

To the Examiner Stuart Cowperthwaite  
Anne Morgan Friends of Markeaton Park submission 18th June 2020.

Friends of Markeaton Park thank the Examining Panel for their patience in dealing with a group that lacks a proper lawyer and that has no experience of the DCO process.

CAH4 Item 4c FOMP raised Temporary Possession round Markeaton Lake REP9 042. Highways England asked to see a copy of the emails about the Signal Crayfish trapping partnership. They have been scanned and are inserted below in reverse order. The latest one giving permission for the name to be shown, is the first you read. [REDACTED] (named in it) is the area ecological Organiser for the National Trust. Kedleston Hall is another business that fears a crippling loss of visitors once potential customers know about the A38 roadworks. NERC protected Native crayfish live in Kedleston Hall Lake.

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**Subject:** Re: Temporary possession  
**Date:** Wed, 10 Jun 2020 11:53:44 +0000  
**From:** Karim Vahed <K.Vahed@derby.ac.uk>  
**To:** Anne Morgan [REDACTED]

Hi Anne,

I'm happy for them to contact me directly. Is [REDACTED] still Furloughed? He would obviously be the best person to talk about ScRAP with them, but I'm happy to input.

Best wishes,

Karim

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**From:** Anne Morgan [REDACTED]  
**Sent:** 10 June 2020 11:54  
**To:** Karim Vahed <K.Vahed@derby.ac.uk>  
**Subject:** Temporary possession

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Karim

I asked about "Temporary Possession" at the A38 Hearing.

Highways England want me to include a copy of your e-mail in a written submission.

Do you want your name to be redacted or do you want them to be able to contact you directly?

Best wishes Anne

**Subject:** Re: FYI Signal crayfish funding next session June 9th

**From:** Karim Vahed <K.Vahed@derby.ac.uk>

**Date:** 02/06/2020, 09:51

**To:** Anne Morgan [redacted]

**CC:** [redacted]

"friendsmarkeaton@gmail.com" <friendsmarkeaton@gmail.com>

Hi Anne,

Many thanks for letting me know about this response. I don't think there is much to add.

I'm glad you have raised the issue of the Signal crayfish removal project. I wonder how long the Highways authority will need the land for and what the timescale is- would this time period cover next spring/early summer, when we plan to resume the trapping?

Best wishes,

Karim

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**From:** Anne Morgan [redacted]

**Sent:** 01 June 2020 22:09

**To:** Karim Vahed <K.Vahed@derby.ac.uk>

**Cc:** [redacted]@derby.ac.uk; [redacted]@derby.ac.uk; friendsmarkeaton@gmail.com <friendsmarkeaton@gmail.com>

**Subject:** FYI Signal crayfish funding next session June 9th

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Karim

Please let me know if there is any information that you would like to pass on to the A38 Examination. Friends of Markeaton Park have raised the TRAP work with the A38 Public Inquiry. extract from Friends of Markeaton latest response to A38 Inquiry

"The Applicant wants temporary possession of all the land around Markeaton Lake

How is the partnership working to eliminate the Signal crayfish from the lake to continue that project?

I hope Highways England make sure they can reach all parts of the lake day or night to continue their work, and that Highways England can find some funding for them from their budget because both the National Trust and the Derbyshire Wildlife Trust have had their income badly damaged by the lock-down. "

The University of Derby has a published policy regarding email and reserves the right to monitor email traffic.

If you believe this was sent to you in error, please reply to the sender and let them know.

Key University contacts: <http://www.derby.ac.uk/its/contacts/>

FOMP raised Temporary Possession round Markeaton Lake REP9 042.

ISH8 Carbon footprint

Wildlife site DE010 Kingsway roundabout covers 3.84 ha; it is to be translocated to Markeaton Park Wildlife site DE003. There are less common plants in Markeaton Lake and the Mill Dam pond wildlife site.

What depth of soil?

How many lorry-loads each day, for how many days?

Will the receiving area be cleared and re-profiled before the translocation begins?

Will there be any attempt to put the wet soils adjacent to water? If so the banks of the lake will have to be altered.

Will the dry soil be put in a dry area?

Will vegetation be replanted in the same orientation and distance from one another?

In addition 10 mature Oaks which have potential for Bat roosts will be strapped to existing trees there in the same orientation that they have now.

From the moment the tree is felled it changes from taking Carbon Dioxide out of the atmosphere, into a fossil fuel, decaying and emitting that gas.

Translocating Kingsway roundabout must involve tonnes of material, emitting stored carbon from the soil and from the HGV vehicles transferring it, a really high carbon footprint. In addition the junction at Little Eaton is under water more often than the Wildlife Site at Kingsway roundabout. Freshwater Marsh lost there is even more valuable Carbon storage than trees.

**9.4 c) Has enough consideration been given to the climate change with respect to the loss of mature trees and the planting of new trees?** NO It is impossible to answer the Inspector's questions about climate change because Highways England will not publish the full loss of vegetation until the Detail Design stage is completed, and withholds the numbers for mitigation until then. Here are some figures that could be used.

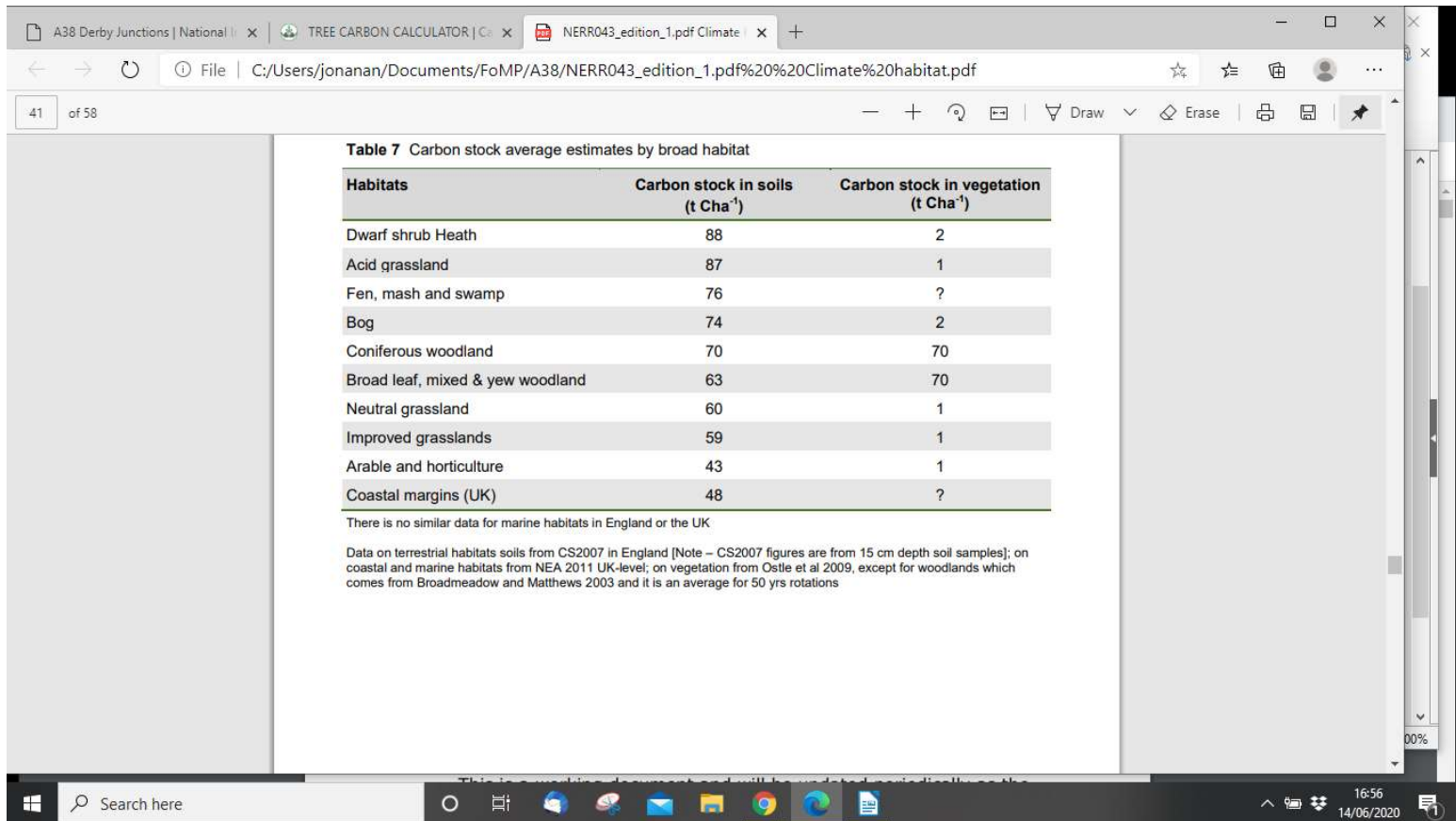
Natural England Access to Evidence Information Note EIN012 Summary of evidence: Soils  
8.9 Loss of organic matter from soils is recognised as a key threat both for its impact on global warming and on soil structure (Europea Commission 2006). **It has been estimated that the annual cost, in terms of treatment, prevention, administration and monitoring, of the carbon lost due to soil cultivation in the UK amounts to £82 million (Environment Agency 2007).**

Carbon calculator <https://www.treeplantation.com/tree-carbon-calculator.html>

A 30 year old oak tree stores approximately 1.25 kg per annum, of course varying according to the weather and ground conditions.

<http://publications.naturalengland.org.uk/publication/1412347#:~:text=Natural%20England%20Research%20Reports%20Terrestrial,the%20biodiversity%20value%20of%20ecosystems.>

Woodlands and carbon 2.39 In a recent review of the role of forests under a changing climate Read and others (2009) estimated that UK forest (including soils) currently store 790 Mt C (or 2897 Mt CO<sub>2</sub>-e). Woodlands remove a further c.15 Mt CO<sub>2</sub> yr<sup>-1</sup> (2007 data, Read and others (2009)). Carbon sequestration rates in trees, woody vegetation and soils vary with species, site condition and management but are broadly similar per unit area to many other habitats. However, the storage of carbon in the vegetation is higher and builds up over decades to centuries because of the formation of wood.



NERR043 Carbon storage page 29 above lists carbon in soil and in vegetation.

9.1 b) Please could DCiC, DCC and EBC comment on the cumulative impacts of the proposed development with other local emissions and in respect to relevant local policy and targets?

9.2 a) Does the Applicant’s approach to carbon emissions adequately consider the Government’s updated target for net zero carbon by 2050 (Climate Change Act 2008 (2050 Target Amendment) Order 2019)?

NO because all the design to date has been done in the context of the old carbon emission target and not the net zero target. The zero carbon target can’t be met if all the plants that reduce the Carbon load are removed.

During the 1970s the Highways Agency won the right to put the A38 trunk road onto a section of Derby’s ring road A5111. The penetrating persistent probing of the Examiner Panel has revealed a problem with this 3 junctions proposal. Despite their own traffic surveys revealing that from 42% to “not as high as 70%” of the flow is local traffic avoiding the city centre, Highways England want to “keep local traffic off this road” [ISH8]. The trouble is that everywhere else for the local traffic is already at full capacity. For December 10<sup>th</sup> Open Hearing Godfrey Meynell OFH1 described journeys he made several times a day from a farm West of Derby into the city. Always after crossing the A38 it is a stop start traffic light controlled progress to his destination. The original reason the ring road was built was that criss-crossing traffic brought the centre to a standstill.

FOMP Oral submission CAH 4c 9<sup>th</sup> June 2020

This Inquiry has been extended, the Secretary of State announced to parliament that he would not make a decision on a project of this magnitude until March 2021, so he is not pressing the Examiners for a report before December 2020. The solicitor's records of succession remain closed. If Highways England waited until the Detail Design stage was complete before asking for Annie Clark-Maxwell's signature it would not materially delay the project.

Highways England will quantify the numbers trees for mitigation after the Detailed Design stage is completed. Annie Clark-Maxwell was closely involved in the Design stages for the Heritage Lottery work, could she be included in the consultations for this project? A minimum and a maximum impact will emerge during those discussions that will affect the mitigation required. She deserves to be fully informed about the true losses of amenity value, and how often the utilities are likely to need to fence off that corridor. Would the access over the curly footbridge also have to be stopped if the section needing work was near the bridge?

If there really is no alternative to having the Utility corridor in Markeaton Park could it be bound by some form of rule that the communication companies were not ever allowed to erect masts of any description there? Could the Rights over the Air be withheld?

Please will the Inspector allow Annie Clark-Maxwell to retain as much of her power as possible, as long as possible, and give her the opportunity to influence the final design and to get benefit for Markeaton Park as mitigation for the losses incurred from this scheme?

Agenda ISH7 item 3 Landscape and Visual impact TPO358

Highways England are bound by [REP7-007 paragraph 7.1

“investigating options to move the carriageway within the defined limits of deviation, repositioning of the replacement footbridge, repositioning of proposed utilities diversions, as well as construction plant access restrictions. Such commitments are confirmed in the OEMP [REP10-002] – refer to PW-LAN4 in Table 3.2a. “

At least half of the mitigation for the 1980's dualling is being removed. Could the footbridge be extended to the West, keeping the current East curl in place next to TPO 358? The red boundary line extends to the HLF path on that side and that part has no trees. The 1980s other restoration of the pedestrian / cycle link so that the people of Derby could get to the open space of Markeaton Park has been lost. Floods washed away an essential bridge. Ongoing maintenance agreements had been signed, in good faith I am sure, between Highways Agency and Derby City Council. However successive Chancellors did not consider themselves to be bound by those agreements, and the necessary money for path repairs and silt clearance did not materialise.

End of FOMP oral submission

5 TR0 10022 Friends of Markeaton Park Agendas 6,7, 8, deadline 14 written



### Agenda Item 3 Air Quality ISH 8

Two Friends of Markeaton Park trustees live North of Markeaton Park. Both of us fear using the slip road from the grade separated Kedleston junction because the traffic already on the road is not visible until near the merge. We definitely will not be using it when, as well as meeting a lorry, we could meet a vehicle coming off to go left on Ashbourne Road into the city. Often I prefer to go all round the park then Eastbound along Ashbourne Road, in order to join the A38 at the traffic light controlled roundabout. However that option will not be there if the scheme is approved, because the scheme alters that join into second down slip road, where the oncoming traffic will be hidden in the underpass. I shall go through the city centre if this scheme is built. There will be a huge increase in air pollution in the city when the A38 Derby upgrade forces local ring road traffic to go stop/start through the city centre.

During ISH7 Highways England stated they know there are financial constraints but complained they are held up by waiting for responses. Derby City Council has already borne austerity cuts and the latest budget consultation expects a further 42 Full Time Equivalent job losses. In a letter 1 August 2019 Derby City Council lists matters that will arise that will cost the council money that it hasn't got. "that a fund is made available ... to fund changes during the first 12 to 18 months after practical completion of the three junctions" "significant traffic flow changes will need to be managed" "road markings will have to be changed" "maintaining consultation with residents will be important". Friends of Markeaton Park, Annie Clark-Maxwell and the City Council already receive queries about the A38 especially the threat to the trees, that takes officer time. Derby City Council has offered a desk in the Council House yet Highways England refuses to commit itself to help, it refuses to provide a liaison officer or show any flexibility. The Inspector had to ask again about arrangements to help bus companies keep to their timetables.

A better way to improve Air Quality would be to reduce car use by providing subsidised co-ordinated public transport.

#### ISH 8 Carbon footprint

2020 probably felt a long time in future during 1990s when the trees forming a screen along Queensway at present were planted. Thirty years may seem plenty time ahead for humans although we hope our children will still be alive, and our grandchildren could be parents. A mature tree cleans the air of particulates and uses and stores Carbon Dioxide. Today everywhere trees are suffering from their leaves being shrivelled by Ash dieback, Dutch Elm disease, Horse Chestnuts Leaf-miner and Bleeding Canker, Oaks get gall cankers on their seed cups and a fungal-like organism *Phytophthora ramorum*, and damaging insects are spreading from the South. Humans need to keep every healthy tree, every carbon-storing habitat. It will take thirty years for saplings planted now to perform the air cleaning services that the trees along the A38 perform now. That is till 2050 getting back to now, not thirty years of reducing carbon.

**There is no possibility of meeting the latest targets if this project is approved.**

Tree DWT 26 on Highways England map TR10022 000506.... 6.2 Environment Statement Figure 8.9 pdf.

I have found Tree DWT 26 in my own copy of Derbyshire Wildlife Trust records; it is number 2343.

ID	Date of survey	Site Address	Description	Tree_Sp	Trunk_Girth	of Gir	Tree g_F	Stain	Hollo	Heav	Fallen	Toa Br	Lich	Miss	Easting	Northing
				ecies		th Me	For alle	ndin	w	y Dead	Deadw	Fun gi	ngiens	oe lvy	s	gs
2336	28/04/2007	Markeaton Park	In the park many lopped or fallen	ycamor	3.74	2	Maid Star	Alive	yes	Some	None	no	Y	N	432900	337700
2337	28/04/2007	Markeaton Park		Oak	3	2	Maid Star	Alive	yes	Much	Some	no	no	N	432970	337190
2338	28/04/2007	Markeaton Park		Hawthorn	2.32	1	Maid Star	Alive	yes	Some	None	no	no	N	433330	337090
2339	28/04/2007	Markeaton Park	Stump of large oak (8M Approx) w	Oak	3.4	2	Sturt	Star	dead	?	much	yes	no	N	432970	337180
2340	28/04/2007	Markeaton Park		Oak	3.88	2	Maid Star	Alive	no	Much	None	no	Y	N	433110	337140
2341	28/04/2007	Markeaton Park	Multiple trunks two fused together,	ilver Birc	1.8	2	Maid Star	Alive	yes	none	None	no	no	N	433000	337190
2342	28/04/2007	Markeaton Park	Some red rot, two scars down lengt	Oak	4.36	2	Maid Star	Alive	yes	Some	Some	no	no	N	433160	337250
2343	28/04/2007	Markeaton Park	Base trunk to 3.5M then split, large	Oak	6.38	2	Maid Star	Alive	yes	Some	None	yes	no	N	433600	337200
2344	28/04/2007	Markeaton Park	Broken off at sometime at 40 foot.	Oak	2.95	2	Maid Star	Alive	yes	Some	None	no	Y	N	433200	337200
2345	28/04/2007	Markeaton Park	Standing in hedgerow. Barbed wire	Ash	4.61	2	Old F	Star	Alive	Some	Some	no	Y	N	432800	337200
2346	28/04/2007	Markeaton Park		Hawthorn	2.17	1	Maid Star	Alive	yes	none	None	no	Y	N	433300	337200
2347	28/04/2007	Markeaton Park		Oak	4.68	2	Maid Star	Alive	yes	Some	None	no	Y	N	433200	337300
2361	28/04/2007	Markeaton Park		Oak	3.7	2	Maid Star	Alive	yes	Much	None	no	Y	N	433200	337200
2362	28/04/2007	Markeaton Park	Horse Chest		5.47	1	Maid Star	Alive	no	none	None	no	Y	N	432940	337160
2363	28/04/2007	Markeaton Park		Oak	3.85	2	Maid Star	Alive	no	Some	Some	no	no	N	433200	337200
2364	28/04/2007	Markeaton Park		Oak	4.25	2	Maid Star	Alive		none	Some	no	Y	N	433040	337180
2365	28/04/2007	Markeaton Park		Oak	3.26	2	Maid Star	Alive	yes	Some	None	no	no	N	433200	337300
2431	18/07/2007	Carnouistie Close, Mickleover, Derby.		Oak	3.95	2	Maid Star	Alive	no	Some	Some	no	Y	N	431800	334650

DWT Derby City Results

This is an extract from Derbyshire Wildlife Trust records of veteran trees in Derby City; it is number 2343. In 2007 its girth was 6.38m its diameter was 2.02m, its root protection diameter 30.42m. It was measured again by four people in 2015 but now the DWT staff are furloughed so the current records are not available.

I suspect that its root protection area extends well inside the Red Boundary Line, where heavy vehicles would be strapping felled trees to become Bat Totem Poles and planting disease-resistant Elms and digging a utility corridor. The opportunity window to fell the Bat-potential mature Oak trees will be tightly restricted by bird nesting season, bat maternity-roost season and the bat hibernation season.

Paragraph 5.32 of the National Policy Statement for National Networks states:

“ 5.32 Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. **Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided.**”

Businesses and citizens around Derby do not expect that benefits will outweigh those costs. The HGV drivers passing Derby faster will not want to visit local shops or museums. The Royal Derby Hospital has a catchment far beyond Derby City.

ISH 8 Climate Change Three Wildlife Sites and over 50 mature trees worthy of TPO status, thousands of trees and hedges that screen the rest of the road, and two irreplaceable veteran Oak trees, would be killed by this scheme. All these plants are reducing the air pollution and the amount of Carbon Dioxide in the atmosphere. Replacement Open Space land offered by Highways England does not replicate the attributes of the lost land. Highways England are required to rethink their Transport modes, and Local Authorities their Planning rules, to reach new Carbon budgets set by the government. New estates must have bus /tram stops, bus lanes and pedestrian and cycle tracks. Derby City Council's report that Planning Permission to build an estate is Conditioned on the A38 grade separation at Kingsway proves that the reports are correct that a new road attracts extra traffic instead of easing jams.

Failures of utility apparatus will have to be repaired as a life-threatening situation for patients on dialysis, or continuous safe drinking water for all, regardless of the presence of bat maternity roosts. Tax-payers, not share-holders, will shoulder those fines. Should HE refuse to take responsibility for water levels, adverse health impacts arising from traffic jams, failures of local businesses, or deaths of Veteran trees because “they are outside the Red Line Boundary?” Statements of Common Ground do not alter spatial realities. Computer models don't know drivers might have had sleepless nights from a teething toddler, or be desperate to reach to a toilet, so misjudge the turn into facilities. Isn't the whole purpose of carrying out a Public Inquiry to prevent expensive disasters *after* practical work has begun?

Friends of Markeaton Park ask the Inspector to recommend refusal.