

## **A38 Derby Junctions TR010022**

### **8.10 Statement of Common Ground with Derbyshire Wildlife Trust**

Planning Act 2008

Rule 8 (1)(e)

Infrastructure Planning (Examination Procedure) Rules 2010

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Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

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

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**Statement of Common Ground**  
**Derbyshire Wildlife Trust**

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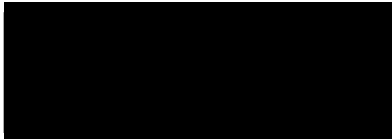
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Latest	5 <sup>th</sup> November 2019	Deadline 1 Submission

## STATEMENT OF COMMON GROUND

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

Signed

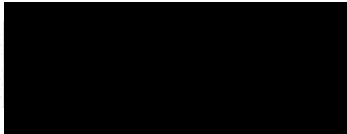


Chris Archbold

Project Manager on behalf of Highways England

Date: 23<sup>rd</sup> October 2019

Signed...



Trevor Taylor, on behalf of Derbyshire Wildlife Trust

Date: 17<sup>th</sup> 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 Application') 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 website<sup>1</sup>.
- 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 Wildlife Trust (DWT).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1<sup>st</sup> 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 DWT is an independent charity focussed on nature conservation within the county of Derbyshire. Their role includes the management of nature reserves, engaging communities to enjoy and care for wildlife as well as campaigning on behalf of the environment.
- 1.2.4 As an environmental interest group, DWT's role in the Development Consent Order (DCO) process derives from Section 42(1)(a) of the Planning Act 2008 as a prescribed body.

## 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.

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<sup>1</sup> <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 DWT, 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 DWT.

## 2 Record of Engagement

2.1.1 A summary of key meetings and correspondence that has taken place between Highways England and DWT in relation to the Application is outlined in Table 2.1.

**Table 2.1: Record of engagement**

Date	Form of Correspondence	Key topics discussed and key outcomes
03.12.14	Meeting between DWT (and the Environment Agency) and AECOM	Discussion regarding Scheme effects upon protected species and mitigation requirements.
04.06.15	Meeting between DWT (and other ecology stakeholders) and AECOM	Meeting to discuss baseline ecological survey data, survey requirements, and outline mitigation details.
24.09.15	Meeting between DWT (and other ecology stakeholders) and AECOM	Meeting to discuss Scheme objectives, opportunities for enhancements and broader mitigation initiatives, and potential enhancement ideas.
22.09.16	Site visit with DWT (and other ecology stakeholders) and AECOM	A site visit to discuss potential ecological enhancement opportunities in the vicinity of the Scheme.
22.09.16	Site visit with DWT (and other ecology stakeholders) and AECOM	Site visit to discuss potential enhancement opportunities.
03.03.17	Meeting between DWT (and other ecology stakeholders) and AECOM	Meeting to provide a Scheme update, ecology survey data, survey requirements, and mitigation proposals.
23.03.18	Meeting between DWT (and other ecology stakeholders) and AECOM	Meeting to provide a Scheme update, ecology survey data, survey requirements, licence requirements and mitigation proposals.
29.08.18	Meeting between DWT (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.
11.07.19	Email from AECOM to DWT	Request to collaborate on SoCG..
30.07.19	Email from DWT to AECOM	Agreement to collaborate on SoCG.

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

## 2.2 Methods of Environmental Assessment and Baseline Information

2.2.1 Matters relating to the relevant methods of assessment, the collection of and quantum of data required to inform the applicable baselines have been agreed with DWT and presented within the Environmental Statement for the Scheme **[APP-039 to 055]**.

## 2.3 Issues related to the Environmental Statement

Environmental Statement	Paragraph Ref	Sub-section	Derbyshire Wildlife Trust	Highways England Response	Status
Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.3 Assessment methodology	Scope of ecological surveys	DWT 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 were sufficient enough to enable the ecological impact assessment and have been subject to ongoing discussions between Highways England and DWT during the DCO application.	Agreed
Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.3 Assessment methodology	Ecological impact assessment methodology	DWT has confirmed that the ecological impact assessment methodology (and associated study areas) is appropriate for assessing the ecological effects of the Scheme.	The ecological impact assessment methodology (and associated study areas) was reported in the EIA Scoping Report [APP-166] and the Environmental Statement Chapter 8: Biodiversity [APP-046] and has taken account of DWT comments.	Agreed
Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.7 Baseline conditions	Local wildlife sites included in the assessment	DWT has confirmed that the local wildlife sites considered by the ecological impact assessment are appropriate.	The local wildlife sites included in the ecological impact assessment have been defined in consultation with DWT.	Agreed
Environmental Statement Chapter 8: Biodiversity [APP-046]	Section 8.9 Design, mitigation and enhancement measures	Scheme mitigation measures upon local wildlife sites	Mitigation measures have been defined taking account of DWT comments.	Environmental Statement Chapter 8: Biodiversity [APP-046] provides details of mitigation measures associated with local wildlife sites (construction and operation).	Agreed
Environmental Statement Chapter	Section 8.10 Assessment of	Scheme effects upon local wildlife sites	Effects upon local wildlife sites take account of mitigation	Environmental Statement Chapter 8: Biodiversity [APP-046] provides details of residual effects upon local	Agreed



Environmental Statement	Paragraph Ref	Sub-section	Derbyshire Wildlife Trust	Highways England Response	Status
8: Biodiversity <b>[APP-046]</b>	likely significant effects		measures defined taking account of DWT comments.	wildlife sites (construction and operation).	
Environmental Statement Chapter 8: Biodiversity <b>[APP-046]</b>	Section 8.9 Design, mitigation and enhancement measures	Mitigation: Birds	Mitigation measures have been defined taking account of DWT comments.	Environmental Statement Chapter 8: Biodiversity <b>[APP-046]</b> provides details of bird mitigation (construction and operation). This includes avoidance of loss of optimal habitat for lapwing and wintering birds (south-west of Little Eaton junction in the seasonally flooded pastoral land).	Agreed
Environmental Statement Chapter 8: Biodiversity <b>[APP-046]</b>	Section 8.9 Design, mitigation and enhancement measures	Mitigation: Amphibians (toads) and reptiles	Mitigation measures have been defined taking account of DWT comments. DWT confirmed no known or registered toad crossing point present at Markeaton. DWT confirmed absence of reptiles in the wider area and considered low risk to the Scheme.	Environmental Statement Chapter 8: Biodiversity <b>[APP-046]</b> provides details of amphibian (toad) mitigation (construction and operation). Reptiles have been scoped out of the assessment; however, pre-construction surveys to be undertaken within areas of proposed signage works within the existing highway verges to ensure any potential impacts upon reptiles at Little Eaton would be avoided.	Agreed