

A38 Derby Junctions

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8.8 Statement of Common Ground with Erewash Borough Council

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A38 Derby Junctions
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Statement of Common Ground
Erewash Borough 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) Erewash Borough Council.

Signed  **

Chris Archbold

Project Manager on behalf of Highways England

Date: 24th October 2019

Signed... 

Steve Birkinshaw

Head of Planning and Regeneration, on behalf of Erewash Borough Council

Date: 22nd of October 2019

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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 website.
- 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 Erewash Borough Council (EBC).
- 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 EBC is responsible for planning and land use changes within Erewash, which is located in the south-eastern part of Derbyshire. Little Eaton and Breadsall are located within the administrative boundary of EBC as is the Little Eaton junction part of the A38 Derby Junctions Scheme.

1.3 Terminology

- 1.3.1 Section 2 of this SoCG sets out the issues that are considered material to EBC. These tables indicate whether an issue is 'Not Agreed'; is 'Under Discussion' where points will be the subject of on-going discussion: wherever possible these will be resolved or refined; and 'Agreed' where an issue has been resolved.
- 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 Erewash Borough Council, 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 Erewash Borough Council.

2 Record of Engagement

- 2.1.1 A summary of key meetings and correspondence that has taken place between Highways England (and AECOM as Highways England's design consultant) and EBC 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
15.11.16	Meeting with EBC	General discussion regarding the Scheme and issues associated with additional land parcels including floodplain compensation areas and construction compounds.
26.07.18	E-mail from EBC to AECOM	Confirmation that EBC had no comments on the heritage impact assessment scope of works as detailed in the EIA Scoping Report.
18.10.18	E-mail from EBC to AECOM	Confirmation that EBC had no comments on the scope of the Heritage Impact Assessment (HIA) as detailed in the HIA Scoping Report.
17.01.19	E-mail from EBC to AECOM (and subsequent telephone discussion on the 17.01.19)	Communications regarding the noise impact assessment to be reported in the Environmental Statement, and confirmation of the assessment methodology.
25.01.19	E-mail from EBC to AECOM	Confirmation of developments to be considered within the cumulative impact assessment as reported in the Environmental Statement.
04.09.19	Telephone discussion between AECOM and EBC	EBC has confirmed that there are no quiet areas, or any areas valued for their tranquillity or acoustic environment in the vicinity of the Scheme (within EBC's administrative area).

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between Highways England and EBC 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 EBC 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.23** (Safety impact assessment and consistency with relevant highways safety frameworks): this is generally out of the remit of EBC with the main responsibility falling to Derbyshire County Council as Highway Authority, for the Erewash administrative area.
 - **D.3** (Darley Abbey Scheduled Ancient Monument): not addressed as the Darley Abbey Scheduled Ancient Monument is not located within the EBC administrative area.
 - **B.8 and 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 addressed as this is generally outside of the remit of EBC (with regard to the Scheme).
 - **A-D.21** (Any other relevant matters included in the Initial Assessment of Principal Issues in Annex B): not addressed 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 addressed 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 addressed as all matters agreed are covered by other specified issues.
- 3.1.4 It is noted that where EBC requests changes to the draft DCO Requirements, we will work with EBC 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-043 to 053]**. The Planning Statement **[APP-252]** also sets out compliance with the policies of the NPSNN. From our discussions with EBC, they are content with the approach that Highways England has taken in this regard (Issues ref A.1).
- 3.1.6 In addition, the applicable legislation and policies (from the relevant local development plans) considered by 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 to 042 and 043 to 054]**; and Chapter 6 and Appendix A of the Planning Statement **[APP-252]** (Issues ref A.1).
- 3.1.7 Highways England and EBC have undertaken numerous discussions in regard to land use change, both temporary and permanent, in the lead up to the submission of the Application. EBC 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

- 3.1.8 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 A.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.

Alternatives and Legal Compliance

- 3.1.9 EBC 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 EBC. 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.
- 3.1.10 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. EBC was asked to provide commentary as part of this process.
- 3.1.11 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 EBC) 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 EBC have been a part of in some cases, to discuss key issues.
- 3.1.12 Following the 2015 non-statutory consultation, alternative options were proposed by members of the public, EBC 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 EBC 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.
- 3.1.13 The preferred route announcement was made by Highways England in January 2018. EBC, and other statutory and non-statutory consultees were invited to provide comments on the preferred route as part of consultation undertaken in 2018.
- 3.1.14 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]**.
- 3.1.15 Through this process of consultation and optioneering, EBC's concerns in relation to land take and land use change (where they have been raised) have been addressed by Highways England, where it has been possible to address them in accordance with the

Scheme's objectives. EBC therefore agrees with Highways England's proposed, permanent and temporary, land use change (Issues ref A.1 and A.5).

Compulsory Purchase of Land

- 3.1.16 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). There is no land within the ownership of EBC that will be subject to compulsory purchase.

National Security and Defence Matters

- 3.1.17 EBC 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, EBC 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).
- 3.1.18 In addition, EBC 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

- 3.1.19 Generally, no objections to the findings of the Environmental Statement, including the proposed study areas (in relation to all technical disciplines); the limits of deviation (i.e. the Rochdale Envelope parameters); the assigned sensitivity of receptors; the assigned magnitude of impacts; the significance of residual effects (in relation to all technical disciplines); the proposed mitigation measures will result in the defined residual impacts; and the application of expert judgements and assumptions, have been received from EBC following the submission of the draft DCO application. Therefore, it is considered that EBC agrees with Highways England on these matters (Issues ref: A-D.2 to 12). Where appropriate these matters have been explored further in the issue tables within Section 3.2.
- 3.1.20 Furthermore, no objections to the Outline Environmental Management Plan (OEMP) **[APP-252]** or the Traffic Management Plan (TMP) (ES Appendix 2.3 **[APP-161]**) have been provided by EBC (Issue ref, A.7), therefore, it is considered that EBC agrees with Highways England on the contents of these documents (Issues ref A-D.15). It should be noted that a Construction Environmental Management Plan (CEMP) 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.
- 3.1.21 Moreover, EBC has not provided comment on permits, consents or licenses and their appropriateness (Issues ref: B.5; A-D.13; A-D.17; and A-D.18), as this is generally outside of their remit.

Green Belt land

3.1.22 EBC has not provided comment on Green Belt land in relation to the Scheme and did not submit a relevant representation therefore, it is considered that EBC agrees with Highways England on this matter (Issues ref: A.15), as set out in the Planning Statement, Section 6.2 **[APP-252]** and as summarised below, namely that:

- The Little Eaton junction is located in the Erewash Green Belt. Consideration has been given to the conformity of the Little Eaton Junction improvements with Green Belt policy within the NPSNN, NPPF and EBC Core Strategy.
- It is considered that the presence of the existing highway, design of the Scheme and landscaping are such that the Scheme would not contravene the purposes of the Green Belt set out in the NPSNN, NPPF and EBC Core Strategy and that the Scheme can be considered as appropriate development.
- If it is deemed that the Scheme constitutes inappropriate development then very special circumstances exist for the Scheme, which outweigh any perceived harm to the Green Belt.

Public Rights of Way and Access

3.1.23 EBC is content with, the impact of the Scheme on Public Rights of Way (PRoW); community accessibility opportunities or constraints; and temporary and permanent impacts on recreation, resulting from the construction and operation of the Scheme. It is considered that EBC agrees with Highways England in regard to the PRoW, footpaths and other Non-Motorised User (NMU) provision which will be created by the Scheme (Issue ref: A.16, 17 and 19).

Traffic Impact and Management

3.1.24 EBC are content in regard to the temporary or permanent traffic impacts as a result of the Scheme, and the proposed management of these impacts. EBC agrees with Highways England on the assessed impact of the Scheme on traffic during construction and operation, and the contents of the TMP (Issues ref: A.6 and A.7).

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						
Issue ref: A.3, alternatives and legal compliance	Environmental Statement Chapter 3: Scheme History and Assessment of Alternatives [APP-041] (including Appendices 3.1 to 3.4)	-	-	EBC 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 Chapter 3: Scheme History and Assessment of Alternatives [APP-053] .	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 EBC	-	Applicable legislation and policy	EBC is content that the ES includes details of applicable legislation and policy for those topics of EBC 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.	Agreed
Issues ref: A-D.2, relating to impact	Environmental Statement [APP-039 to 055] -	-	Impact assessment methodologies	Unless otherwise stated herein, EBC is content that the impact assessment	Details of the impact assessment methodologies are	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
assessment methodologies	chapters of interest to EBC			methodologies applied within the ES [APP-039 to 055] are appropriate, as applicable to the topics of EBC interest.	reported in the ES [APP-039 to 055] (refer to each topic-specific chapter within the ES).	
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 EBC	-	Study areas	EBC is content that the study areas considered by the topics of EBC 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 EBC	-	Baseline information	EBC is content that the ES [APP-039 to 055] appropriately defines baseline conditions for those topics of EBC 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 EBC	-	Limitations and assumptions	EBC is content that the limitations and assumptions made within the ES [APP-039 to 055] (as applicable to the topics of EBC 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 EBC	-	Identification and sensitivity of receptors	EBC is content that applicable sensitive receptors have been identified and their sensitivities appropriately	Details of the receptors and their sensitivity are reported in the ES [APP-039 to 055] (refer to each	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				defined within the ES [APP-039 to 055] for those topics of EBC interest.	topic-specific chapter within the ES).	
Issues ref: A-D.7, 8, 12, relating to likely effects and their significance	Environmental Statement [APP-039 to 055] - chapters of interest to EBC	-	Predicted impacts and effects	EBC is content that the predicted impacts and effects are appropriately covered in the ES [APP-039 to 055] , as applicable to the topics of EBC interest.	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).	Agreed
Issues ref: A-D.9, relating to reasonable worst case parameters	Environmental Statement [APP-039 to 055] - chapters of interest to EBC	-	Limits of deviation	EBC is content that the limits of deviation are appropriately taken into account within the topics of EBC 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 Chapter 2: The Scheme [APP-040] Section 2.5 of the ES (refer to paras. 2.5.37 to 2.5.43).	Agreed
Issues ref: A.21, maintenance and decommissioning activities	Environmental Statement Chapter 4: Environmental Impact Assessment Methodology [APP-042]	-	Maintenance and decommissioning activities	EBC is content that decommission activities have been scoped out of the impact assessment (as per the EIA Scoping Opinion). EBC is content that Scheme maintenance activities have been appropriately defined and	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	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				assessed within applicable sections of the ES.	demolition was scoped out of the EIA. Operational and long term maintenance activities (as detailed in Section 2.7 of ES Chapter 2: The Scheme [APP-040] are assessed in the ESI chapters 5 to 15 [APP-043 to 053] as applicable.	
Issue ref: A.3, A-D.1, applicable legislation and policy	Environmental Statement [APP-039 to 055] – chapters of interest to EBC	-	EIA Regulations	EBC 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 has been prepared in in accordance with the Infrastructure Planning Environmental Impact Assessment 2017 Regulations (as amended 2018) (the EIA Regulations).	Agreed
Good Environmental Design						
Issues 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	EBC has reviewed the Environmental Masterplan figures as included in the ES [APP-039 to 055] and are content that it is appropriate for integrating	The Environmental Masterplans illustrate the mitigation measures (including the landscape design) that aim to integrate the Scheme into its surrounding area.	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				the Scheme into its surrounds.		
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] – chapters of interest to EBC	-	-	ECB is content that the Environmental Statement [APP-039 to 055] appropriately assesses Scheme impacts and effects associated with dust and artificial light. ECB is content that impacts associated with odour, smoke and steam are not anticipated and that any such nuisance impacts that may arise during the Scheme construction phase would be managed through adherence to best practice construction mitigation measures as detailed in the Outline Environmental Management Plan (OEMP) [APP-249] .	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
Nuisance						
Issues ref: A.20, A-D.10, 11, 13, 14, 15, common law and nuisance	Environmental Statement [APP-039 to 055] , Outline Environmental Management Plan	-	Creation of nuisance and securing	EBC is content that appropriate nuisance mitigation measures have been defined that will be applied during Scheme	Nuisance mitigation measures are set out in the OEMP [APP-249] . Delivery of the OEMP is a	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	(OEMP) [APP-249] and Statement of Statutory Nuisance [APP-248]		mitigation measures	construction and operation.	Requirement in the draft DCO.	
Air Quality						
Issues ref A.9; B.1; and A-D.15 and 16 – Dust and the Construction Environmental Management Plan (CEMP)	Environmental Statement Chapter 5: Air Quality [APP-043]	Section 5.9	Dust monitoring during the construction phase.	EBC to be consulted to confirm contractor's proposals for dust monitoring during the construction phase.	The construction contractor will liaise with EBC regarding dust monitoring, with the requirements being included in the contractors Construction Environment Management Plan (CEMP).	Agreed
Issue ref: A.8, A- D. 10, 11, 12, 13, 14, 15, air quality	Environmental Statement Chapter 5: Air Quality [APP-043]	-	Air quality impact assessment (including mitigation measures)	EBC is content that the air quality impact assessment as reported in the ES [APP-043] appropriately assesses the Scheme effects. EBC is content that the air quality mitigation measures are appropriate and will deliver the residual effects as reported in the ES.	ES Chapter 5: Air Quality [APP-043] assesses Scheme effects upon air quality, taking account of defined mitigation measures. Air quality mitigation measures are detailed in ES Chapter 5, Section 5.8 and translated into the OEMP [APP- 249] . Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Cultural Heritage						

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: A-D.2 and 3 and D.1, EIA methodology and extent of impact areas	Environmental Statement Chapter 6: Cultural Heritage [APP-044]	Table 6.8, Section 6.4	Heritage impact assessment methodology and study area	EBC confirmed that they had no comment on the scope of heritage impact assessment to be reported in the Environmental Statement [APP-044] .	Details of the scope of heritage impact assessment reported in the Environmental Statement [APP-044] were included in the EIA Scoping Report.	Agreed
Issues ref: A-D.2 and 3, and D.1, D.2, appropriate assessment methodology and extent of impacts; and the World Heritage Site (WHS)	ES Appendix 6.1: Heritage Impact Assessment (HIA) [APP-173]	Section 3	Methodology of the Historic Impact Assessment (HIA)	EBC confirmed that they were happy for AECOM to proceed with the scope of the HIA as defined within the HIA Scoping Report.	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 set out in ES Appendix 6.1 [APP-173] .	Agreed
Issues ref: D.1, D.5 and D.7, A-D.6, identified historic assets, 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	EBC 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: Cultural Heritage [APP-044] .	Agreed
Issues ref: A-D.5, assumptions	ES Chapter 6: Cultural Heritage [APP-044]	Section 6.5	ES assessment assumptions and limitations	EBC is content that the ES assessment assumptions and limitations within Chapter 6: Cultural Heritage [APP-044] are	ES assessment assumptions and limitations as related to the heritage assessment are detailed in Section 6.5	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				acceptable and do not alter the assessment findings.	of ES Chapter 6: Cultural Heritage [APP-044] .	
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	EBC is content with the assessment of Scheme effects upon the WHS which indicates that the Scheme would not be damaging to the OUV of the WHS.	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]).	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]	Section 6.15 (ES Chapter 6)	Effects upon non-designated historic assets, historic landscape character areas, conservation areas and listed buildings	EBC is content that the assessment appropriately assesses effects non-designated historic assets, historic landscape character areas, conservation areas and listed buildings.	Scheme effects upon non-designated historic assets are detailed in Section 6.15 (ES Chapter 6: Cultural Heritage [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, 15 and 18, specific requirements in the dDCO, mitigation, enforceable, precise and reasonable; and	ES Chapter 6: Cultural Heritage [APP-044] and the OEMP [APP-249]	Section 6.14	Heritage mitigation measures	EBC is content that the heritage 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] .	Heritage mitigation measures are detailed in Section 6.14 in ES Chapter 6: Cultural Heritage [APP-044] , and 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
environmental management plan						
Issues ref: D.4, D.6, D.8, A-D.10, 11, 13, 14 and 15, 16, approach to archaeology and written scheme of investigation	Archaeological Mitigation Strategy and the Site Specific Written Scheme(s) of Investigation	Section 6.14 within ES Chapter 6: Cultural Heritage [APP-044]	Scope of the outline archaeological mitigation strategy	EBC is content with the scope of the outline archaeological mitigation strategy to be used during Scheme construction.	As detailed in the Environmental Statement, the Archaeological Mitigation Strategy (AMS), Overarching Written Scheme of Investigation (OWSI) and Site Specific Written Scheme(s) of Investigation (SSWSIs) will be prepared and agreed in consultation with the Derbyshire County Council (DCC) archaeologist prior to preliminary works commencing on site. The advice of Historic England's Regional Scientific Advisor would be sought and incorporated into the design of the documents, where it is appropriate and relevant. Such mitigation measures are detailed in the OEMP [APP-249] which is a Requirement in the draft DCO.	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Landscape and Visual						
Issue ref: A.9, A.14, and A-D.2, 10, 11, 12, 13, 14, 15, 18, landscape and visual, and lighting, and EIA methodology	Environmental Statement Chapter 7: Landscape and Visual [APP-045]	-	Landscape and visual impact assessment (including the effects of lighting)	EBC is content that the landscape and visual impact assessment as reported in ES Chapter 7: Landscape and Visual [APP-045] appropriately assesses the Scheme effects upon the prevailing landscape and visual receptors. EBC is content that the landscape and visual mitigation measures are appropriate and will deliver the residual effects as reported in ES Chapter 7: Landscape and Visual.	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: Landscape and Visual [APP-045] and translated into the OEMP [APP-249] . Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
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	EBC is content 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 statutory consultees during the DCO application.	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
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 sites, protected species etc	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.3	Ecological impact assessment methodology (and study areas)	EBC is content 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, EBC is content that the assessment methodology takes into consideration noise, vibration, artificial lighting, air quality and water quality impacts.	The ecological impact assessment methodology used was reported in the EIA Scoping Report and Environmental Statement: Biodiversity [APP-046] .	Agreed
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	EBC 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, identification of receptors	Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.7 (ES Chapter 8)	Rationale for scoping in/ out sites and species	EBC is content that appropriate biodiversity receptors have been	Section 8.7 of ES Chapter 8: Biodiversity [APP-046] details the rationale for	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				scoped into the biodiversity impact assessment.	the scoping in/ out sites and species.	
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	EBC 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: C.2, C.4, 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 and enhancement measures	EBC is content that the biodiversity mitigation and enhancement measures, 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 and enhancement measures are detailed in Section 8.9 in ES Chapter 8: Biodiversity [APP-249] , 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] and OEMP [APP-249]	Section 8.12	Pre-commencement and construction phase monitoring	EBC 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 Chapter 8: Biodiversity [APP-046] , Section 8.12, and within 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
Issues ref: C.1, Habitats Regulation Assessment	Environmental Statement Chapter 8: Biodiversity [APP-044] and ES Appendix 8.1 Habitats Regulations Assessment – No Significant Effects Report (NSER) [APP- 179]	Section 8.10 Assessment of likely significant effects	To confirm no impact upon European Designated Sites	EBC is content that the Habitats Regulations Assessment – NSER [APP-179] is appropriate in its conclusion of no likely significant effects on protected European sites.	The Habitats Regulations Assessment – NSER [APP-179] indicates that there are no likely significant effects on protected European sites.	Agreed
Noise and Vibration						
Issues ref: A.10, A-D.2, noise and vibration, and EIA methodology	Environmental Statement Chapter 9: Noise and Vibration [APP-047]	Section 9.3	Methodology of the noise impact assessment	EBC confirmed that they are comfortable with the noise and vibration impact assessment methodology as detailed in the EIA Scoping Report.	Details of the scope of noise and vibration impact assessment reported in the Environmental Statement [APP-047] were included in the EIA Scoping Report.	Agreed
Issues ref: A.10 and A-D.6, noise and vibration and impacts on residents and others; and identification of receptors	Environmental Statement Chapter 9: Noise and Vibration [APP-047]	Sections 9.6; 9.7; 9.8; and 9.9	Noise impact assessment sensitive receptors	EBC confirmed that they are comfortable with the selected sensitive receptors to be considered by the noise and vibration impact assessment to be reported in the Environmental Statement [APP-047].	Impacts upon defined sensitive receptors are reported in the noise and vibration impact assessment included in the Environmental Statement, Chapter 9: Noise and Vibration [APP- 047].	Agreed
Issues ref: A.10, A-D.11, 13, 14, 15, 16, construction noise	Environmental Statement Chapter 9: Noise and Vibration [APP-047]	Paragraph 9.4.2	Construction working hours	EBC confirmed that they do not have a specific policy regarding construction noise other than the adoption of	Core construction working hours as detailed in the Environmental Statement [APP-040] comply with the EBC standard working	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
and working hours limits				standard working hours which are the same as Derby City Council, namely: 7:30 - 18:00 weekdays, 8:00 - 13:00 Saturdays with no working on Sundays and Bank Holidays.	hours. Some activities with limited durations would be undertaken outside of the core working hours as listed in the OEMP (PW-G4, MW-G12) [APP-249] . Any other work carried out outside the core working hours, or any extension of the core hours, would require the prior agreement of the Derby City Council (DCiC) and EBC Environmental Health Officers (as applicable). Delivery of the OEMP is a Requirement in the draft DCO.	
Issues ref: A.10, noise and vibration impacts on local residents and others	ES Chapter 9: Noise and Vibration [APP-047]	Section 9.10	Noise and vibration impacts	EBC has reviewed the noise and vibration impact assessment and is content that it provides an appropriate assessment of the impacts upon local residents and other potentially sensitive receptors.	ES Chapter 9: Noise and Vibration, Section 9.10 [APP-047] details the predicted noise and vibration impact of Scheme construction and operation.	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: A.10, noise and vibration	ES Chapter 9: Noise and Vibration [APP-047]	Section 9.10	Noise impacts – quiet places and areas valued for their tranquillity	EBC has confirmed that there are no quiet areas, or any areas valued for their tranquillity or acoustic environment in the vicinity of the Scheme.	The Scheme would not impact upon any quiet areas or any areas valued for their tranquillity or acoustic environment.	Agreed
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 Appendix 2.1 [APP-159]	ES Chapter 9, Section 9.9 and Appendix 2.1, Section 3	Noise and vibration mitigation	EBC is content with the proposed noise and vibration mitigation, as described in the Environmental Statement and detailed in the OEMP [APP-249] .	Noise mitigation measures are described in Environmental Statement Chapter 9: Noise and Vibration, Section 9.9 [APP-047] and in the OEMP, Section 3 [APP-249] . Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
Issues ref: A.10 and A-D.10, 11, 12, 13, 14, 15, 16, 18, noise barriers, other mitigation and the need for any specific requirements in the draft Development Consent Order	ES Chapter 9: Noise and Vibration [APP-047] and the OEMP [APP-249]	Section 9.9 and the OEMP	Delivery of noise mitigation measures	EBC is content that the noise and vibration mitigation requirements as detailed in ES Chapter 9: Noise and Vibration [APP-047] are appropriate (resulting in the defined residual effects), and that such measures are covered by the OEMP [APP-249] .	Noise and vibration mitigation measures are detailed in Section 9.9 in ES Chapter 9: Noise and Vibration [APP-047] , and 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
(dDCO); and securing mitigation						
Geology and Soils						
Issues ref: A-D. 10, 11, 13, 14, 15, 19 and 20, and B.6, land contamination	Environmental Statement Chapter 10: Geology and Soils [APP-048]	Section 10.9	Measures to control potential impacts associated with contaminated materials	EBC considers that the mitigation measures (as detailed in the Environmental Statement Chapter 10: Geology and Soils; and in the OEMP [APP-249] are appropriate for managing impacts associated with contaminated materials.	Construction phase mitigation measures to protect controlled waters are detailed in the Environmental Statement Chapter 10: Geology and Soils [APP-048] (and in the OEMP [APP-249] . Delivery of the OEMP is a Requirement in the draft DCO.	Agreed
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 [APP-227]	Section 12.10	Human health effects	EBC is content that adequate measures have been taken to avoid, reduce and mitigate potential health effects (including potential cumulative effects).	Mitigation measures as summarised 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 Assessments	Environmental Statement Chapter 13: Road Drainage and the Water	Section 13.10 and FRA in ES Appendix 13.2C	Scheme effects on flooding risks	EBC is satisfied with the proposed mitigation measures associated with	Flood risk modelling undertaken has been undertaken in order to	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
	Environment [APP-051], plus Flood Risk Assessment in ES Appendix 13.2C (Little Eaton Junction) [APP-231]		at Little Eaton junction	flooding at Little Eaton junction and the residual flooding risks.	confirm flood risk mitigation features which have been integrated into the Scheme design.	
Issues ref: B.2, A-D.8, 12, 18, impacts on the water environment	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051]	Section 13.10	Impacts upon main rivers, groundwater and other water bodies	EBC is content that the ES Chapter 13: Road Drainage and the Water Environment [APP-051] has identified and assessed Scheme impacts upon relevant water environment resources.	Impacts upon water environment receptors are detailed in Section 13.10 of ES Chapter 13: Chapter 13: Road Drainage and the Water Environment [APP-051].	Agreed
Issues ref: A-D.10, 11, 13, 14, 15, 19 and 20, B.2 and B.5, 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	EBC 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	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051]	Section 13.9	Delivery of water environment mitigation measures	EBC is content that the water environment mitigation requirements as detailed in the ES Chapter 13: Road Drainage and the	Water environment mitigation measures are detailed in Section 13.9 in ES Chapter 13: Road Drainage and the Water	Agreed

Issues reference (see Appendix A)	Environmental Statement	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
impacts, and mitigation delivery				Water Environment [APP-051] are appropriate and would result in the defined residual effects, and that such measures are covered by the OEMP [APP-249] .	Environment [APP-051] and translated into the OEMP [APP-249] . Delivery of the OEMP is a Requirement in the draft DCO.	
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	EBC considers that the highway drainage system as detailed in the Road Drainage Strategy (ES Appendix 13.4 [APP-234]) is appropriate for managing impacts associated highway runoff.	The road drainage strategy has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) and includes sustainable drainage (SuDS) features were feasible. Details are provided in the Road Drainage Strategy (refer to ES Appendix 13.4 [APP-234]).	Agreed
Issues ref: B.7, climate change	Environmental Statement Chapter 13: Road Drainage and the Water Environment [APP-051] and Appendix 13.4: Road Drainage Strategy [APP-234]	Para. 13.7.62 and the Road Drainage Strategy	Climate change provisions associated with the drainage design and the flood risk mitigation proposals	EBC 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-051])	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	Environmental Statement Chapter 15: Assessment of Cumulative Effects [APP-053]	Paragraph 15.5.3 and Appendix 15.3	Developments to be considered within the cumulative impact assessment as reported in the Environmental Statement.	EBC confirmed developments within their administrative area that should be considered with the cumulative impact assessment as reported in the Environmental Statement.	AECOM provided details of the developments to be considered in the cumulative impact assessment as reported in the Environmental Statement [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	-	EBC 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

3.3 Other Matters

- 3.3.1 It should be noted that EBC did not submit Relevant Representation comments during the period set by The Planning Inspectorate.

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
5. Waterbodies
6. Agricultural land
7. 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