Scheme impacts upon noise, air quality, water quality, community severance, with the result being reported in the Environmental Statement.	Agreed
Issues ref: A.16 and A.17, Public Rights of Way and temporary and permanent impacts on recreation	Consultation Report Annex O [APP-024]	Annex O	Statutory Consultation under s42(1)(b) of the Planning Act 2008 with Local Authorities Consultation – 7 September to 18 October 2018 table	The current right of way known as the Dam Brook trail (Breadsall Footpath No 3) follows Dam Brook from Breadsall then follows the A38 fenceline the A61 verge and crosses the A61 to the south of the existing roundabout. DCC note the diversion of this route will follow the revised fenceline and still cross the A61 at the same location it does at present. However, as the path would come out in close proximity to the roundabout	The diversion shown in the consultation plans show a like for like replacement of the existing provision. Highways England will be happy to discuss the issue further with the County Council to explore possible improvements to the provision within the Scheme land take. A pedestrian/ cyclist, controlled crossing near to Croft Lane would be	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
				with a higher speed limit, they raise concerns about vehicle pedestrian conflict. A controlled crossing at this site could result in queuing traffic onto the roundabout. DCC note that crossing the A61 Alfreton Road to access the western side of the road for recreational purposes is restricted. DCC wish to see the implementation of a pedestrian crossing near to the Croft Lane access onto the A61.	outside the scope of the scheme. However, Highways England has secured separate funding to implement this crossing.	
Issue ref: A.19, community accessibility	Consultation Report Annex O [APP-024]	Annex O	Statutory Consultation under s42(1)(b) of the Planning Act 2008 with Local Authorities Consultation – 7 September to 18 October 2018 table	DCC sought clarification on the nature of the signalised crossings in and around the approaches to Little Eaton roundabout. Toucan crossings are preferred as they will provide the necessary links/connectivity to cycle routes in the area.	Toucan crossings are proposed here to facilitate both pedestrians and cyclists.	Agreed
Issue ref: A.7, impacts on local transport networks	Consultation Report Annex O [APP-024]	Annex O	Statutory Consultation under s42(1)(b) of the Planning Act 2008 with Local Authorities	As part of the statutory consultation DCC commented on the Preliminary Environment Impact Report (PEIR) and commented <i>“the PEIR does not include any significant assessment of the likely impacts on public transport use in the area as a result of the</i>	Chapter 12 People and Communities of the Environmental Statement [APP-050] assess the impact of the Scheme on public transport. This chapter concludes that overall there would be a temporary minor adverse effect on driver stress (including	Agreed

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
			Consultation – 7 September to 18 October 2018 table	<i>construction or completion of phases of the scheme. DCC note that buses currently struggle in traffic at Little Eaton junction and that as a consequence of the construction and completion of the scheme bus access at the junction will improve and this will reduce delays and improve reliability of bus services in this corridor.</i>	buses) levels during Scheme construction.	
Issues ref: A.6 and 7, impacts on local transport networks and permanent closures; and traffic management	Relevant Representation Comments*	-	-	The likely highway impacts of the scheme have been assessed by DCC's officers based on the applicant's Traffic Impact Assessment, who are satisfied that the proposed scheme would operate satisfactorily and journey times would improve as a result of the Scheme. Concerns have been raised about the closure of Ford Lane and its impact on local businesses, particularly relating to proposed weight restrictions on the Ford Lane bridge, which requires clarification from the applicant.	The Applicant has carried out further assessment work on the existing bridge and, at the time of writing, is optimistic that the structure will be able to carry a 40T vehicle if the bridge is restricted to one way traffic flow. Further discussions will take place with the County Council before this is finalised.	Under discussion
* https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37017						

3.4 Issues related to the use of Green Belt Land

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Issues ref: A.15, Green Belt	Planning Statement and National Policy Statement Accordance Table [APP-252]	Section 6	Green Belt	As part of the statutory consultation DCC commented on the Preliminary Environment Impact Report (PEIR) and commented <i>“DCC are concerned that the PEIR includes little reference to the assessment of the proposed Little Eaton junction scheme on the Green Belt. All of the land east of the River Derwent within Erewash Borough and Derbyshire is defined as Green Belt.”</i>	Green Belt issues have been discussed and assessed within the Planning Statement [APP-252], which was submitted as part of the application. Overall, it is considered that the Scheme does not conflict with the five fundamental aims of the Green Belt as set out in the NPPF, nor would there be material harm to the openness of the Green Belt. As acknowledged by the NPSNN in certain circumstances delivering infrastructure improvements would necessitate development within a Green Belt location, as in the case of the Scheme, where there is no viable alternative. Taking into account that the Scheme is located within an existing established corridor of highway infrastructure and that the design seeks to minimise the outward encroachment into the Green Belt, it is considered any impacts would be minimised, so far as has been reasonably possible. If it is determined that the Scheme constitutes inappropriate development in the Green Belt then there are considered to be very special circumstances that exist,	Agreed

					which outweigh any perceived harm to the Green Belt.	
Issues ref: A.15, Green Belt	Relevant Representation Comments*	-	-	A detailed assessment has been carried out by DCC of the potential environmental impacts of the scheme, especially the Little Eaton junction improvements. This assessment has concluded that the scheme would not constitute inappropriate development in the Green Belt, particularly as there is a clear need for the scheme to be provided within a Green Belt location. However, concerns have been expressed about the current design of the scheme and its visual impact on the openness of the Green Belt (also, see Table 3.5 below).	Noted, however it is considered that the Scheme design for Little Eaton junction adequately mitigates the Scheme effects on the visual impact on the Green Belt, and as such no material harm to the openness of the Green Belt will result.	Under discussion
* https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37017						

3.5 Issues related to the Design of the Scheme

Issues Reference (see Appendix A)	Document	Paragraph Ref	Sub-Section	Comment	Highways England Response	Status
Issue ref: A.13, 14, 15; B.4, D.2, good environmental design, landscape and visual impact, Green Belt, drainage design and the WHS	Relevant Representation comment*	-	-	Concerns have been expressed, however, about the current design of the scheme and the extensive embankment that carries the A38 across the floodplain of the River Derwent and its impact on the landscape and landscape character of the area and consequential impacts on the open character of the Green Belt and Outstanding Universal value (OUV) of the Derwent Valley Mills World Heritage Site (DVMWHS). DCC considers that the scheme could be significantly improved if it incorporated an elegant viaduct to carry the improved A38 across the floodplain. This would be likely to reduce the visual impact on the openness of the Green Belt, landscape and landscape character and OUV of the DVMWHS.	It is considered that the Scheme design for Little Eaton junction adequately mitigates the Scheme effects on the visual impact on the openness of the Green Belt, landscape and landscape character and Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site (DVMWHS) (refer to the Heritage Impact Assessment provided as Appendix 6.1 in the Environmental Statement (ES) [APP-173]. If the A38 mainline at Little Eaton junction was placed on a viaduct it is considered that the design would be more urban in nature and reduce opportunities for landscape planting, and thus reducing the potential to integrate the Scheme into the surrounding landscape, whilst also significantly increasing Scheme costs.	Under discussion
*https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37017						

Appendix A: The Planning Inspectorate SoCG Issues List (Annex E, Rule 6 Letter)

SoCGs are requested to be prepared between the Applicant and:

A. Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

1. Compliance with the development plans, impacts on land use and the acceptability of proposed changes to land use
2. The need for development
3. Alternatives and compliance with relevant legal requirements and policy, including with respect to the Environmental Impact Assessment (EIA), flood risk and Compulsory Acquisition
4. Whether the business case and economic case adequately consider local matters
5. Minimisation of land take
6. Impacts on local transport networks, impact and mitigation of temporary and permanent closures of roads and other rights of way
7. Traffic management and communication with residents and businesses during construction
8. Air quality and the potential for a zone compliant with the Air Quality Directive to become non-compliant and the potential for delays for a non-compliant zone to achieve compliance
9. Dust, odour, artificial light, smoke, steam impacts and nuisance
10. Noise and vibration and impacts on local residents and others, construction noise and working hours limits, noise barriers, other mitigation and the need for any specific requirements in the draft Development Consent Order (dDCO)
11. Biodiversity and impacts on sites and habitats and species and mitigation
12. Impacts on open space, any assessments of whether any open space is surplus to requirements and the suitability of proposed replacement
13. “Good design” including functionality and aesthetics, the replacement bridge, noise barriers, site restoration, and “good design” in terms of siting and design measures relative to existing landscape and historical character and function, landscape permeability, landform and vegetation.
14. Landscape and visual impact assessment and lighting
15. Green Belt
16. Impacts on Public Rights of Way, on pedestrians, cyclists and horseriders, and opportunities to improve
17. Temporary and permanent impacts on recreation
18. Socio-economic impacts
19. Community isolation, severance and accessibility, including by disabled users
20. Common law nuisance and statutory nuisance, nuisance mitigation and limitations and appropriate provisions in the dDCO
21. Whether the maintenance and decommissioning activities have been adequately defined in the dDCO and whether they have been appropriately assessed and mitigated
22. Measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts on health
23. Safety impact assessment and consistency with relevant highways safety frameworks
24. Whether appropriate bodies have been consulted about national security implications and whether any issues have been adequately addressed
25. The assessment of civil and military aviation and defence matters in accordance with the National Networks National Policy Statement

B. The Environment Agency, Derby City Council, Derbyshire County Council, Erewash Borough Council and Severn Trent Water to include:

1. Dust, odour, artificial light, smoke and steam scope and methodology of assessment
2. The water environment including main rivers, groundwater and other water bodies, any concerns on impacts on water quality/resources and the need for any specific requirements in the dDCO
3. Flood risk, adequacy of the Flood Risk Assessments, the selection of mitigation sites and any concerns about the proposal on flood risk grounds
4. Drainage, Sustainable Urban Drainage Systems (SuDS), compliance with national standards and the appropriate body to be given the responsibility to maintain any SuDS
5. Water abstraction, discharge, pollution control and permits and whether potential releases can be adequately regulated under the pollution control framework
6. Contaminated land
7. Climate change, including the appropriate use of UK Climate Projections, identification of maximum credible scenarios, adaptation, impacts, radical changes beyond the latest projections
8. Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted

C. Natural England, Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

1. The Applicant's Habitat Regulation Assessment – No Significant Effects Report (NSER) and the included matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects
2. Impacts on habitats and species, habitat replacement and opportunities for enhancement
3. Assessment of noise, vibration, air and water quality impacts on designated nature conservation sites, protected landscapes, protected species or other wildlife.
4. Agreement of biodiversity and ecological conservation mitigation measures, any comfort/impediments for the granting of relevant licences and their timescales
 - Waterbodies
 - Agricultural land
 - Green infrastructure

D. Historic England, Derby City Council, Derbyshire County Council and Erewash Borough Council to include:

1. Whether heritage assets have been identified and assessed appropriately
2. Derwent Valley Mills World Heritage Site
3. Darley Abbey Scheduled Ancient Monument
4. The approach to archaeology
5. Other historic assets, including non-designated historic assets identified by local authorities and in Historic Environmental Records
6. Written scheme of investigation
7. Historic landscape character areas

8. The need for any specific requirements in the dDCO

SoCGs A-D to include:

1. The applicable legislation and policy considered by the Applicant
2. The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included
3. The extent of the areas of potential impact considered
4. Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies
5. The application of expert judgements and assumptions
6. Identification and sensitivity of receptors with the potential to be affected by the proposed development, magnitude and the quantification of potential impact
7. Likely effects (direct and indirect) on protected (or equivalent) biodiversity sites, habitats and species
8. Nature of the likely effects (direct or indirect) on receptors
9. "Reasonable worst case" Rochdale Envelope parameters
10. Mitigation that is necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable
11. Whether the secured mitigation measures are likely to result in the identified residual impacts
12. The significance of each residual impact
13. Whether the mitigation identified in the Environmental Statement (ES) is adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses
14. dDCO provisions
15. The Outline Environmental Management Plan, The Construction Environmental Management Plan, the Transport Management Plan and the Handover Environmental Management Plan
16. Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other independent statutory and regulatory authorities
17. The identification of consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted
18. Whether the effectiveness of consents, permits or licenses as mitigation have been accurately identified in the impact assessment
19. Whether potential releases can be adequately regulated under the pollution control framework
20. Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits
21. Any other relevant matters included in the Initial Assessment of Principal Issues in Annex B
22. Any other relevant and important considerations
23. Any other matters on which agreement might aid the smooth running of the Examination

E. Network Rail to include:

1. Bridge widening comfort/impediment
2. Any other matters on which agreement might aid the smooth running of the Examination

F. Statutory Undertakers to include:

1. Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation
2. The adequacy of the provisions in the dDCO to protect the public interest
3. The Outline Environmental Management Plan
4. Any other matters on which agreement might aid the smooth running of the Examination

G. The Royal School for the Deaf to include:

1. The assessment and mitigation of potential impacts, including in relation to the use and reinstatement of temporary possession land, noise and vibration, air quality, safety and security, access and liaison during construction
2. Any other matters on which agreement might aid the smooth running of the Examination

H. Cherry Lodge children's residential care home to include:

1. The assessment and mitigation of potential impacts, including in relation to parking, noise and vibration, air quality, other changes to the local environment and potential impacts on well-being, access and operation
2. Any other matters on which agreement might aid the smooth running of the Examination

I. Existing Businesses in the vicinity of Markeaton junction to include:

1. The assessment and mitigation of potential impacts, including in relation to access, safety and economic impact
2. Any other matters on which agreement might aid the smooth running of the Examination