

A38 Derby Junctions

TR010022

8.13 Statement of Common Ground with Royal School for the Deaf Derby

Planning Act 2008

Rule 8 (1)(e)

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 8

December 2019

Infrastructure Planning

Planning Act 2008

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

A38 Derby Junctions
Development Consent Order 202[]

Statement of Common Ground
Royal School for the Deaf 2016 Property Trust

Regulation Number	Rule 8 (1)(e)
Planning Inspectorate Scheme Reference	TR010022
Application Document Reference	TR010022/APP/8.13
Author	Highways England (A38 Derby Junctions Project Team) and the Royal School for the Deaf Property Trust 2016

Version	Date	Status of Version
WIP	19 th December 2019	Deadline 3 Submission

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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 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 Royal School for the Deaf Derby, run by the Royal School for the Deaf Property Trust 2016, hereafter referred to as 'RSD'.
- 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 The Royal School for the Deaf Derby is a non-maintained day and residential special school with a nationwide catchment area. There are approximately 120 children and young people enrolled at the school aged between 3 and 19. All of the pupils have Statements of Special Educational Need or Education and Health Care Plans for hearing impairment. Some children have complex special educational needs for example, deafness and autism. The school is run by the Royal School for the Deaf Property Trust 2016.

1.3 Terminology

- 1.3.1 In the tables in 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

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

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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2 Record of Engagement

2.1.1 A summary of key meetings and correspondence that has taken place between Highways England and RSD 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
19.10.16	Meeting between the school, AECOM and Highways England	Meeting (and site visit) to discuss the potential Scheme impacts upon the school. The aim of the meeting was to better understand the usage of the various buildings on the school site, determine any specific concerns of the school, and to obtain more detailed information on the building heights which could be used to refine the existing noise model.
14.12.16	Email from the RSD to AECOM	E-mail regarding potential provision of a land parcel for Scheme purposes and provision of details regarding noise within the Karten Building and Lydia House.
08.01.18	Meeting	<p>Meeting to discuss impacts of the Scheme on the school and proposals for land acquisition of the school entrance from Queensway, the corner of land next to the A38/A52 and areas of land associated with Queensway properties retained by RSD.</p> <p>The presence of the gas substation and water meters next to the Queensway entrance was raised by RSD. Reassurances sought that any expense linked to the replacement and relocation of these will be met by Highways England.</p> <p>The school has a large amount of audiology equipment that would require protection for noise impacts potentially caused by the Scheme.</p> <p>RSD were seeking assurances that any increases in traffic movement past the school's Ashbourne Road access would not have adverse safety impacts or decrease air quality.</p>
17.04.18	Meeting	<p>Meeting to discuss Scheme impacts on the school. RSD raised the fact they have a national catchment area and that some students travel by taxi daily to school. RSD seeking assurances that the impacts on these journeys would kept to a minimum as there is a financial risk to the school should Local Authorities remove students.</p> <p>Discussed the "Mundy Wall" on Ashbourne Road to be taken down and rebuilt along new boundary line.</p> <p>RSD raised concern with regard to their part ownership of the Mill Pond where the highway drainage is discharged to.</p> <p>Discussed likely three and a half year construction period. Commented that if traffic was disrupted and access to school</p>

		<p>disrupted, then children may withdraw from the school which would affect funding.</p> <p>Highways England had commented that two lanes of traffic would be kept open at any one time. Discussed the need to work around school holidays so any alteration to the school access needed to be done at times when pupils were not in residence. Discussed the financial implication of losing students upon the viability of the school.</p> <p>Also discussed likely pollutions levels and noise levels.</p> <p>Highways England/ agreed the school was a 'vulnerable receptor' and that noise mitigation was paramount because of the effects on cochlear implants and hearing aid systems. Highways England was informed that a noise barrier was of paramount importance.</p> <p>Agreed a left filter access would be required to 180 Ashbourne Road and that it would be put in place together with pelican crossings at relevant junctures.</p> <p>Also discussed fire hydrant situation and a required review of safety facilities etc.</p> <p>Highways England agreed to provide a noise barrier, possibly by way of gabion wall.</p> <p>Agreed school's reasonable costs would be met by Highways England going forwards.</p>
19.04.18	Letter from agents acting on behalf of the RSD	Letter from the agency acting on behalf of the RSD covering a range of issues associated with the Scheme impacts upon the school – included issues associated with access, Scheme impact upon the finances of the school, services, and noise mitigation (including commentary that a 5m high noise barrier would be too high), access, construction and land issues.
10.09.18	Telephone discussion between AECOM noise specialists and the chair of the RSD governor (Janet Hill).	Discussion regarding the potential noise impacts of the Scheme on the school. Governor provided some names of key staff to speak with.
13.11.18	Meeting between the school, AECOM and Highways England	<p>Meeting to discuss further issues raised by RSD in the previous meetings and correspondence.</p> <p>Matters discussed included:</p> <ul style="list-style-type: none"> • Travel mitigation – potential no right turn into school causing an issue; • HE confirming design to be fixed by end of November;

		<ul style="list-style-type: none"> Requirement to know how traffic movements will pan out and to ensure accessibility; HE/AECOM looking at different types of noise barrier. Specification requested. RSD reiterated the importance of a barrier in keeping with its leafy green campus which could reduce air pollution as well as noise; and Discussed again issues around services, water, gas, electric connections etc and whether they will be disrupted. Commented there must be no disruption and therefore any switch overs need to be during school holidays.
20.11.18	E-mail from agents acting on behalf of the RSD	E-mail covering various issues associated with Scheme construction and operation, including an expression of disappointment that no reassurances about the material of the noise barrier was forthcoming.
12.12.18	Meeting between the school, AECOM and Highways England	<p>Meeting (and site visit) to update the school on the draft traffic noise predictions, discuss the proposed boundary noise barrier, understand the school's priorities regarding the boundary with the Scheme, discuss access and services issues and obtain updated usage information for the school buildings.</p> <p>Further discussion about location and type of noise barrier, timing of barrier installation, maintenance of barrier and that it would be the responsibility of Highways England. Production of preliminary noise predictions, sensory garden, access again to the main gate and discussed widening of access together with filter lane and retention of old wrought iron gates on original school access. Request from RSD for an information pack to be made available to the School for parents and other stakeholders, meeting with parents and carers to provide a direct stakeholder specific opportunity for RSD Derby stakeholders.</p>
01.02.19	Letter from RSD to Highways England	Letter covering various issues associated with Scheme construction and operation in response to contact from Gateley Hamer noting that until further and better detail is provided following correspondence sent 19.04.2018 and 20.11.2018 the School is unable to engage in any meaningful consultation. Specific concerns raised in the letter relate to the height, design, location and material of the noise barrier, use of land between the school and A38 as a public pathway, site security, the need for a secure perimeter at all times, bat boxes, phasing of demolition works, replacement of the sensory garden, stakeholder specific consultation, provision of photomontages, stakeholder liaison officer, use of stone for the "Mundy" wall, design of gates, the impact of the Scheme on the volume and speed of traffic on the A52, replacement of the gas substation, the need to ensure continuity of facilities and limit outage to holiday periods, land take near the caretakers cottage, red-lining in public documents, Ashbourne Road air pollution directly flowing from the Scheme, emergency services access, proposed landtake in front of 26 & 30 Queensway.
03.01.19	Letter from Gateley Hamer (for HE) to RSD	Issues discussed as follows:

		<ul style="list-style-type: none"> • Height, position and design of noise barrier; • Use of land between the school site and the A38 as public open space; • Site security during construction works; • Need for secure perimeter fence upon completion of works • Possibility of including bat boxes on noise barrier; • Access through school site for purpose of inspecting and maintaining noise barrier; • Phasing of demolition and construction work, including possibility of carrying out more intrusive/noisy work during weekends and school holidays; • Replacement of sensory garden and possibility of consulting with pupils on what should be included; • Further consultation including possibility of an event to be held at the school to provide pupils, parents, trustees and other stakeholders with information about proposals; • Provision of photomontages to show how noise barrier may look; • Provision of stakeholder liaison officer during works; • Use of local stone when wall along Ashbourne Road boundary replaced; • Design of gates to be installed at visitor centre entrance to school (i.e. at Ashbourne Road) after works to the walls completed; • Proposed highways works to Ashbourne Road and how they will result in improved access to school; and • Replacement of the gas substation.
01.02.19	Letter from RSD to Highways England	Letter covering various issues associated with Scheme construction and operation.
09.04.19	Meeting RSD with Valuation Office Agency (VOA) and School Councillors	<p>Discussed timing of potential DCO, landtake, Sturgess pond, the public right of way along Markeaton Street – vital to retaining a secondary emergency access, slip road from new road into school campus/main entrance, original school gates, services – for example gas, electric, water, hydrants.</p> <p>Requested overlay plan of new Scheme on old to see if potential land swaps could be available to straighten out boundaries.</p>
25.06.19	Meeting between the school, AECOM and Highways England	<p>Meeting to cover the key topic areas the RSD wish to have addressed. Confirmation of the noise barrier location and height. Access to the school during construction and the alterations of the existing school access from Ashbourne Road. Relocation of the sensory garden. Safety of the students around the A38 site during and post construction. The original Victorian Gates.</p> <p>Highways England agreed to send examples of noise barriers that might be used. Highways England agreed to send an assurance/undertaking on the type/size of barrier that would be</p>

		<p>built and to keep the site secure at all times whilst the barrier is being built and that the barrier would be built on 'day one'.</p> <p>Discussed Sturgess pond at plot 4/7d and agreed that any works to the pond or water courses in the vicinity would not have an increased maintenance liability on RSD. Assurance to be issued in that regard.</p> <p>Assurance also to be issued that all services on site will be maintained with minimal outages and disconnections during school holidays where possible.</p> <p>Agreed relocation of sensory garden and that quotations would be obtained.</p> <p>Agreed that a presentation would be made to school parents if requested by RSD.</p> <p>Also discussed acquisition of land by agreeing it in advance and in principle this was acceptable so long as other assurances received to cover off other matters.</p>
01.07.19	E-mail from agents acting on behalf of the RSD	<p>Email conveying the key discussion points from the meeting 25.06.19.</p> <p>This letter specifically requesting assurances on the key points discussed between October 2016 and July 2019.</p>
18.07.19	Meeting with VOA and HP & Co	Went through list of requirements for assurances (broadly as above) and VOA agreed to seek assurances from HE.
23.07.19	Written representation made	<p>Issues related to the continued use of the school during the construction and operation of the Scheme.</p> <p>Written representations made primarily because no assurances received.</p>
26.07.19	Email to AECOM, Highways England and VOA.	Response to written representation chased.
25.10.19	Meeting between the School, HP & Co, Highways England, AECOM and Derbyshire Fire Department	Meeting held at the Royal School for the Deaf Derby school site to review emergency access following the implementation of the A38 Derby Junctions Scheme.
22.11.19	Meeting between RSD, Hinson Parry & Co, Highways England and AECOM.	<p>Meeting was held Hinson Parry & Co offices in Stone with RSD joining on phone. The principal matters of discussion that require clarification included:</p> <ul style="list-style-type: none"> Noise barrier design – RSD and Hinson Parry & Co sought to clarify the detailed design of the noise barrier but as contractor not appointed currently not possible. RSD and Hinson Parry & Co were asked to provide HE with some designs that they consider appropriate. HE

		<p>to work with contractor, once appointed, to ascertain if such designs are feasible;</p> <ul style="list-style-type: none"> • Construction timing of the noise barrier – HE confirmed that they would discuss this matter at the earliest opportunity with the contractor, once appointed. In addition, HE confirmed that they would make best endeavours to ensure the barrier is constructed as early as possible within the construction programme; and • New access design and the re-location of the Victorian Gates – RSD confirmed that they are generally happy with the design of the new access, but would like certainty in regard to the location of the re-located Victorian Gates. HE confirmed that they would discuss this matter at the earliest opportunity with the contractor, once appointed. <p>HE reiterated that a contractor has not been appointed and were therefore unable to confirm detailed design related matters.</p>
22.11.19	Email to AECOM	Suggestions made by Helen Radford surrounding the RSDs preferred finish of the acoustic barrier.

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between Highways England and RSD 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 RSD 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 RSD 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 Highways England acknowledges that RSD have provided written representation during the relevant representation period, as set by the Planning Inspectorate². Where these comments present additional issues or points of discussion to those provided during the drafting of draft DCO, Highways England has addressed these within this SoCG. Where it is considered that these comments have been addressed within the draft DCO submission, these comments have not been addressed within this SoCG. Notwithstanding this, Highways England will provide a response to all of the written representation made by RSD at a later stage in the examination process, through the production of a written representation response document.

² <https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37026>

3.2 Issues related to the Noise impacts and Mitigation

Issues reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issue ref: G.1, mitigation of potential impacts... noise and vibration	ES Chapter 9 – Noise and Vibration [APP-047]	Section 9.9	Design, mitigation and enhancement measures	There is a need to mitigate noise during the Scheme operational phase, but any noise barrier should not be so high as to visually intrusive, consideration should be given the height and materials used to construct the barrier. RSD believes that a 4m tall barrier is appropriate but does not believe that it should be constructed of concrete and timber. It is noted that in discussions regarding the noise barrier, that AECOM has confirmed that the barrier will conform to harmonised specifications of standard BSEN14388(2005) and meet B3(DLR >24 dB) standard for airborne sound installation specified in BSEN1793 Part 2 (1988). In addition, AECOM has confirmed that the noise barrier will be 4m tall and be made from timber, concrete or composite	The noise mitigation benefit of a range of barrier heights has been investigated and discussed with the school. The school's preference was for the maximum noise benefit, although the school did not want a barrier that would be visually intrusive (e.g. a 5m high barrier). Therefore, a 4m high reflective noise barrier would be installed on the western boundary of the school, north-east of Markeaton junction. This noise barrier is illustrated on Environmental Masterplan ES Figure 2.12C [APP-068] and ES Figure 9.4A [APP-133]. Details regarding the noise barrier material will be developed during the detailed design stage, noting that the primary requirement for the barrier will be to meet the necessary noise attenuation specification. RSD's preferences will be	Under Discussion

				material. RSD requires written assurance in regard to the materials from which the barrier will be constructed. RSD have sent some suggestions for their preferred acoustic barrier solutions for the consideration of Highways England.	considered, and RSD will continue to be consulted during the specification of noise barrier details.	
Issue ref: G.1, assessment and mitigation of potential impacts... noise and vibration	ES Chapter 9 – Noise and Vibration [APP-047]	Section 9.10	Assessment of likely significant effects	<p>RSD raised concern regarding operational traffic noise impacts at the school and requested barriers to be placed so as to “tunnel” the noise. HE refused. The reason for refusal was “amenity” space and a public footpath running along the perimeter which presents further concern due to land take and the integrity of the perimeter.</p> <p>Notwithstanding the above mitigation, the “red spot” on the sound map on the corner of the Karten building is unwanted and potentially unnecessary if sound barriers are placed on the infrastructure/highway itself. Notwithstanding the above,</p>	With the proposed noise barrier in place, potentially significant increases in road traffic noise are limited to a number of facades at Lydia House and the Karten building. Lydia House is used as residential accommodation by pupils, however, the affected sections of the Karten building are offices and meeting rooms and are therefore less sensitive. At all other school buildings the change in traffic noise levels is predicted to be negligible or minor (not significant). It is noted that the with Scheme traffic noise levels at the worst affected school buildings (Lydia House and the Karten building) are not dissimilar to the without Scheme traffic	Under discussion

				compensation for any noise mitigation is sought.	<p>noise levels at other parts of the school close to the A52.</p> <p>As discussed at the meeting with the school on 12/12/18 a noise barrier on the boundary of the A38, rather than the boundary of the school, would be slightly more advantageous from a noise perspective, however this option was not pursued due to other impacts and concerns with a barrier in this location.</p> <p>In particular Derby City Council was concerned that a noise barrier at the boundary of the A38, together with a security wall along the deaf school boundary would create a confined area (area previously occupied by the Queensway buildings) that could be at risk from anti-social behaviour. Thus, an option that keeps this area open towards the A38, with the noise barrier along the school boundary was considered to be a preferable option.</p>	
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Issue ref: G.1, mitigation of potential impacts... noise and vibration	ES Chapter 9 – Noise and Vibration [APP-047]	Section 9.9	Design, mitigation and enhancement measures	<p>There is a need to mitigate noise during the Scheme construction phase.</p> <p>The design of the noise mitigation and the timing (i.e. prior to demolition of residential dwellings on Queensway) of its construction should be secured by the DCO.</p>	<p>A range of noise mitigation measures that conform to good site practice would be adopted during the construction phase (refer to the Outline Environmental Management Plan (OEMP) provided in ES Appendix 2.1). In addition, the 4m high noise barrier would be installed early in the construction phase and thus would be able to mitigate noise impacts during the Scheme construction phase. Early consultation with the proposed construction contractor indicates that it should be feasible to install the noise barrier prior to the demolition of the Queensway buildings. It is noted that adherence to the OEMP is a Requirement of the DCO.</p>	Under discussion
Issue ref: G.1, assessment and mitigation of potential impacts... access	-	-	-	Means of access to maintain the proposed noise barrier to be agreed.	Agreed that regular (e.g. annual) access will be required to maintain the noise barrier via the school's land would not be an issue and could be arranged during school holidays. This would be a better solution than having to leave an access gap	Under discussion

					between the noise barrier and the school boundary.	
Issue ref: G.1, assessment and mitigation of potential impacts... safety and security	-	-	-	Maintaining site security along the boundary of the school with the Scheme during both construction and operation is a key consideration for the school. RSD suggest that this would be less of an issue if the noise barrier was built at the beginning of the construction programme.	Agreed. The exact details of how this will be achieved will be confirmed during the detailed design stage. The contractor and their design team will liaise with RSD to confirm the details and the suitability of provisions made. It is noted that early consultation with the proposed construction contractor indicates that it should be feasible to install the noise barrier prior to the demolition of the Queensway buildings, thus acting as a suitable security fence from the start of the construction works (and during Scheme operation).	Agreed

3.3 Issues relating to the Scheme and effects on Air Quality

Issues reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issue ref: G.1, assessment and mitigation of potential impacts... air quality	ES Chapter 5 – Air Quality [APP-043]	Section 5.10	Assessment of likely significant effects	RSD require confirmation that air quality impacts at the school are not of concern. RSD believes that reassurance in this regard, has not been provided by Highways England.	Details of the air quality effects of the Scheme are reported in the Environmental Statement (ES Chapter 5: Air Quality). This illustrated that air pollutant concentrations at the school are currently achieving the national and European air quality criteria set to protect human health and will continue to do so during both construction and operation of the Scheme. The air quality criteria have been set to protect the most vulnerable members of society which includes children and the elderly. Additional mitigation is therefore not required for air quality.	Under discussion

3.4 Issues relating to the Scheme and effects on Biodiversity

Issues reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issue ref: G.1, mitigation of potential impacts...	ES Chapter 8 – Biodiversity [APP-046]	Section 8.9	Design, mitigation and enhancement measures	RSD is happy that a bat roost feature would be incorporated into the 4m high noise barrier.	As detailed in Section 8.9 of ES Chapter 8, bat roost features would be incorporated into the noise fence i.e. wooden overhang feature facing away from the road; approximately 6 no. roosting features along the barrier.	Agreed

3.5 Issues relating to the Construction, Design and Maintenance of the Scheme

Issue reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issues ref: G.1, assessment and mitigation of potential impacts... access and liaison during construction	-	-	-	<p>Assurance that the Ashbourne Road access way will be kept open at all times (barring period of tarmac laying etc) and that suitable alternative accesses will be made at other times. Again, it is important that any closure is done during school holidays which would be hugely helpful. For the avoidance of doubt, permission to carry out works on campus may be denied if they present safeguarding risks to children and young people. We also look forward to receiving some further details of the construction of the new entrance gates, pillars etc.</p> <p>Discussed that the school gates require widening to allow two vehicles to pass in/out through the driveway for safety reasons. New gate pillars need to be constructed and new gates hung. These works must be done, if at all possible, during school holidays.</p>	<p>Ashbourne Road will be subject to some disruption during construction, this is unavoidable.</p> <p>The requirement to maintain school access would be included in the Construction Environmental Management Plan (CEMP) for the Scheme. The construction contractor will liaise with RSD regarding any closures to the school's access, which will only occur out of term time and when imperative to the construction of the Scheme.</p> <p>During the detailed design stage of the Scheme, a more detailed works programme will be created and the management of any closures can be addressed at that time. Alternative access points could be explored through further liaison with RSD at that time.</p>	Under discussion

Issue reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
					The detailed design stage of the Scheme will pick up the details relating to the alteration to the RSD access. The contractor will liaise with RSD to agree the finalised details at that time.	
Issues ref: G.1, Issue ref: G.1, assessment and mitigation of potential impacts... access and liaison during construction	-	-	Reconfiguration of school access	Additional signage to be put on Ashbourne Road and we await some detailed design for the new access to be constructed. We have of course received your earlier plans: drawing HE514503 and Z2_ZW_01_ZZ. Confirmation of preserving the same number of parking bays is outstanding.	The detail of the Ashbourne Road access will be finalised during the detailed design stage. Any requirements for appropriate signage will be assessed at that time. Derby City Council would also need to be consulted with as the A52 is part of their road network.	Under discussion
Issue ref: G.1, assessment and mitigation of potential impacts... reinstatement of temporary possession land	-	-	Relocation of sensory garden	The sensory garden roughly located approximately within plots 4/7c and 4/11. The relocation of this will be dealt with by the disturbance/ equivalent reinstatement claim and the school will in due course get quotations for its relocation and reconstruction.	Agreed. The sensory garden will be relocated within the school grounds in position proposed by the school. All other land taken on a temporary basis within the school grounds will be restored to current conditions.	Agreed
Issue ref: G.1, assessment and mitigation	-	-	Replacement and relocation	Replacement and relocation of facilities including but not limited to the gas substation and water	Noted and agreed.	Agreed

Issue reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
of potential impacts...			of school facilities	meter, bicycle shed, small luggage shed and container - all requests agreed.		
Issue ref: G.1, assessment and mitigation of potential impacts...	-	-	Mill pond (Sturgess pond)	Mill pond (Sturgess pond) (which you referred to as a reservoir) at 4/7d. The school is concerned that any highways water flowing into it may surcharge it and they are concerned about any maintenance liability that they may have.	The proposed drainage outfall to Mill pond (Sturgess pond) will not exceed existing discharge rates and the water will be quality controlled by features within the infrastructure.	Under discussion
Issue ref: G.1, assessment and mitigation of potential impacts...	-	-	Original Victorian gates	The old Victorian gates to Queensway are to be taken down and retained, including all ironwork, stonework, brickwork and passed to by the school for future use.	Agreed. The gates will be retained and returned to the school.	Agreed
Issue ref: G.1, assessment and mitigation of potential impacts... safety	-	-	Site safety	A38 crossing points both during and after construction to enable access to crossings on the A38 and the provision of street lighting etc.	The crossings of the A38 on completion of the Scheme will be signal controlled as indicated in the Scheme layouts and DCO documentation. During the construction, the contractor will be required to provide crossings, but these may entail some diversions during the works.	Agreed
Issue ref: G.1, safety	Written Representation Comments*	-	-	Fire hydrants and all other services to the school need to be continuous throughout the works. The	All hydrants and other services will be retained (or relocated if required by the	Agreed

Issue reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
				switching over of major services would need to be done during school holidays to minimise inconvenience and ensure continuity of everyday activities at the school.	works) - concerns regarding outages to be in school holiday time are noted and will be parred on to the scheme contractor. A new fire hydrant and designated emergency service parking will be provided.	
Issue ref: G.1, reinstatement	Written Representation Comments*	-	-	The School would like to maintain the current "Mundy" wall running along its boundary with Ashbourne Road and note verbal reassurances that should this be taken down it will be restored in keeping with its former character.	As discussed in the meetings with the Royal School for the Deaf Derby, the proposed alteration to the school's access from the A52 Ashbourne Road will require the removal of the Mundy wall to create space for this alteration and visibility splay requirements. The intention is to take the wall down and reuse all salvageable stone work to rebuild the wall in a new position outside the required visibility splay.	Agreed

Issue reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issue ref: G.1, assessment and mitigation of potential impacts...	Written Representation Comments and meeting minutes	-	-	Provision of RSD stakeholder specific consultation opportunities for parents/carers and partners. Materials will be readily available in British Sign Language and presented visually wherever possible.	Highways England is currently planning a stakeholder specific information event at the School. It will be ensured that all material is accessible and approved by RSD where appropriate. British Sign Language Interpreters have been and will be in attendance all DCO hearings.	Under discussion
Issue ref: G.1, assessment and mitigation of potential impacts...	Written Representation Comments	-	-	Timely communication on any disturbance to bus routes which may impact on the ability of learners and supporting teams to get to and from local colleges thereby impacting on their progress and achievements.	The construction contractor will engage the services of a full-time stakeholder liaison officer. The suggested use of a BSL interpreter will be passed to the contractor.	Agreed
Issue ref: G2, any other matters on which agreement might aid the smooth running of the Examination	Written representation Comments	-	-	Written assurances on key concerns outlined above prior to detailed planning stages of the project.	Highways England will seek to come to an agreement on the issues outlined by RSD during the examination process.	Under discussion

Issue reference (see Appendix A)	Document	Paragraph Ref	Sub-section	Comment	Highways England Response	Status
Issue ref: G.1, liaison during construction	Written Representation Comments*	-	-	The provision of a sufficiently resourced and competent stakeholder liaison officer during the work to provide timely information to the School throughout the works supported by a British Sign Language Interpreter.	The construction contractor will engage the services of a full-time stakeholder liaison officer. The suggested use of a BSL interpreter will be passed to the contractor.	Agreed
* https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=relreps&relrep=37026						

3.6 Other Matters

- 3.6.1 No further matters, to which agreement might aid the smooth running of the Examination, has been raised by the RSD (issues ref. G.2). However, RSD reserve the right to raise additional issues during the examination process.

DRAFT

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